

**DEPARTMENT OF NATURAL RESOURCES, ENVIRONMENT AND THE
ARTS**

PRIVACY STATEMENT

<u>Contents</u>	<u>Page</u>
✦ Introduction	2
✦ Purpose	2
✦ What Information Do We Collect?	2-3
• Employee Related Information	3
• Financial Management and Contractual records	3
• Correspondence	4
• Information Systems	4
• Application for Services	4
• Registers	4
• Customer Research	5
✦ How We Collect Your Information	5
✦ How We Use Your Personal Information	5
✦ Disclosure of Personal Information	5-6
✦ Data Quality and Security	6
✦ Your Rights	7
• Access and Correction of Information We Hold About You	7
• Resolving Your Concerns	7
✦ Identifiers	7
✦ Code of Practice	8
✦ Changes To This Privacy Statement	8
✦ Our Contact Details	8

✦ Introduction

On 8 October 2002 the *Information Act* (the Act) was passed by the Northern Territory Government as part of its commitment to open government and improving access to government information. The Act commenced operation on 1 July 2003 and provides public access to information held by public sector organisations, provides for the responsible collection and handling of personal information and promotes appropriate records and archive management in the public sector for related purposes.

The Act provides for freedom of information (FOI), privacy and archives management issues in a single piece of legislation. It is designed to promote the free flow of government information and the protection of personal information subject only to the need to protect essential government interests and the private and business interests of persons.

As part of the provisions for the protection of personal interests the Act contains 10 Information Privacy Principles (IPP's) that all Public Sector Organisations (PSO) must comply with. If an organisation cannot comply with the IPP's then the Information Commissioner can authorise a PSO to either modify an IPP to enable that organisation to comply with the IPP or authorise a departure from the manner in which an organisation applies or complies with an IPP. This can be achieved through an approved *Code of Practice*.

✦ Purpose

The Department of Natural Resources, Environment and the Arts (NRETA) is committed to continually improving, effective access to public sector information as a corporate priority (part of its core business) of the Northern Territory Public Service. It is also committed to protect the privacy of your personal information that you supply to the Department or any one of its Government Business Divisions.

This Privacy Statement explains in general terms how we will endeavour to undertake this commitment both for the information that we already hold and for any information about you that will be collected in the future. It also applies to any information that has been or will be in the future provided to us by another Public Sector Organisation or other source.

✦ What Information Do We Collect?

The type of personal information that we collect from you will depend on the service we provide and the information that you may require from this department.

We must not collect sensitive data as defined in the *Information Act* unless one of the exceptions in IPP 10 applies. Sensitive Information is personal information about:

- Racial or ethnic origin
- Political opinions
- Membership of political, professional or trade associations
- Philosophical and religious beliefs or affiliations
- Membership of a trade union
- Sexual preferences or practices
- A criminal record

- Health information.

We will assume that you have consented to the collection of all the information provided to us in accordance with this statement and any other statement issued by one of our business areas unless you tell us otherwise. Some of our business areas may have specific requirements or powers under legislation for the collection of certain information that may not be covered in this document. If this is the case you will be told of this at the time of collection and it should also be noted on any form that you are required to fill in.

Employee Related Information

Personnel Records

The purpose of these records is to maintain employment history, payroll and administrative information relating to all former, present and permanent, contract and temporary employees.

Contents of personnel records may include: name, address, date of birth, occupation, employee identification number, gender, qualifications, equal employment opportunity group designation, next of kin, emergency contacts, details of pay and allowances, leave details, superannuation fund details and contributions, work reports, security clearance details and employment history.

It may also include a record of any accidents, injuries, compensation claims and payouts, records relating to counselling or disciplinary matters, health information, psychological testing, disabilities, racial or ethnic origin under EEO guidelines, tax file numbers, relationship details and personal financial information.

Recruitment

These records may include employment applications, interview reports and other information relating to the recruitment of staff.

Records relating to all present and former employees are stored in paper or electronic format and can only be accessed by authorised personnel for bona fide purposes other than the person to whom the file relates.

Financial Management and Contractual Records

Financial records are used to process and account for expenditure and revenue. Generally they contain the name, address and Australian Business Number (ABN) of the service provider and the goods or services provided.

Contractual Records include personal and/or business information relating to consultants and other contractors who provide goods and services to this Agency and its Government Business Divisions. Certain information relating to contracts is published in the Northern Territory Government Gazette and on the Internet. Details of these can be found on the Department's Internet site: www.nreta.nt.gov.au.

Correspondence

All correspondence addressed to the Chief Executive or members of NRETA staff is registered within the NRETA Records Management system and referred to the relevant business division within NRETA for action. This correspondence and the associated replies are kept in files either in hard copy or electronic format. The retention and disposal of this information is subject to the provisions of the *Information Act* Part 9 Records and Archives Management and the Policies and Guidelines published by the Northern Territory Archives Service.

The Policies and Guidelines comply with the *Australian Standard AS 4390: 1996 Records Management* (Standards Australia).

Information Systems

NRETA's information technology network carries, processes and stores both internal transactions and external transactions, including telephone, e-mail, Internet and Intranet activity. Most personal information records within this network environment are described in other categories of personal information outlined in this policy statement. For clients accessing NRETA's internet site, your computer IP address is recorded for statistical purposes.

For internal department transactions the following information is recorded for the purposes of providing access to the NRETA network - name, location, employment division and business telephone number.

Applications for Services

Many of NRETA's functions relate to the provision of a service or oversee the regulation of a function that is provided to the community. For example the issuing of a shooting permit, or environmental protection approvals. Applications for these services or to access these functions require the collection of personal and/or business information. The purpose of collection is so that we can provide the service and this entails the collection of name, address and contact details. In many instances, further information is required under legislative requirements in order to assess your application before a service or function is provided. If this is the case, the application form should inform you under what section of the relevant legislation that we are allowed to collect the information requested and what it will be used for.

Registers

There are numerous areas within our Agency that maintain public and non-public registers of information. These registers often contain personal information about a person and his or her personal or business activities.

A majority if not all of these registers is maintained due to a legal requirement. Some of these registers are classed as public registers, which means that the information is available for inspection by members of the public for free or on payment of an inspection fee.

Customer Research

A number of our business areas conduct customer research surveys to ascertain the use of a service and its effectiveness and popularity. This information is used to improve the service offered and to provide statistical and other information to make decisions on future funding and development of a particular service. When collecting this information unless required by law no names and addresses are recorded.

Information collected for purely statistical and research purposes in connection with a function or activity of the organisation is exempt from the application of **IPP 2 (Use and Disclosure)** unless those statistics or that research is published in a form that identifies a person.

◆ How We Collect Your Information

We collect information from you in person, by telephone, through correspondence (this includes letter, e-mail or facsimile) or when you visit our website(s). We will state the purpose for which we collect information about you and the relevant legislative authority for its collection if applicable. As well as information that is obtained directly from you we may collect information about you from a third party such as:

- Contract service providers who collect information on our behalf such as local authorities in remote areas
- Contractors
- Consultants
- Government Business Divisions
- Other Public Sector Organisations

⌘ **How We Use Your Personal Information**

The information we collect about you is only used in accordance with the Information Privacy Principles detailed in the Schedule of the *Information Act* of the Northern Territory. The reason for the collection of some of the personal information may be because we have to meet certain requirements under law. The primary purpose for collecting information is essential to provide the services that we offer or you are applying for. If there is a known valid secondary use for the information collected you will be informed of this at the time of collection.

⌘ **Disclosure Of Personal Information**

We have a legal obligation under the *Information Act* not to disclose personal information other than for the primary purpose for which it was collected. In certain situations disclosure of your information other than for the primary purpose may be necessary or justified in the maintenance of social interests (public and private). This will only be done if it meets the requirements in IPP 2 as listed below or one of the provisions in the Act applies. If there is an inconsistency between an IPP and a provision in the Act then the provision in the Act will apply to the extent of the inconsistency.

IPP 2 Requirements for release other than for primary purpose:

- it is required by law;
- is related to law enforcement procedures;
- in situations concerning the health or safety of a person or the public;
- you have consented to its disclosure; or
- it involves the country's security.

In addition unless the particular exceptions in IPP 9 apply to the information we must not transfer information about an individual to a person outside the Territory. A transfer of information will only occur if:

- it is required or authorised under a law of the Territory or the Commonwealth;
- you consent to the transfer;
- the person/body receiving the information has a legal obligation to handle the information in accordance with substantially similar principle;
- it is necessary for the performance of a contract between this Agency and yourself or for the implementation of pre-contractual measures taken in response to your request;

- the transfer is necessary for the performance or completion of a contract between this Department and a third party, the performance or completion of which benefits you;
- all of the following apply:
 - the transfer is for the benefit of the individual;
 - it is impracticable to obtain the consent of the individual to the transfer; and
 - it is likely that the individual would consent to the transfer; or
- we are assured that the material will not be held, used or disclosed inconsistently with the IPP's contained in the Northern Territory's *Information Act*.

⌘ **Data Quality and Security**

We have to take reasonable steps to ensure that the information we keep is accurate, complete and up to date. To ensure this we may need you to update your personal information from time to time depending on the relevance of the information to the particular business division holding your information. For example where a register of consultants is maintained the personal information in this register would need to be maintained and updated on a regular basis.

Also we must ensure that the information we store is secure and proper retention and disposal procedures are in place in accordance with Record and Archive Management guidelines and principles.

⌘ **Your Rights**

Access and Correction of Information We Hold About You

You have a right to access and correct your personal information and where practical to request that your details remain anonymous. There are times where this is not possible due to the reason why your information is collected or because of legal requirements. There are also certain situations where it may not be possible for you to access to your personal information. These include:

- where access would pose a serious threat to the life or health to yourself or another person;
- where access would inhibit the protection of the health and safety of the public;
- access would interfere with another person's privacy;
- the request is frivolous or vexatious;
- the information relates to existing or anticipated legal proceedings and would only be available through the process of discovery or subpoena;
- release of the information would prejudice the organisation's position in negotiations with an individual;
- access would be against the law;
- denying access is required or authorised by law;

- access would prejudice an investigation of possible unlawful activity;
- access is likely to prejudice activities of a law enforcement agency as detailed in IPP 6.1(j)(i-v);
- access is likely to prejudice the security or defence of the Commonwealth or a State or Territory of the Commonwealth; or
- access would prejudice the maintenance of law and order in the Territory.

Resolving Your Concerns

If you wish to gain access to your personal information, query how your personal information is collected or used or have a complaint about a breach of your privacy please forward your request, query or complaint to the address below. In future you may be able to lodge your concerns through our Customer feedback site on the internet.

✦ Identifiers

Unless specifically required to enable an organisation to perform its functions efficiently, unique identifiers are not to be assigned to an individual. Valid unique identifiers include your Motor Vehicle licence number, shooters licence, permits or a hospital's medical record numbers.

✦ Code of Practice

In response to the diverse functions within government and especially this organisation, there may be a need for flexibility and in some cases for more specific application of the principles. In response to this it may be appropriate to develop a code of practice, which can be approved by the Information Commissioner that specifies the method of application and compliance with the IPP's.

If this is required you will be notified via our internet site and at the time of collection of your information.

✦ Changes to This Privacy Statement

We may amend this statement as our business needs or the law changes. Any changes to the statement will be notified on our Internet sites – www.nreta.nt.gov.au.

✦ Our Contact Details

Manager

Information Unit

PO Box 30

PALMERSTON NT 0831