



ACT
Government

CMTEDD INFORMATION PRIVACY POLICY

*TERRITORY PRIVACY PRINCIPLE (TPP1) - OPEN AND
TRANSPARENT MANAGEMENT OF
PERSONAL INFORMATION*

CHIEF MINISTER, TREASURY AND
ECONOMIC DEVELOPMENT
DIRECTORATE (CMTEDD)

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Date

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CMTEDD INFORMATION PRIVACY POLICY

About this Privacy Policy

The [Information Privacy Act 2014](#) (the Information Privacy Act) is the law that we, (the Chief Minister, Treasury and Economic Development or CTMEDD) and all ACT public sector agencies¹ must follow when handling your personal information.

The Information Privacy Act has a set of 13 principles called the Territory Privacy Principles (TPPs). We must apply the TPPs when we collect, store and secure, use and disclose, provide access to or when correcting your personal information.

The Information Privacy Act also requires that we:

- provide you with a Privacy Notice that tell you about why we are collecting your personal information and how we might use or disclose it. Our **Privacy Notice** is available to download [\[PDF 413KB\]](#) [\[Word version 182KB\]](#); and
- have a current and up to date Privacy Policy that tells you how we will handle personal information when carrying out our functions and activities, this document is our **Privacy Policy**.

What is personal information?

'Personal Information' is defined by the Information Privacy Act as:

'information or an opinion about an identified individual, or an individual who is reasonably identifiable– whether the information or opinion is true or not; and whether the information or opinion is recorded in a material form or not'.

Under the Information Privacy Act, personal information does not include '*personal health information*'. *Personal health information* or health records we handle are protected and governed by the [Health Records \(Privacy and Access\) Act 1997](#).

What is sensitive personal information?

'Sensitive information' is a subset of *personal information* and includes:

- *racial or ethnic origin*
- *political opinions*
- *religious beliefs or affiliations*
- *criminal record*
- *philosophical beliefs*
- *membership of a political association*

¹ Section 9, *Information Privacy Act 2014*, a public sector agency includes...'*a Minister, an administrative unit (directorate), statutory office holders and their staff assisting them, territory authorities and instrumentalities, ACTTAB Ltd, an ACT Court or an entity prescribed by regulations*'.

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- *membership of a trade union*
- *membership of a professional or trade association*
- *sexual orientation or practices*
- *biometric information (including photographs, video recordings and audio recordings of you)*
- *genetic information.*

Sensitive information is handled with additional protections. This includes protecting the security of the information and seeking consent when information collected for a primary purpose will be used or disclosed for an unrelated function or activity (secondary purpose) (unless a permitted exception under the TPPs or law applies).

What is *personal health information*?

Personal health information or health records held by the Directorate are protected and governed by the [Health Records \(Privacy and Access\) Act 1997](#).

Personal health information is defined as:

‘any personal information, whether or not recorded in a health record—relating to the health, an illness or a disability of the consumer; or - collected by a health service provider in relation to the health, an illness or a disability of the consumer.’

This policy also covers in part the requirements of [Privacy Principle 2 – Purpose of collection to be made known](#) and [Privacy Principle 5 – Information relating to records](#) of the *Health Records (Privacy and Access) Act 1997*. For more information about how we will handle personal health information in accordance with Privacy Principle 2 please refer to the CMTEDD Privacy Notice.

Anonymity and pseudonyms

When dealing with us you will have the option of remaining anonymous where practical, for example, when calling on the phone to make a general enquiry. Some activities or functions may allow you to use a pseudonym (a made-up name), for example, when participating in certain online forums.

You may need to identify yourself before we can provide you with certain information or services. If you choose to remain anonymous or use a pseudonym, we may not be able to assist you.

If you volunteer information about your identity when using a pseudonym, we will not link your identity to the pseudonym unless you consent, or the collection is required or authorised by law, or it is impracticable for us not to.

Which public sector agencies does this policy apply to?

This policy applies to CMTEDD and a number of associated public sector agencies.

CMTEDD has responsibility for privacy matters, including privacy complaints and breaches under certain administrative arrangements:

- ACT Motor Accident and Insurance Commission;
- ACT Government Procurement Board;
- Motor Accident Insurance Scheme (MAIS);

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- ACT Executive;
- ACT Insurance Authority;
- ACT Remuneration Tribunal;
- Default Insurance Fund Manager;
- ACT Construction Occupations;
- Director of Territory Records;
- Lifetime Care and Support Fund; and
- Office of the Nominal Defendant for the ACT.

The following public sector bodies have their own Privacy Policies or statements:

- Cultural Facilities Corporation web privacy statement is available at <http://cmag-and-hp.s3.amazonaws.com/heracles-production/bd9/580/536/bd9580536d45cfccfc34ca3f2e8d44340ea9a613916531d71e528a5c92f/cfprivacy.pdf>;
- Gambling and Racing Commission Privacy website statement is linked to the ACT Government Privacy statement available at <https://www.act.gov.au/privacy>;
- Independent Competition and Regulatory Commission Information and Privacy page contains the Commission's Privacy Policy available at <https://www.icrc.act.gov.au/about-us/privacy>;
- Long Service Leave Authority Privacy Policy is available at <https://actleave.act.gov.au/privacy-policy/>; and
- The ACT Revenue Office Privacy Policy is available at <https://www.revenue.act.gov.au/privacy>.

The kinds of personal information we collect and hold

We will only collect personal information about you that is reasonably necessary for, or directly related to one or more of our functions or activities. This may include, but is not limited to:

- your name;
- contact details (phone numbers, address, postal address, and email address);
- gender;
- date of birth;
- identity information;
- your views, opinions and feedback when engaging with us;
- personal health information (* see note below); and
- government related identifiers (for example Centrelink numbers).

We may also collect information about your personal circumstances such as your:

- marital status;
- education status;
- details of family members;
- occupation or employment status, including employment or work histories;
- the peak body or community organisation you represent;
- citizenship, immigration status or passport details;
- licenses held and applied for;
- financial and taxation details.

Sensitive information the Directorate collects and holds may include but is not limited to:

- racial or ethnic origin;
- religious beliefs or affiliations;
- union membership;
- sexual orientation;
- criminal convictions;
- photographs; and
- video and audio recordings.

**Note: The Information Privacy Act does not define 'personal health information'², as sensitive information. All health records held by the Directorate are protected and managed in accordance with the Health Records (Privacy and Access) Act 1997.*

For more information about the kinds of personal information we collect for specific purposes, functions or activities, please refer to the section – [Purposes for which we collect, hold, use and disclose personal information](#).

How we collect and hold your personal information

We collect, hold, use and disclose personal information about you that is reasonably necessary for, or directly related to, one or more of our functions, services or activities. This known as the *primary purpose*³ of collection.

When will we collect your personal information?

We may collect personal information about you when you:

- fill in one of our paper or online forms;
- send us a letter, email or fax;
- contact us via phone or through a hotline;
- use online platforms to post comments and provide feedback, for example YourSay Community Conversations engagement website, and the YourSay Community Panel;
- communicate through social media platforms; and
- speak with one of our staff over the phone or use TTY or TIS services.

We may also collect your personal information when:

- you participate in community consultations, forums, submissions, surveys and research (this includes collection of your personal information by another ACT Government directorate for inclusion in various whole of government online platforms); i.e. Community Relationship Manager (CRM);
- you make a complaint, or someone makes a complaint about you;

² *Personal Health information* as defined in s4 of Health Records (Privacy and Access) Act 1997.

³ The *'primary purpose'* is the specific function or activity for which the public sector agency collects the personal information (p21 of the [Australian Privacy Principles guidelines: Privacy Act 1988](#) (2018), Office of the Australian Information Commissioner (OAIC).

- we receive a 'tip-off' or 'dob-in';
- we undertake data matching;
- you apply for inclusion in a register, a license or permits, i.e. Working with Vulnerable People card, driver's licence, Proof of Identity Card etc.;
- we require it for taxation purposes;
- you or your organisation apply for funding or grants, or other financial assistance;
- you make a payment to the ACT Government;
- you participate in a recruitment/employment process;
- you are contracted to provide a service;
- you volunteer;
- you are a statutory office holder;
- we undertake enforcement or compliance activities;
- you subscribe to an email distribution list to receive information from us;
- you request access to information, including under the *Territory Records Act 2002*, or make a Freedom of Information (FOI) request; and
- you participate in a meeting, consultation or committee.

How we collect your personal information

Confirming your identity

We require you to verify your identity when:

- we collect your personal information to provide you with specific information or services, or
- we are authorised or required by law to identify you.

We will collect personal information needed to verify your identity. Sometimes we will need to collect and hold the identifying information. Other times, we may only need to 'sight' your identity documents and record the type of identity document and its details. This document may be a driver's licence, birth certificate, passport, or other acceptable form of identifying personal information.

The ACT Digital Account may also be used to verify your identity. The ACT Digital Account provides users with one account to create a verified digital identity to access and transact with a growing number of ACT Government services.

If you contact us by telephone, and we need to verify your identity to provide you with specific information or a service, we will ask a series of identifying questions. If you choose not to identify yourself (remaining anonymous or using a pseudonym), or where we cannot satisfactorily verify your identity, we may not be able to provide you with some services or information.

With consent

Usually, we will seek your consent when we need to collect your personal and sensitive information for one or more of our functions and activities, or for a directly related purpose.

The law permits us to collect information about you from other person(s) or third parties where:

- you have given your consent to a person or third-party you have authorised to give us the information; and

- you have been given a privacy notice at the time of collection advising you from whom we may collect your personal information, for example:
 - the Executive or other ACT Government directorates;
 - Australian government and state/territory agencies or authorities;
 - ACT Government contracted service providers; and
 - community or not-for-profit organisations and peak bodies.

Without consent

We may collect personal information without your consent where it is reasonably necessary for, or directly related to one or more of our functions and activities. We may also collect your sensitive information without consent from third parties such as other ACT Government directorates, Australian or state/territory governments, and law enforcement agencies or bodies. We will only do this where permitted under the Information Privacy Act, for example, where:

- required or authorised by or under an Australian law, a court or tribunal order; or
- reasonably necessary for or directly related to an enforcement body's functions or activities;
- necessary to prevent a threat to the life, health or safety of one or more individuals, or to public health or safety; or
- another permitted general situation under the TPPs applies.

We may also collect personal information about you without your consent from publicly available sources, such as websites and social media platforms like Facebook and Twitter. We may collect sensitive information about you when a member of the public provides information about possible fraudulent or illegal activities i.e. dob-ins.

If we do collect your personal and sensitive information lawfully from a third party without your consent, we will generally advise you of this prior to or at the time of collection. We will not notify you if it is unreasonable to do so, such as during an active fraud investigation.

Children and young persons – capacity and consent

The Information Privacy Act does not define an age when an individual can make their own privacy decision. When determining whether an individual aged under 18 years of age can provide consent, we refer to the Office of the Australian Information Commissioner (OAIC) guidelines on children, young people and consent.

In general, a person must have the capacity to consent and age is one element that may affect an individual's capacity. Where a child or young person is under the age of 18 years of age, we will generally collect their personal and sensitive information with the consent of their parent(s) or legal guardian(s).

We may accept the consent of a child or young person under the age of 18 if we have assessed the individual as having the capacity to consent. Where it is not possible for us to assess the capacity of individuals on a case-by-case basis, we may accept the consent of persons over the age of 15 years.

When assessing capacity to consent to the handling of their personal information, we consider an individual's age, developmental level, maturity, if they can understand what is being proposed, and if they can form their own views and express those views freely.

Secrecy provisions and protected information

Your personal information may also be obtained and protected under laws that CMTEDD is responsible for that have information secrecy provisions. In general, secrecy provisions place prohibitions, or extra requirements or limitations, on how the information is to be protected and handled. Protected information may also contain personal or sensitive information.

The following are some examples of the kinds of prohibitions that may apply to the information protected by secrecy provisions:

- authorising only certain persons to make a record of, use or disclose the information;
- setting limits on the kinds of information or personal information that can be used or disclosed; and
- may limit or specify the external or third parties to whom we may lawfully disclose.

Examples of secrecy provisions that CMTEDD is required to comply with, but not limited to include:

- *Taxation Administration Act 1999* – sections 95, 98 and 99;
- *Gambling and Racing Control Act 1999* – sections 34 – 39;
- *Working with Vulnerable People (Background Checking) Act 2011* – section 65; and
- *Road Transport (Third Party Insurance) Act 2008* – section 271.

If an information secrecy provision permits the obtaining of information, the making of a record, or the use and/or disclosure of that information, if that information also contains personal or sensitive information, then that collection, use or disclosure will also be permitted under the Information Privacy Act.

Data matching

We may collect your personal information using data matching. In general, we use personal information for data matching that has been collected with your consent to: confirm the identity of an individual when handling two different sets of data, for compliance or enforcement related functions and activities, or where the law required or authorises it.

We undertake data matching when providing the following services, function and activities.:

- **Digital Account** – to verify your identity documents using the Document Verification Service (DVS). The DVS Privacy Statement is available at: <https://www.idmatch.gov.au/privacy-security>. The ACT Government uses DVS to compare your identifying information with a government record to verify your identity. The Digital Account provides individuals with control over who they share their data with on a consent basis;
- **Rego.ACT – to confirm your licence** details with various Australian government agencies to verify your identity, detect fraudulent activity, and for compliance and other enforcement related functions and activities, and to confirm concession eligibility with Centrelink (Services Australia); and
- **ACT Revenue Office** – for the assessment and collection of ACT taxes, as well as administering conveyance duty concessions, exemptions, enforcement and compliance with ACT tax laws, and the regulation of the First Home Owner Grants (FHOGs). The Revenue Office may data match with other state/territory Revenue Offices' and the ATO which is permitted by law.

Social Networking Services

If you use social media or networking sites like Facebook or Twitter to contact us, we generally will not collect your personal information. If we do collect any personal information about you when you use those sites, we will only collect information which is publicly available, and that is reasonably necessary for, or directly related to one or more of our functions or activities.

Your personal information may also be collected by those social networking services in accordance with their own privacy policies which can be accessed on their websites.

When using our website, you can refer to our [Website Privacy Policy](#) for more information about the personal and other information we may collect, store, use and disclose when using our website or online services.

Unsolicited information

Unsolicited information is personal or sensitive information we receive from a third parties, that we did not ask for. For example, misdirected mail, or complaints that do not relate to our functions or activities.

If we receive unsolicited information, we are required under the TPPs to decide if we could have collected it lawfully. If we decide that we could not have collected it lawfully, we will either destroy the information or de-identify it.

Privacy Noticing

When we collect personal information about you, we are required to take reasonable steps to provide you with a Privacy Notice to tell you more about how we will handle your personal information including:

- who we are and how you can contact us;
- if we have collected your personal information from someone else (a third party) and the circumstances of that collection;
- if a law authorises or requires the collection of your personal information and the name of that law;
- the purposes for which we collect the personal information;
- how you may be affected if we cannot collect all or some of the personal information we need;
- the details of any agencies or types of agencies to which we usually disclose your personal information;
- if we are likely to disclose your personal information to an overseas recipient, and the countries those recipients are in;
- where to locate this Privacy Policy, including how you can:
 - access your personal information;
 - make a complaint about a breach of your personal information, and how we will deal with that complaint; and
 - seek correction of your personal information.

We may provide you with Privacy Notices and policies in a layered fashion. You may be provided with a short notice when completing a paper or online form, or when accessing a portal or communication tools or certain online platforms i.e. YourSay, Digital Account. The short notice will advise you about where to find or locate more detailed information in our Privacy Notice, and in this Privacy Policy.

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This Privacy Policy should be read together with CMTEDD's Privacy Notice and any specific privacy notices provided to you when we collect your personal information.

CMTEDD's **Privacy Notice** is available at <https://www.cmtedd.act.gov.au/legal/privacy> and [[PDF 413KB](#)] [[Word version 182KB](#)].

How we hold, secure and protect your personal information

The Information Privacy Act requires us to take reasonable steps to ensure that the personal information we hold is kept safe, is secure and is protected from misuse, interference or loss and from unauthorised access, use, modification or disclosure.

Key policies and legislation that guide how the Directorate must handle and keep secure the personal information we hold include:

- [ACT Government: ICT Security Policy;](#)
- [Information Security Policy Framework;](#)
- [Protective Security Policy Framework;](#)
- [Access Control Policy;](#)
- [Whole of Government Electronic Document and Records Management Systems Administration and Governance Policy;](#)
- [Acceptable Use of ICT Resources Policy;](#)
- [CMTEDD Records Management Plan;](#) and
- [Territory Records Act 2002](#)

The *Territory Records Act 2002* establishes the framework within which we manage the records of our actions and decisions, which may include personal information. We maintain dedicated recordkeeping systems to manage both hard copy and digital records. Records, information and data that contain personal information may also be retained in business management and office productivity systems such as revenue management, financial management and case and customer management systems.

We may also be required to protect your personal information under other legislation that places additional protections on it, or where governed by secrecy provisions, for example Tax File Numbers (TFNs).

When we no longer require the personal information we hold, will take reasonable steps to destroy the information or ensure that it is de-identified, consistent with our obligations under the Information Privacy Act, Territory Records Act and any relevant policies and laws.

Whole-of-Government purposes for which we collect, use and disclose personal information

The ACT Government has integrated and consolidated many common functions across government to better coordinate and deliver services to the ACT public. procurement, finance, consultative activities, identity verification, and many regulatory services and activities.

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The Whole-of-Government projects, programs, services and activities carried out by CMTEDD of behalf of, or as lead agency for the ACT Government, are set out in [Annex A – Whole-of-Government purposes for which we collect, use and disclose personal information](#).

The personal and sensitive information collected by CMTEDD or other ACT Government Directorates when carrying out or delivering these functions, services or activities may be accessed, used, or disclosed to or by other ACT Government directorates, the ACT Executive, and contractors who perform various services for and on behalf of the ACT Government.

The purpose of the collection, use and disclosure of personal and sensitive information for those activities set out in [Annex A](#), is for the *primary purpose* of:

- enhancing customer experiences and outcomes when transacting with the ACT Government by providing a one-stop shop for customer and regulatory services;
- enabling lawful and transparent use of data and information sharing across ACT Government to support better communications and engagement with the ACT Government and reduce the effects of over consultation; and
- providing a range of Information Communication Technology (ICT), financial and corporate services for the ACT Government and the ACTPS.

Please refer to the ACT Government Open Access website at <https://www.act.gov.au/open-access> for access to other Directorates policies and information.

Alternatively you may visit <https://www.directory.act.gov.au> for links to all ACT Government Directorates. All Directorates provide links to their own Privacy Policies.

Purposes for which CMTEDD collects, holds, uses and discloses personal information

Primary Purpose

The *primary purpose* for which we collect, hold and use your personal information, is to be able to effectively carry out our functions and activities or provide you with services.

Some of the common or primary purposes for which we collect, hold and use your personal information include, but are not limited to:

- ACT exempt insurers/exempt employees;
- Administrative and communications support to various tribunals and secretariats;
- Appointments to ACT Government Boards and Committees;
- Business development, venues, events and arts;
- Closed Circuit Television (CCTV) for security, monitoring and surveillance;
- Complaints and investigations;
- Community engagement, honours and awards;
- Corruption, fraud and other investigations;
- Compliance and enforcement activities including;
 - application for licenses, permits and vehicle registration;

- traffic enforcement; and
- Registers required by law;
- Correspondence and communications;
- Financial and economic management;
- Freedom of Information (FOI) and Territory Records requests;
- Grants;
- Insurance purposes;
- Issuing of security passes;
- Procurement;
- Property tenancies;
- Quality assurance and internal audit;
- Personnel information (ACTPS and contractors);
 - Onboarding and ongoing employment;
 - Workplace Behaviour matters; and
 - Injury and Illness Management;
- Public art records;
- Revenue management;
- Research;
- Security, including Closed Circuit Television (CCTV);
- Submissions and surveys; and
- Territory Records (access); and
- Waste and contamination management.

Use and Disclosure

Some of the permitted *secondary purposes* we may use or disclose your personal information include where:

- you would reasonably expect us to use the information for the *secondary purpose* that is related (or directly related – in the case of sensitive information) to the *primary purpose* for which the information was collected;
- the use or disclosure is required or authorised under or by an Australian law, or court order or tribunal;
- we reasonably believe that the use or disclosure is reasonably necessary for an enforcement body's enforcement related function or activity (i.e. the intelligence gathering, surveillance, or monitoring of activities);
- it is unreasonable or impracticable to obtain your consent, and we reasonably believe that use or disclosure is necessary to lessen or prevent a serious threat to the life, health or safety of any individual, or to public health or safety;
- we have reason to suspect unlawful activity, or misconduct of a serious nature, that relates to our functions and we reasonably believe that the use or disclosure of the information is necessary for us to take appropriate action;
- we reasonably believe that the use or disclosure is necessary to help locate a person who has been reported as missing; or
- another permitted exception under the Information Privacy Act applies.

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For more detailed information about the purposes for which we collect, hold, use and disclose personal information please refer to [Annex B – Detailed purposes for which CMTEDD collects, holds, uses and discloses your personal information](#).

Disclosure to overseas recipients

We do not generally disclose personal information to overseas recipients on a regular basis, or under any international agreements for information exchange.

We will usually obtain your consent in the unlikely event that disclosure to an overseas recipient is necessary. We will also take reasonable steps before disclosing the information, to ensure that the overseas recipient does not breach the TPPs.

Sometimes, we cannot be assured that the overseas recipient will handle your personal information in a similar way to how it is handled under Information Privacy Act. We will advise you of this prior to seeking your consent to the disclosure of your personal information to any overseas recipient.

Some of the ad hoc business purposes for disclosure to overseas recipients may include:

- to the issuing authorities in your country of former residence or citizenship to confirm the documents you have provided are genuine i.e. checking a motor vehicle licence with the issuing authority of that country, Birth, Death and Marriage certificates where an Apostille or authenticity or certificate and translation has not been provided; and
- International Engagement purposes to support and facilitate stakeholder engagement, and the organisation of foreign missions, delegations and visits.

In limited circumstances, there may be situations where it is impracticable to seek your consent prior to disclosing your personal or sensitive information to an overseas recipient where a permitted exception to the disclosure under the Information Privacy Act. For example, where the disclosure is reasonably necessary for an activity conducted by an enforcement body, and the recipient is a body that exercises functions similar to those exercised by an enforcement body.

We will update this Information Privacy Policy to reflect any new arrangements that result in the regular or usual disclosure of personal information to overseas recipients.

Use and storage of personal information in offshore clouds

In some circumstances, we may use contractors to provide services on our behalf, including service providers located outside of Australia. Contractors whether in Australia or overseas when handling personal information on our behalf, must comply with the Information Privacy Act and ensure that they do not breach the TPPs.

In some circumstances we or our contractors may need to use and store your personal information in offshore clouds or servers under contracted service arrangements. The use of offshore clouds under such arrangements is not considered a disclosure to an overseas recipient, but a use of that personal information.

We will advise you when collecting your personal information if your personal information will be stored in an offshore cloud and where that cloud is located.

The following programs or services use offshore clouds to store your personal information:

- **YourSay** – uses **Harvest Digital Planning** to provide digital platform for the Canberra community to share ideas and provide feedback to the ACT Government on projects and initiatives across Canberra – Harvest Digital Planning’s (the Hive’s) Privacy Policy is available at <https://the-hive.com.au/privacy-policy>
- **YourSay Community Panel** – uses **Vison Critical** (*Vision Critical Communications Pty Ltd*) to store personal information in an offshore cloud in servers located in Singapore – Vision Critical’s Privacy Policy is available at: <https://www.visioncritical.com/privacy-policy>
- **ACT Government Digital Account**- uses **Sales Force Software as a Service (SaaS)**, which is an Australian Signals Directorate (ASD) certified cloud provider – SaaS’s Privacy Policy is available at: <https://www.salesforce.com/au/company/privacy/>; and
- **ACTIA** – uses **Ventiv Technology Group International** (Ventiv) who provide an insurance management system to store information relating to insurance claims that ACTIA receives. Ventiv’s Privacy Policy is available at: <https://www.ventivtech.com/general/privacy-guidelines-and-principles>;
- **Communications and Engagement** - uses Campaign Monitor to manage email subscriptions and to create, send and manage emails. Campaign Monitor’s Privacy Policy is available at: <https://www.campaignmonitor.com/policies/#privacy-policy>;
- **Default Insurance Fund** – uses **Ventiv Technology Group International** (Ventiv) who provide an insurance management system to store information relating to insurance claims that ACTIA receives. Ventiv’s Privacy Policy is available at: <https://www.ventivtech.com/general/privacy-guidelines-and-principles>; and
- **Office of the Nominal Defendant** – uses **Ventiv Technology Group International** (Ventiv) who provide an insurance management system to store information relating to insurance claims that ACTIA receives. Ventiv’s Privacy Policy is available at: <https://www.ventivtech.com/general/privacy-guidelines-and-principles>.

Some of our web-based services and tools use overseas providers under contract to provide ICT services, please refer to our [Website Privacy Notice](#) section for more details.

How you can access or correct your personal information

Access

You have the right to ask for (access) your personal information that we hold about you. You can ask in person, over the phone, or in writing. If you ask for access, we will take steps to verify your identity before we will disclose your personal information.

If you have asked another person to access to your personal information on your behalf, prior to granting access, we will take steps to verify their identity and confirm they have your consent and authority to receive that information, before disclosing your personal information.

If your personal information is held by a business unit that provides public access or over-the-counter services, you may be able to ask for access in person. However, we have the right to refuse your request where:

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- your personal information is not readily accessible, or is contained in a physical file that is stored somewhere else;
- the personal information in your record also contains the personal information of other people or third parties; or
- another law protects or tells us how the information must be disclosed i.e. secrecy laws or laws which require a fee or form that must be used for disclosure.

If we cannot give you access in person, you may be asked to:

- make a written request;
- use or complete an approved form (if one applies including paying any lawful fee); or
- make an FOI request where;
 - there is third party personal information present, or
 - if the amount of information is too big for counter staff to process.

If you request access to your personal information, we must provide you with access (in the way you requested if reasonable) within 30 days. If we refuse to provide access, we must advise you in writing (within 30 days of your request) of the reasons for refusal. Reasons for refusal may include where the information is subject to an exemption under the FOI Act, or where disclosure is not permitted under another law.

There are no review rights if we refuse a request for access. You may instead wish to make a request for access under the FOI Act (which does have review rights) or, make a complaint to the Office of the Australian Information Commissioner (OAIC).

Further information about our FOI arrangements, including how you can apply for access, can be found on our Freedom of Information website.

How to request access

When requesting access, you should first approach the relevant business unit or relevant officer in the Directorate who you believe holds your personal information.

Individuals can also request access to, or correction of, their personal information by contacting the Privacy Contact Officer via email to:

Email: CMTEDDPrivacy@act.gov.au

Web: [Access Canberra Feedback and Complaints](#)

Mail: CMTEDD Privacy Contact Officer
Chief Minister, Treasury and Economic Development Directorate
GPO Box 158
CANBERRA ACT 2601

Telephone: +61 2 6207 8175

Are there any charges for access?

No, you will not be charged for making the request or accessing your personal information, unless a fee is required by law for the information. For example, births, deaths and marriages certificates requests may require you to pay a fee.

Correction

You can ask us to correct your personal information we hold if you believe it is:

- incorrect;
- out-of-date;
- incomplete;
- irrelevant; or
- misleading.

If you ask us to correct your personal information, we are required to take reasonable steps to do so, if having regard to the purpose for which it was collected, we agree the information is incorrect, out-of-date, incomplete, irrelevant, or misleading.

We may refuse a request to correct your personal information where we believe another applicable law prevents the correction, or if we do not agree that the information is incorrect, out-of-date, incomplete, irrelevant, or misleading.

If we refuse to correct your record, and you ask us to make an associated statement (the statement can say why you believe the personal information is incorrect, out-of-date, incomplete, irrelevant, or misleading), we will do so. We are not required to make an associated statement unless you specifically ask us to make one.

There are no review rights under the Information Privacy Act if we refuse to correct your personal information. You can, however, seek amendment of your personal information under the FOI Act, which does have review rights, or make a complaint to the OAIC.

How to make a privacy complaint or report a privacy breach?

Making a privacy complaint

If you want to complaint about how we have handled your personal information you can phone us, however, if you phone us we will still ask you where not unreasonable to put your complaint in writing, provide us with your name, address and phone number for contact, and enough information about the business unit or person you are making the complaint about. We can assist you to lodge your complaint if you need help.

We will acknowledge receipt of your complaint within five working days and we will undertake an investigation into your complaint. In general, we aim to have completed our investigation within 21 working days and will endeavour to keep you update regularly throughout the investigation.

Information about our information privacy complaints process can be found in our [Information Privacy Complaints Handling Policy](#) [[PDF 521 KB](#)] [[Word version 93 KB](#)].

Privacy data breaches

We take your privacy seriously and will deal promptly with any unauthorised access, use or disclosure of your personal information.

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The Office of the Australian Information Commissioner's (OAIC's) Notifiable Data Breaches Scheme (NDBS) does not apply to CMTEDD or other ACT public sector agencies unless:

- the information subject of the breach includes Tax File Numbers (TFN's); or
- personal health information or is part of a health record.

Generally, the NDBS requires agencies to notify individuals whose personal information is involved in a data breach and to notify the OAIC where the breach is likely to result in serious harm to those individuals.

Although we are not required to notify under the NDBS, it is our policy to voluntarily report any significant privacy data breaches to the OAIC. We will seek the OAIC's advice and assistance where we consider a breach may result in serious harm to affected individuals. This aligns with the NDBS and is keeping with best privacy practice.

Complaining to the Information Privacy Commissioner

You can make a formal privacy complaint to the Information Privacy Commissioner if you do not agree or are not happy with our response to your complaint, or you believe we have breached your privacy.

Under an agreement with the ACT Government, the OAIC performs the role of the Information Privacy Commissioner for the ACT and manages complaints against ACT public sector agencies. The OAIC is an independent body that will assess your complaint and can decide if our actions are an interference with your privacy.

Complaints made to the OAIC must be in writing and include your name, address and telephone number, and provide details of the subject of your complaint. Exceptions to this requirement may be made by the OAIC in circumstances where they consider a complaint made by phone appropriate. The OAIC can be contacted via:

Mail: Director of Privacy Case Management
Office of the Australian Information Commissioner
GPO Box 5218
Sydney NSW 2001

Email: Enquiries@oaic.gov.au

Complaints advice and form available at:
<https://www.oaic.gov.au/privacy/privacy-complaints/>

Ph: 1300 363 992

If your complaint or alleged breach is upheld by the OAIC and a decision is made, we will comply with any determination made by the OAIC. The OAIC's decision may include remedies such as an apology, compensation, and to undertake actions such as amend policies, operations or processes to prevent further or similar interferences with privacy.

Contact us

If you have any comment in relation to any aspect of the collection, use, security of, or access to your personal information please contact us by:

Email: CMTEDDPrivacy@act.gov.au
Web: Access Canberra Feedback and Complaints
Mail: CMTEDD Privacy Contact Officer
Chief Minister, Treasury and Economic Development Directorate
GPO Box 158
CANBERRAACT 2601
Ph: + 61 2 6207 8175

Assisted Contact

If you need assistance when accessing this Privacy Policy, please contact:

National Relay Service (NRS)

The NRS is a government initiative that allows people who are deaf, hard of hearing and/or have a speech impairment to make and receive phone calls.

You can access the 24-hour relay call numbers using the links below:



Make an Internet relay call <https://nrschat.nrsconnect.gov.au/>



Make a captioned relay call <https://nrschat.nrsconnect.gov.au/>

Speak and Listen number
1300 555 727

TTY number
133 677

SMS relay number
0423 677 767

Other NRS call numbers can be found at: <https://www.communications.gov.au/what-we-do/phone/services-people-disability/accesshub/national-relay-service/service-features/national-relay-service-call-numbers>

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Choose the 'Making a call' option that suits your needs to contact one of the Telephone numbers listed above.

Translating and Interpreting Service (TIS)

TIS is an interpreting service provided by the Department of Home Affairs for people who do not speak English and for agencies and businesses that need to communicate with their non-English speaking clients.



TIS

13 14 50 (within Australia)

+613 9203 4027 (outside Australia)

TIS Online is available at: <http://tisnational.gov.au/>

ANNEXA - WHOLE-OF-GOVERNMENT PURPOSES FOR WHICH WE COLLECT, USE AND DISCLOSE PERSONAL INFORMATION

Access Canberra

Access Canberra provides a one-stop shop for ACT Government customer and regulatory services, and easy, streamlined way to access government information and undertake transactions with the ACT Government.

Access Canberra is also a business unit of CMTEDD, for more information about how Access Canberra handles your personal information please review the content of this privacy policy. Access Canberra when providing services on behalf of another Directorate may where appropriate, also direct you to that Directorate's privacy policy.

The purposes for which Access Canberra may collect your personal and sensitive information includes, but is not limited to:

- building, utilities, land and lease regulation;
- electricity, natural gas, water, sewerage and industry technical regulation;
- environmental protection and water regulation;
- Fair Trading and registration, inspection and regulatory services;
- occupational licensing;
- public health protection and regulation for food permits;
- racing and gambling legislation; and
- road safety regulation, and driver and vehicle licensing.

Access Canberra also manages certain ACT Government websites:

- <https://www.accesscanberra.act.gov.au/>;
- <https://comply.accesscanberra.act.gov.au/c/comply>; and
- <https://www.gamblingandracing.act.gov.au/>.

Access Canberra will include your information in its “one client record”, so that it can be used in respect of any other dealings that you might have with it. Information about your identity, which forms part of your one client record, will also be used for administrative purposes including to confirm that we are dealing with the correct individual.

Personal information collected in relation to proof of identity application under the *ACT Liquor Act 2010*, may be disclosed to:

- other ACT Government Directorates;
- Australian and state/territory government agencies;

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- law enforcement bodies;
- courts or tribunals;
- liquor licensing inspectors, and
- third parties where a permitted exception under relevant legislation applies.

Personal information collected in relation to applications made under the *Road Transport (Driver Licensing) Act 1999*, *Road Transport (Vehicle Registration) Act 1999*, and *Road Transport (Driver Licensing) Regulation 2000* may be disclosed to:

- other ACT Government Directorates;
- Australian and state/territory government agencies;
- law enforcement bodies;
- courts or tribunals;
- third parties such as Compulsory Third-Party Insurers (CTPI)⁴;
- the Motor Accident Injury (MAI) Commission and Commissioner;
- Austroads Ltd for the inclusion in their database. National Exchange of Vehicle and Driver Information System (NEVDIS⁵);
- the National Heavy Vehicle Regulator; and
- the National Capital Authority and individuals, their agents or insurers following a report provided to the police of a motor vehicle accident; and
- third parties or where a permitted exception under relevant legislation applies.

The Whole of Government Engagement Customer Relationship Management (CRM) database

The Customer Relationship Management (CRM) database is used to collect, store and process personal information collected about community organisations, and during consultation and community engagement activities.

The CRM's purpose is to better support engagement between the ACT Government, its stakeholders and the community by improving the coordination of engagements and reduce duplication of effort by stakeholders who engage frequently with the ACT Government. The kinds of information collected may include names, addresses, telephone numbers, and other information relating to the feedback. The information held in the CRM may also be used and disclosed by all ACT Government Directorates for the

⁴ **IMPORTANT NOTICE:** The Compulsory Third Party Insurance (CTPI) Scheme was replaced on the 1 February 2020 with the Motor Accident Injuries (MAI) Scheme. Under the new scheme, Canberrans will receive better and fairer coverage for people who are injured in a motor accident. Find out more at <https://www.act.gov.au/maic>

⁵ Austroads owns NEVDIS, a database of Australian driver and vehicle information. Austroads Ltd (Austroads), ACT Road Transport Authority, other State and Territory Road Transport Authorities, and the Australian Criminal Intelligence Commission (formerly the CrimTrac Agency) are parties to the NEVDIS Participation Agreement. Under this agreement personal information will be provided to Austroads for inclusion in NEVDIS and the personal information will be collected by Austroads and used and disclosed by parties to the agreement for the purposes permitted by the agreement. The permitted purposes are in connection with road transport, including driver licensing, vehicle registration, road safety and road transport law compliance.

purposes of researching and analysing stakeholder feedback. De-identified information and data stored in the CRM may be publicly disclosed.

More information about how CMTEDD/ Consultation Relationship Manager (CRM) will handle your personal information is available at: <https://www.act.gov.au/crm-privacy>.

Community Conversations website (YourSay)

YourSay Community Conversations website is the Territory's online community engagement service. CMTEDD uses **Harvest**, a contracted service provider, to collect comments, votes, posts and selections you contribute through forums, interactive maps, survey and quick polls, provided via YourSay. For details of how Harvest may access personal information, please refer to [Harvest's \(the Hive\) Privacy Policy](#). The purpose for which YourSay collects, holds, uses and discloses personal information is to ensure a diverse cross section of the community is being represented in order to better inform ACT Government when delivering projects, plans and policies.

To use YourSay you must be a registered user. The kinds of personal information collected when you register includes: a username (may be made public), your email address, age group, gender, and some demographic data. Some personal information, for example your email address, may be used to also inform you about these services i.e. subscribe you or notify you of new opportunities to participate, responding to your enquiries, and when administering YourSay i.e. management review of the discussion groups for trolls and spammers. If you are registered and signed into your user account, the feedback you provide may be linked to your username and demographic details. If you 'follow' a specific engagement project, you can opt-opt of receiving notifications at any time.

CMTEDD advises YourSay participants not to provide personal information about themselves or third-parties in their responses and feedback, however, at times we may collect personal information inadvertently when we collect comments, votes, posts and selections you contribute when interacting with the feedback mechanisms provided through forums, interactive maps, surveys, and quick polls. CMTEDD will always, where lawful to do so, de-identify or destroy any unsolicited personal information. More information about how CMTEDD/YourSay will handle your personal information is available at <https://yoursay.act.gov.au/privacy-policy>.

YourSay Community Panel

YourSay Community Panel is a research panel designed to strengthen the ACT Government's engagement with the ACT community, and to collect the views and opinions of participating community members. The YourSay Community Panel uses Vision Critical Communications Pty Ltd (**Vision Critical**), a CMTEDD contracted service provider. Your personal information, including demographic and email details, will be stored in Vision Critical's cloud server located in Singapore. Limited CMTEDD staff will also have access to the personal information in order to administer the YourSay Community Panel.

YourSay Community Panel collects personal information when you participate including when you comment or vote in forums, stories, surveys, quick polls, images and documents, pins, comments or symbols placed on interactive maps. This information is then de-identified by Vision Critical and the data is then returned to the ACT Government to be used and disclosed for research and analysis purposes.

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You must identify yourself when you register to participate in the YourSay Community Panel. When you register and log in, we will collect your; name (optional), email address (this will not be made public), date of birth, suburb, gender, household demographics. This information may be used or disclosed when responding to your enquiries, administering its community engagement platforms and technology, and complying legal obligations.

CMTEDD advises participants not to provide personal information about themselves or third-parties in their responses and feedback, however, at times we may collect personal information inadvertently when we collect comments, votes, posts and selections you contribute when interacting with the feedback mechanisms provided through forums, interactive maps, surveys, and quick polls. CMTEDD will always where lawful to do so, de-identify or destroy any unsolicited information. For more information about how CMTEDD/YourSay Community Panel handles your personal information is available at: <https://www.act.gov.au/yoursay/our-conversations/yoursay-community-panel/yoursay-community-panel-privacy-notice> .

Shared Services

Shared Services provides a range of Information Communication Technology (ICT), financial and corporate services for the ACT Government, which fall under five main functions, including but not limited to;

- ICT - includes infrastructure, application support, technical teams 'embedded' within Directorates, project management and support;
- Human Resources – payroll and personnel services; includes payroll, recruitment, reporting, HR systems and support;
- Salary Packaging;
- Finance – includes accounts payable, accounts receivable, financial reporting, and taxation; and
- Record and Mail Service.

ACT Government employees who access the services of Shared Services are supported by a Shared Services' Service Centre which includes a Service Desk and other 'frontline' service support functions.

Shared Services is also a business unit of CMTEDD and this Privacy Policy applies but should also be read together with any other specific directorates' Privacy Policies, Privacy Statements, Website privacy statements, that may apply to the service, function or activity you are accessing or using.

ANNEX B - DETAILED PURPOSES FOR WHICH CMTEDD COLLECTS, HOLDS, USES AND DISCLOSES PERSONAL INFORMATION

The purposes in more detail for which we collect, hold, use and disclose personal information are:

ACT approved insurers/exempt employees

We collect personal information from ACT approved insurers and self-insuring exempt employers, and organisations wishing to apply for approvals. Personal information collected for this purpose may include:

- job title/description, organisation; and
- personal information captured in business/financial documents.

The Directorate collects this information to maintain records, provide contact information to the general public and determine market share in order to apportion the costs of administration of the *Workers Compensation Act 1951* (which includes relevant costs incurred by the ACT Magistrates Court). We disclose personal information to insurers in relation to investigations.

ACT Government Appointments, Boards and Committees

We use personal and sensitive information to assess and manage applicants for certain appointments, board or committee memberships, and to maintain a central register of those appointments. We may collect sensitive information about diversity on a voluntary basis if you identify as:

- being from a Culturally and Linguistically Diverse (CALD) background;
- having a disability;
- a particular gender;
- an Aboriginal or Torres Strait Islander person; and
- LGBTQI+.

We may use and disclose personal and sensitive (diversity information) to Cabinet for the purpose of candidate selection, appointment start/end dates and resignations. We will not disclose diversity information for another purpose unless with consent, or where a permitted exception under the Information Privacy Act applies.

The Directorate may also use personal and sensitive information for statistical purposes to meet targets set for gender balance and ensure diverse representation. If we disclose statistical information, it is de-identified before use or publication.

More information about appointments and how personal information is used and disclosed can be found in the policy document [Governance Principles – Appointments, Boards and Committees](#).

Administrative support

ACT Remuneration Tribunal secretariat

The Directorate supports the activities of the Tribunal and provide historical and research material on remuneration, allowances and other entitlements for persons appointed to offices under the Tribunal's jurisdiction. We hold records relating to certain offices, which may include office holder/ Tribunal

members' names, details about their duties, responsibilities and workloads and related comparative material.

Communications and secretariat services

The contact details of the Community Council presidents, and/or treasurers, are kept by the Communications and Engagement Unit for the purposes of communicating engagement issues and executing deeds of agreement for government funding to community councils. The Communications and Engagement Unit provides secretariat support for the Canberra-Nara Sister City Committee and ACT Veterans Advisory Council and holds contact information for members of these committees.

Business development, venues, events and arts

We collect personal information to manage a wide variety of programs to facilitate the diversification and strengthening of the ACT economy and create a vibrant community. Our activities include:

- the management of facilities and venues;
- provision of a range of business support programs and services to the business community; including grant (see Grants);
- hospitality and events; and
- sports and recreation services including athlete scholarship.

We collect personal and sensitive information about athletes, including athletes' *personal health information*, to enable the ACT Academy of Sport (ACTAS) to provide services including:

- sport psychology, nutrition, sport science, strength and conditioning, and athlete career and education);
- strength and conditioning programs; and
- provision of certificates of completion for Australian Sport Anti-Doping Authority's Pure Performance online modules.

Complaints and investigations

We collect personal and sensitive information to undertake investigations for compliance matters and to investigate complaints received from members of the public. This includes investigations and complaints about:

- parking operations;
- environmental offences;
- workplace safety, through the application of legislation around work safety, dangerous substances and labour regulation;
- consumer complaints;
- privacy complaints; and
- complaints relating to community engagement activities.

Closed Circuit Television (CCTV)

CMTEDD uses CCTV systems to monitor and record activity in a range of publicly accessible locations throughout the Directorate's office locations (e.g. Canberra Nara Centre, Winyu House, Cosmopolitan Centre, and Dame Pattie Menzies House) and other locations (e.g. GIO Stadium, Exhibition Park, Motor Vehicle Inspection or test station, and Access Canberra Service Centres).

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The purpose of this monitoring is to provide a safe and secure environment for staff and visitors. CCTV is used as a deterrence, investigation and emergency response management tool and for enforcement activities or incidents.

The information recorded and contained on corresponding files may include:

- identifiable images of people visiting the Directorate's locations;
- name and contact information;
- occupations, outcome of any review/investigation conducted; and
- details of witnesses to matters on CCTV recordings.

In accordance with the ACT Government Code of Practice for CCTV, signage is clearly displayed at all entry points and in prominent positions in waiting areas. Signage is also displayed in back office areas where CCTV coverage occurs. The CCTV recorders are located within a secure area in each of the premises. Footage is only used or disclosed where there is a permitted exception under the TPPs.

Community engagement, honours and awards

CMTEDD manages a range of community engagement and stakeholder relations activities to inform policy, and program evaluation and development. We also conduct secretariat and nomination processes for certain committees, councils, patronage requests and national honours and awards.

We may collect, use and disclose personal information to facilitate:

- the functioning of various committees and councils;
- the inviting and receipt of nominations for awards and honours;
- the organisation of events or ceremonies to present honours or awards, and
- addressing community engagement issues on particular matters.

For more information about the Community Relationship Manager (CRM) database, please see [Annex A – Whole-of-Government purposes for which we collect, use and disclose personal information](#).

Corruption, Fraud and other investigations

The Executive Group Manager, Corporate, is the Senior Executive Responsible for Business Integrity Risk (SERBIR). The SERBIR coordinates investigations into allegations of fraud and abuse of public office, that may also take the form of a Public Interest Disclosure (PID), in CMTEDD.

We collect personal information in relation to personnel matters that arise through the provision of human resources advice and supporting workplace culture initiatives. We hold an individual file for each matter or investigation.

Compliance and enforcement

CMTEDD administers or delivers hundreds of services, functions and activities (via Access Canberra and Shared Services) many of which relate to compliance and enforcement activities.

Many of these functions or activities may permit the collection, use and disclose information without consent, *'where required or authorised by law'*, or for *'enforcement related functions or activities conducted by, or on behalf of, an enforcement body'*, for example:

- **ACT Compulsory Third-Party Insurance Regulator - Road Transport (Third-Party Insurance) Act 2008, and the Motor Accident Injuries Act 2019;**

- ACT Construction Occupations Registrar - *Planning and Development Act 2007, Construction Occupations (Licensing) Act 2004, and Building Act 2004*
- ACT Insurance Authority (ACTIA) – *Road Transport (Third Party Insurance) Act 2008, and the Motor Accident Injuries Act 2019;*
- Chief Inspector Scaffolding and Lifts - *Scaffolding and Lifts Act 1912;*
- Clinical Waste Controller - *Clinical Waste Act 1990;*
- Commissioner for ACT Revenue - *Taxation Administration Act 1999;*
- Commissioner for Fair Trading - *Fair Trading (Australian Consumer Law) Act 1992, Competition and Consumer Act 2010;*
- Controlled Sports Registrar - *Controlled Sports Act 2019;*
- Public Sector Standards Commissioner - *Public Sector Management Act 1994;*
- Default Insurance Fund - *Workers Compensation Act 1951;*
- Director of Territory Records - *Territory Records Act 2002;*
- Environment Protection Authority - *Environment Protection Act 1997, Environment Protection Regulation 2005, Water Resources Act 2007, Environment Protection (Noise Measurement Manual) Approval 2009 (No 1), Environment Protection (Fees) Determination 2016, Magistrates Court (Environment Protection Infringement Notices) Regulation 2005;*
- Lifetime Care and Support Commissioner - *Lifetime Care and Support (Catastrophic Injuries) Act 2014;*
- Office of the Nominal Defendant – *Road Transport (Third Party Insurance) Act 2008, and the Motor Accident Injuries Act 2019;*
- Registrar General functions - for e.g. *Births, Deaths and Marriages Act 1997, Land Titles Act 1925 and others;*
- Registrar, ACT Architects - *Architects Act 2004; and*
- Secure Local Jobs Code Registrar – *Government Procurement Act 2001; and*
- Work Safety Commissioner - *Work Health and Safety Act 2011, Scaffolding and Lifts Act 1912, Machinery Act 1949, Dangerous Substances Act 2004, Dangerous Goods (Road Transport Act) 2009, Fuels Control Act 1979, Workers Compensation Act 1951, Long Service Leave Act 1976.*

The following are our most common functions and activities where the collection, use or disclosure of personal information is required or authorised by law, or for an enforcement related function or activity:

Application for licences, permits and vehicle registration

We collect, use and disclose personal information to determine eligibility of applicants to hold licences, certificates or permits. Examples of licences or permits include:

- Construction Induction Cards;
- Controlled Sports registrations;
- Working with Vulnerable People (WWVP) registrations;
- building certificates;
- business agents licensing;
- Secure Local Jobs Code Certificates
- stock and station agents;

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- Trade Measurement Certifiers⁶ (servicing firms and public weighbridges); and
- vehicle permits and registrations.

We lawfully disclose some limited personal information through publication in public registers, including:

- motor vehicle dealers;
- liquor;
- security industry;
- second-hand dealers;
- pawnbrokers;
- real estate agents;
- travel agents⁷;
- employment agents;
- X18+ film;
- brothel and escort agencies;
- fireworks⁸;
- hawkers;
- tobacco;
- charitable collections;
- outdoor cafes;
- secure local jobs code certified entities; and
- road verge display of vehicles and transport of dangerous goods.

Personal information we collect to assess licensing, certification or permits, or registration may include your:

- name and contact information;
- date of birth, marriage or death;
- gender;
- proof of identity and other relevant licences held;
- concessions;
- vehicle details and driving history;
- qualifications, employment history and referee reports;
- police record checks and criminal convictions;
- details of close associates; and

⁶ Prior to 1 July 2010, the purpose of these records was determining eligibility for a principal to hold a licence for trade measurement servicing under the Trade Measurement Act 1991 (repealed). As of 1 July 2010 this function has been carried out by the Commonwealth Government but the ACT still holds some records/data.

⁷ Prior to 1 July 2014 the purpose of these records was to determine eligibility for a licence as a travel agent in the ACT under the Agents Act 2003. This legislation was amended to remove the licensing requirements for travel agents, however records are maintained by Access Canberra.

⁸ Prior to 24 August 2000, licences were issued for a short term only, for the week leading up to and the actual day of the Queen's Birthday. The ACT has now abolished the ability to sell and use consumer fireworks.

- additional information where the relevant Regulator or Commissioner requests it in writing.

Traffic enforcement

We are required to collect, use and disclose certain personal information to enforce the provisions of ACT transportation legislation. We disclose personal information generally only where required or authorised by law, to enforcement bodies, or where consent is provided.

Registers required by law

We may collect personal information to meet legislative requirements to maintain registers. Examples include but are not limited to:

- CTP Claims Register is required under the *Road Transport (Third Party Insurance) Act 2008*;
- Motor Accident Insurance (MAI) Injury Register is required under the *Motor Accident Injuries Act 2019*; and
- Contaminated Sites Register required under the *Environment Protection Act 1997*.

Certain registers and the personal information they contain are required by law to be disclosed to the public domain. Examples include: Motor Vehicle Repairer Register, Contaminated Sites Register, Architects Register, and Justice of the Peace Register.

Correspondence and communications

We hold personal information in branches across the Directorate to respond to requests for information from relevant business areas or our portfolio Ministers. This includes requests for Ministerial correspondence, requests for general correspondence or feedback.

If we receive a request from a third party, we will not disclose an individual's personal information without their consent and authority to do so, or where another permitted exception applies under the Information Privacy Act. This includes when responding to Ministerial correspondence or general feedback enquiries.

We use numerous communication channels to engage with the Canberra community and the public. For more information about these channels please refer to [Annex A - Whole-of-Government purposes for which we collect, use and disclosure personal information](#). Communications and engagement activities include: YourSay, the Community Relationship Management tool (CRM) and the YourSay Community Panel.

More information is also available in the section [Submissions and surveys](#), and our [Website Privacy Notice](#) about how you may engage with us using social media platforms, for example, Facebook and Twitter.

Freedom of Information (FOI)

We collect personal information to administer the requirements for access to official documents under the *Freedom of Information Act 2016* (the FOI Act). Under s30 of the FOI Act, if making a request for personal information an applicant must provide evidence of identity. If an agent is acting for the applicant, they must provide evidence of their authorisation and of their own identity.

General freedom of information (FOI) records are secured by staff of Corporate Management, CMTEDD. Access is limited to the FOI coordinator, relevant Managers and Executives, staff processing FOI requests, and TRIM administrators. We may disclose personal information in these records for the purpose of conducting internal reviews and appeals to the ACT Ombudsman or the ACT Civil and Administrative Tribunal.

Financial and economic management

We collect and handle personal information to manage a range of financial activities including providing economic analysis and advice to ACT Government agencies, preparing the ACT Government's budget, expenditure review by ACT Government, and CMTEDD's financial activities including accounts payable and receivable.

The kinds of personal information we collect, use, or disclose when providing financial and economic management functions or activities may include your:

- name and contact information;
- gender, occupation and salary information;
- personal opinions;
- financial details such as bank account details, credit card details, trading terms and conditions, establishing, operating and maintaining accounting systems, controls and procedures, financial planning, GST Declaration and other information associated with specific transactions; and
- claims against the ACT Government.

Grants

We manage several grant programs including:

- ACT Arts Fund;
- ACT Event Fund;
- Sport and Recreation Grants Programs' web-based online application system (SmartyGrants); and
- grant and funding programs such as Innovation Connect Grants and the ACT Film Investment Fund.

The information we collect is about individuals, groups and organisations and may include:

- names and contact information;
- date of birth, age, gender;
- employment history;
- financial information;
- photographs; and
- any other information required by the application for grant.

Insurance

The Directorate is responsible for the following insurance matters:

- ACT Insurance Authority (ACTIA) – to provide insurance protection and risk management advice for all ACT Government directorates and statutory authorities, unless exempted by the Treasurer;
- CTP Personal Injury Register – a database required under section 14 of the Road Transport (Third Party Insurance) Act 2008 is maintained by the CTP Regulator to monitor the performance of the scheme;
- Default Insurance Fund (DIF) – to provide access to benefits for injured workers where either their employer does not hold a compulsory workers' compensation policy, or where the

employer's insurer cannot provide the indemnity required by the insurance policy or has been wound up;

- Lifetime Care and Support Scheme – to provide ongoing treatment and care to people who have been catastrophically injured because of a motor accident in the ACT, on or after 1 July 2014, on a no-fault basis; and
- Motor Accident Insurance Scheme (MAIS) – replaces the Compulsory Third Party (CTP) Insurance Scheme – provides certain benefits will be payable to people who are injured in a motor vehicle accident, regardless of who was at fault; and
- Office of the Nominal Defendant – to manage insurance claims made against it under the *Road Transport (Third-Party Insurance) Act 2008*, and the *Motor Accident Injuries Act 2019*.

We collect personal information to defend and settle claims made against the ACT Government by members of the public, and manage rehabilitation, compensation and legal action for individuals injured at work or as a result a motor incident. This includes the following information:

- name and contact information;
- date of birth, gender, occupation and duties, work location, performance reports, salary and attendance records;
- vehicle registration;
- accident reports, witness statements, rehabilitation reports and programs;
- investigation reports and any associated insurance claim details; and
- litigation details and privileged information between DIF and ACTIA and its legal advisors.

International Engagement

The Commissioner for International Engagement leads the Office of International Engagement. The Office coordinates and oversees the ACT's international relations, driving the ACT Government's engagement, providing strategic leadership and managing specific and targeted programs of activities. This engagement seeks to grow our international reputation and prestige and build enduring international relationships for the economic, cultural and social benefit of the ACT.

When engaging with international and mission partners (prospective, and/or, current) we may collect and use their personal information for documenting meetings, and events, formal and informal visits, trade shows, conferences, and other activities designed to support international engagement.

We may collect personal information from individuals representing the following kinds of entities when they attend activities as outlined above:

- senior staff of foreign government who are located overseas;
- Australian Government, ADF, National institutions, and/or, any of their contracted representatives;
- diplomatic and consulate staff located in Canberra;
- local and international conference and trade delegates from various sectors including business, education, defence and industry, and any of their invited guests;
- Canberra Business Council staff and members;
- International Business Councils and Chambers of Commerce staff and members; and
- Educational and research institutions and consortia.

We will only use personal information collected for these purposes for the *primary purpose* it was collected. We may also disclose personal information to the ACT Government Executive, and the Chief Ministers Office or other ACT Ministers, where related to the *primary purpose* for which it was collected.

Personal information collected will not be disclosed for a *secondary purpose* unless the individual consents to the disclosure, or a lawful permitted exception under the Information Privacy Act applies.

Personnel information (ACTPS and contractors)

General recruitment and ongoing employment

We collect and hold information about ACT Public Service (ACTPS) staff, including ongoing staff, non-ongoing staff, and contractors. We collect this information for the *primary purposes* of:

- recruitment and onboarding;
- probation and performance management or performance appraisals;
- appointments to Government Boards and Committees;
- the processing of salaries, payroll, and ICT services and assets;
- providing transport to staff, including ride sharing services, public transport, taxis, or bicycles;
- security clearances and security vetting;
- workplace health and safety;
- injury management (compensable and non-compensable injuries), rehabilitation and return to work activities;
- Public Interest Disclosure (PID);
- Code of Conduct investigations;
- managing government assets such as vehicles, PCs, laptops, government provided phones, entry and exit of buildings; and
- staff surveys.

Specific kinds of personal and sensitive information collected may include but are not limited to:

- tax file number;
- police checks;
- declaration of personal interests;
- declarations of conflicts of interest;
- declarations about second jobs;
- drivers licence details;
- Uber and MyWay Card (if registered) account details;
- training records;
- Australian Government Service (AGS) number;
- next of kin, emergency contacts or family information;
- information related to security clearance;
- staff development and training details;
- workstation assessment reports;
- medical or personal health information;
- compensation details;
- salary/payment details;
- salary packaging details, including reportable fringe benefit amounts, lease agreements, vehicle insurance details and vehicle registration numbers;
- superannuation fund details; and
- details of accounts with financial institutions.

Workplace behaviour

We may use or disclose personal information related to a Workplace Behaviour investigation to other staff within CMTEDD, and/or to relevant third parties, including the complainant. Information related to a Workplace Behaviour investigation may also be disclosed to agencies which are authorised to receive information under their respective legislation, including law enforcement bodies where relevant.

Injury and Illness Management

We may disclose the personal information of a staff member who has suffered a compensable illness or injury to persons within the ACT Government, including the staff member's case manager, the manager of their work area and relevant members of the Corporate Services HR team. Information can also be disclosed to third parties, including treating medical practitioners, independent specialists, any relevant third party or insurer considered to have contributed to the illness or injury, future employers and legal advisers.

Photo and video footage (events and venues)

Certain territory venues display notices advising patrons that entry to the venue may result in their image and voice being recorded. If any photographers attend the venue, the photographer will seek written or an online consent to use any specific photographs of patrons.

At some very large and open public events hosted by EventsACT, or third parties appointed by EventsACT, patrons should be aware that attendees may be photographed, videoed and/or recorded on audio. EventsACT, or third parties appointed by EventsACT, can broadcast, publish, license and use any photographs, film, recordings or images without consent, or compensation. EventsACT, third parties and anyone acquiring from them a right to use the material are not liable to the subject for its use in any way.

Procurement

To enable registration for prequalification and panels, and selection of contractors for the supply of goods, services and works, we may collect, use or disclose the personal information of individuals who are involved in procurement activities either as sole traders or as representative of their agency, organisation or business, for the provision of various products and services. This may include:

- name and contact information;
- occupation, employment history, qualifications, salary rates;
- gender, date of birth; and
- declarations of personal interest.

Property Tenancies

ACT Property Group collects, holds, uses and discloses personal information in relation to people and organisations:

- seeking to occupy government-owned properties;
- currently or previously occupying government-owned or leased properties;
- seeking to hire government-owned venues; and
- providing trade and maintenance services.

This includes representatives of community, commercial organisations, and private individuals.

CMTEDD INFORMATION PRIVACY POLICY

We retain the information for the purposes of managing tenancies or the hire of government buildings and venues. Information held may include:

- name and contact information;
- date of birth, positions within companies and associations;
- personal or business banking details, credit card details; and
- other personal information relevant to the hire or occupancy of the venue or building.

Public art records

The purpose of these records is to keep information about the applicant during the commission or acquisition of a Public Artwork.

Content may include:

- an applicant's contract (containing names, addresses and contact details),
- application forms,
- correspondence,
- intellectual property (including that which may be subject to copyright) and business-in-confidence protocols,
- artist designs, sketch plans, consultant designs, structural design certifications,
- civil engineering reports, site plans and
- copies of financial records.

Public Interest Disclosure (PID)

The [*Public Interest Disclosure Act 2002*](#) governs the collection, use and disclosure of the personal and sensitive information which is protected. Nominated Disclosure Officers, the Public Sector Standards Commissioner and the ACT Government Integrity Commissioner manage Public Interest Disclosures (PIDs). Appointed staff in the Workforce Capability and Governance Division maintain an electronic tracking system (register) for capturing, managing and reporting information relating to PIDs received and investigated across the ACT Public Sector.

Quality assurance and internal audit

We hold personal information for the purpose of quality assurance and internal audit processes. This information is held by Corporate Management.

Internal Auditors are sourced from external companies and are required to sign a Deed of Confidentiality and conflict of interest statement that expresses how confidential information can be used and disclosed, prior to commencing the audit.

Revenue management

The ACT Revenue Office has its own Privacy Policy explaining how it handles your personal information. The Policy is available at: <https://www.revenue.act.gov.au/privacy>.

The ACT Revenue Office provides advice on revenue and taxation policy, management of the Territory's taxation base (including the development of revenue and taxation legislation), compliance activities, debt management, administering the Territory's rates and land tax, and administering the First Home Owner Grant scheme. It also incorporates the ACT Valuation Office which is responsible for providing professional valuation advice and services for rating and land tax and lease variation charges.

CMTEDD INFORMATION PRIVACY POLICY

The ACT Revenue Office collects personal information about taxpayers and individuals applying for and receiving concessions in accordance with the provisions of the ACT Tax Acts. This may include:

- name and contact information;
- details of residential properties;
- financial information; and
- other personal information directly related to the revenue activities.

All information collected by the ACT Revenue Office is protected by secrecy provisions in the ACT Tax Acts administered by the Office.

ACT Tax Acts are defined as tax laws which include the:

- *Taxation Administration Act 1999* (TAA);
- *Duties Act 1999*;
- *Emergencies Act 2004*, Schedule 1 (Ambulance levy);
- *Land Rent Act 2008*;
- *Land Tax Act 2004*;
- *Payroll Tax Act 2011*;
- *Rates Act 2004*;
- *Utilities Act 2000* Part 3A (Energy industry levy);
- *Planning and Development Act 2007*, Division 9.6.3 (Variation of nominal rent leases); and
- *Utilities (Network Facilities Tax) Act 2006*.

Sections 94 - 99 in Part 9.4 Secrecy of the TAA, requires the tax officers to respect the confidentiality of the information, sets out what are permitted disclosures, and places prohibitions on disclosure for secondary purposes, and restricts disclosures to courts and tribunals.

Security passes

When security passes are issued, the information collected includes name, work location and identifying photos. The purpose of collecting personal information for the issuing of security passes is to assist with the:

- management of building security;
- WHS compliance,
- security incident reports;
- emergency management of buildings i.e. fire or evacuation; and
- to identify persons who enter the building.

Information about staff pass usage may be also used and disclosed in accordance with the *Workplace Privacy Act 2011* for the purposes of: the security of other workers and assets, audit and legal requirements, misconduct and underperformance, and to monitor the efficiency of government business processes and activities.

Submissions and surveys

At times, we may consult with the community and seek written submissions or survey the public. In many cases you may make a submission or participate in a survey without having to identify yourself. If you do identify yourself, any submission you provide us, or survey results will generally be made publicly available. We make submissions and survey results publicly available for transparency and to encourage public debate.

If you do not want your identity to be made publicly available, you must advise us at the time you make your submission that you wish to remain anonymous, or that you want the submission to be

confidential. All survey results or reports are de-identified, and your personal information will not be made publicly available.

CMTEDD advises individuals not to include personal or sensitive information (their own or a third parties) in submissions or surveys, however, we may use that information to develop or improve policies and programs subject of the consultation. We reserve the right to not publish any submission or survey responses, in full or in part, particularly where a submission or survey response may contain personal or sensitive information of the individual making the submission or participating in the survey, or that of third parties.

Superannuation

The Asset Liability Management team holds personal records relating to superannuation for:

- the defined benefit superannuation entitlements of past and current MLAs as set of in the *Legislative Assembly (Members' Superannuation) Act 1991* and to produce annual information statements for Members and report to the ATO on Member contributions; and
- the legal determination of any outstanding superannuation liability and if a liability is identified, to calculate and financially and legally settle these liabilities.

Personal information collected may include:

- name and contact information;
- date of birth, gender;
- employment history, details of pay and allowances, superannuation fund membership details, and taxation arrangements; and
- personal information captured in current and former employees' personnel and finance documents.

Territory Records - Access

The Territory Records Office, through its ArchivesACT service, collects information from members of the public to assist them to have access to ACT government archives. This information may include:

- name and contact information; and
- other personal information provided by the researcher which is necessary or useful to identify records that may be relevant to their research such as date of birth or others' past interaction with the ACT Government.

Waste and contamination management

The Directorate maintains the following database for waste management and contaminated sites management:

- controlled waste recording system database - to record details of controlled waste movements into and out of the ACT in accordance with the Movement of Controlled Waste National Environment Protection Measure including information on hazardous chemicals and waste movements, waste generators, waste treatment facilities, and waste transporters;
- waste disposal database - to record details of approvals for disposal of waste classified under the ACT's Environmental Standards: Assessment and Classification of Liquid and Non-Liquid Waste guidelines to ACT licensed landfills and this includes information on waste types, waste generators and waste treatment facilities;

CMTEDD INFORMATION PRIVACY POLICY

- beneficial re-use approval database - to record details of approvals for beneficial re-use of contaminated soil in the ACT including information on assessment of material, material generator, material types and amounts and re-use locations; and
- contaminated sites management database - to record correspondence, management actions and status related to contaminated land (including groundwater) in the ACT.

Personal information collected may include:

- name and contact information;
- occupation;
- other personal information captured in business documents; and
- expenses or losses which may have been incurred because of suspected or known contamination and citizen-in-confidence information.



ACT
Government

CHIEF MINISTER, TREASURY AND ECONOMIC
DEVELOPMENT DIRECTORATE

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