

THE PRIVACY ACT AND LANDCARE RECORDS

MANAGING PRIVACY OF YOUR CLIENTS AND MEMBERS

Like any other organisation Landcare organisations collect the personal details of all sorts of people for all sorts of reasons, including information about members, funding recipients and volunteers.

The **Privacy Act 1988 (the Act)** establishes the privacy protection framework that surrounds access to this personal information and outlines the legal obligations that organisations such as Landcare have in relation to privacy.

There are 13 Australian Privacy Principles contained in the Act which govern standards, rights and obligations around:

- The collection, use and disclosure of personal information
- an organisation or agency's governance and accountability
- integrity and correction of personal information
- the rights of individuals to access their personal information.

The Australian Privacy Principles are principles-based law which gives an organisation flexibility to tailor their personal information handling practices to their own business models and the diverse needs of individuals.

A breach of an Australian Privacy Principle is an 'interference with the privacy of an individual' and can lead to regulatory action and penalties.

THE 13 AUSTRALIAN PRIVACY PRINCIPLES

1. OPEN AND TRANSPARENT MANAGEMENT OF PERSONAL INFORMATION

Personal information must be managed in an open and transparent way. This includes having a clearly expressed and up to date privacy policy.

2. ANONYMITY AND PSEUDONYMITY

Individuals have the option of not identifying themselves, or of using a pseudonym. Limited exceptions apply.

3. COLLECTION OF SOLICITED PERSONAL INFORMATION

This principle outlines when an organisation can collect personal information that is solicited. It applies higher standards to the collection of sensitive information.

4. DEALING WITH UNSOLICITED PERSONAL INFORMATION

Outlines how organisations must deal with unsolicited personal information.

5. NOTIFICATION OF THE COLLECTION OF PERSONAL INFORMATION.

Outlines when and in what circumstances an organisation that collects personal information must tell an individual about certain matters.



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6. USE OR DISCLOSURE OF PERSONAL INFORMATION

Outlines the circumstances in which an organisation may use or disclose personal information that it holds.

7. DIRECT MARKETING

An organisation may only use or disclose personal information for direct marketing purposes if certain conditions are met.

8. CROSS-BORDER DISCLOSURE OF PERSONAL INFORMATION

Outlines the steps an organisation must take to protect personal information before it is disclosed overseas.

9. ADOPTION, USE OR DISCLOSURE OF GOVERNMENT RELATED IDENTIFIERS

Outlines the limited circumstances when an organisation may adopt a government related identifier of an individual as its own identifier, or use or disclose a government related identifier of an individual.

10. QUALITY OF PERSONAL INFORMATION

An organisation must take reasonable steps to ensure the personal information it collects is accurate, up to date and complete. It must also take reasonable steps to ensure the personal information it uses or discloses is accurate, up to date, complete and relevant, having regard to the purpose of the use or disclosure.

11. SECURITY OF PERSONAL INFORMATION

An organisation must take reasonable

steps to protect personal information it holds from misuse, interference and loss, and from unauthorised access, modification or disclosure. An organisation has obligations to destroy or de-identify personal information in certain circumstances.

12. ACCESS TO PERSONAL INFORMATION

Outlines an organisation's obligations when an individual requests to be given access to personal information held about them by the organisation.

This includes a requirement to provide access unless a specific exception applies.

13. CORRECTION OF PERSONAL INFORMATION

Outlines an organisation's obligations in relation to correcting the personal information it holds about individuals.

All Landcare organisations must develop a privacy policy to ensure compliance with the 13 Australian Privacy Principles – see Privacy Policy Template 009.

Further information is available from the Office of the Australian Information Commissioner website [here](#)

DISCLAIMER: The information contained in this publication is based on knowledge and understanding at the time of publication. However, because of advances in knowledge, users are reminded of the need to ensure that information upon which they rely is up to date and to check currency of the information with the user's independent advisor.



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