



LEGISLATIVE ASSEMBLY
FOR THE AUSTRALIAN CAPITAL TERRITORY

OFFICE OF THE LEGISLATIVE ASSEMBLY



OFFICE OF THE LEGISLATIVE ASSEMBLY

PRIVACY POLICY
2015

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ABOUT THIS POLICY

- 1.1 This Privacy Policy sets out how the Office of the Legislative Assembly (the Office) manages personal information in carrying out its functions and activities.
- 1.2 The Office's specific obligations when collecting and handling personal information are set out in the *Information Privacy Act 2014*, particularly in the Territory Privacy Principles found in that Act. This policy is made in accordance with Territory Privacy Principle 1.3. You can access the [Information Privacy Act](#) here.
- 1.3 This policy does not apply to the Office's functions relating to proceedings of the *Legislative Assembly* (including proceedings of Assembly committees). Those functions are exempt from the Information Privacy Act. Similarly, personal information collected and held by Members of the Legislative Assembly within their offices is not subject to this policy as MLAs are not part of the Office. The personal information we collect, hold, use and disclose generally relates only to those people who work in or visit the Assembly or otherwise choose to engage with us.
- 1.4 Other legislation applies to some personal information we hold. That legislation includes:
- Health records are protected and managed under the [Health Records \(Privacy and Access\) Act 1997](#);
 - The [Workplace Privacy Act 2011](#) deals with workplace surveillance issues;
 - The [Territory Records Act 2002](#) governs the making, management and preservation of Territory records; and
 - The [Freedom of Information Act 1989](#) allows for access to and correction of personal information.
- 1.5 We will update this Privacy Policy when our information handling practices change. This policy and any changes will be published on our website at <http://www.parliament.act.gov.au/>.

2. PURPOSE

- 2.1 The Office collects, holds, uses and discloses personal information to carry out its functions and activities under the [Legislative Assembly \(Office of the Legislative Assembly\) Act 2012](#), the [Public Sector Management Act 1994](#), the *Territory Records Act 2002* and other laws relating to the Legislative Assembly's administration, including the [Legislative Assembly Precincts Act 2001](#).

2.2 The Office's function is to provide impartial advice and support to the Legislative Assembly and committees and members of the Assembly. Our functions in relation to parliamentary proceedings include:

- providing advice on parliamentary practice and procedure and the functions of the Assembly and committees;
- reporting proceedings of the Assembly and meetings of committees; and
- maintaining an official record of proceedings of the Assembly.

2.3 Our other functions include:

- providing library and information facilities and services for Members of the Legislative Assembly;
- providing staff to enable the Assembly and committees to operate efficiently;
- providing business support functions, including administering the entitlements of members who are not part of the Executive;
- maintaining the Assembly precincts; and
- providing public education about the functions of the Assembly and committees.

2.4 These functions may involve communication with the public, stakeholders and the media through our website, social media and by other means.

3. COLLECTION OF YOUR PERSONAL INFORMATION

3.1 At all times, the Office tries to collect only personal information that is reasonably necessary for, or directly related to, one or more of our functions or activities.

3.2 We will not collect personal information about you if we do not need it.

HOW WE COLLECT PERSONAL INFORMATION

3.3 The main way we collect personal information about you is when you give it to us. Your personal information may be collected in a variety of ways, including through paper or online forms, in letters from you and via email, telephone or fax. We collect personal information when:

- you participate in forums or education activities and you consent to our collection of your personal information;
- you contact us to ask for information (but only if we need to, such as when you ask for access to information that we hold about you);
- you seek or gain employment with us; or
- you make a complaint about our policies or services, including the way we handled a freedom of information (FOI) request, or you seek a review of an FOI decision.

3.4 Sometimes we may collect personal information without seeking your consent, such as when it is unreasonable or impractical to collect the information from you, or when we are authorised by law. In such cases we may obtain information collected by other government bodies, other organisations or individuals. We may also collect information that is publicly available.

ANONYMITY

- 3.5 Wherever possible when dealing with us (for example, when making a general enquiry by telephone) you will have the option of remaining anonymous or using a pseudonym (a made up name).
- 3.6 However, in many situations we will need your name, contact details and enough information about the matter in order to help you (for example, if you are asking about your personnel records). If in doubt, please discuss the issue with the person you are dealing with. We will explain why we need your identifying information and what it will mean for you if the information is not collected.

TYPES OF INFORMATION WE COLLECT AND HOLD

- 3.7 At all times, we aim to collect the minimum amount of personal information that we need for the particular function or activity we are carrying out. This will vary depending on what we require and may include:

- your name, address and contact details (e.g. telephone, email);
- information about your identity (e.g. date of birth, gender);
- information about your personal circumstances (e.g. your occupation, emergency contact);
- information about your financial affairs (e.g. if you are a contractor, employee or Member, your bank account details, tax file number, payment details); and/or
- information related to your employment or application for employment (e.g. your work history, previous remuneration, referee comments).

- 3.8 Some types of personal information that are more sensitive have additional protection under the Information Privacy Act. Sensitive information is information about someone's:

- racial or ethnic origin
- philosophical beliefs
- political opinions
- religious beliefs or affiliations
- membership of a political association
- membership of a professional or trade association
- membership of a trade union
- sexual orientation or practices
- criminal record
- genetic information
- biometric information

- 3.9 We do not generally collect or hold these types of sensitive information, However, there are some exceptions, including the following:

- We collect and hold information about any criminal records of our staff as a standard ACT Public Service requirement. We also collect and hold information about racial or ethnic origin from those staff members who choose to provide it for statistical purposes.
- We collect and hold sensitive information disclosed by staff in relation to a conflict of interest.
- We take and hold photographs of our staff and other people who hold security passes that allow them access to the Assembly building. We do not hold photographs of temporary visitors to the Assembly building (although their image may be collected by surveillance cameras within the building, as regulated by the *Workplace Privacy Act 2011*).

NOTICE OF COLLECTION

- 3.10 When we need to collect personal information from you, we will take reasonable steps to notify you about:
- who we are and how you can contact us;
 - the circumstances in which we may collect or have collected personal information;
 - the laws that requires us to collect this information (if any);
 - how you may be affected if we cannot collect the information we need;
 - the details of any entities we normally share personal information with;
 - the existence of this Privacy Policy explaining how we handle your information, how you can access or request changes to your personal information, and how we deal with complaints about our information handling; and
 - how you can access our Privacy Policy.

COLLECTING THROUGH OUR WEBSITE

- 3.11 When you browse our website, our system may make a record of your visit and logs the following information for statistical purposes and the effective management of the website:
- your server address;
 - top level domain name (e.g. .com, .net, .gov, .au etc);
 - the type of browser and operating system you used;
 - date and time of your visit;
 - the previous site visited;
 - which pages are accessed;
 - the time spent on individual pages and on the site overall;
 - which files were downloaded.
- 3.12 No attempt will be made to identify individual users or their browsing activities except, in the unlikely event of an investigation, where a law enforcement agency (such as the Australian Federal Police) exercises a warrant to inspect our web server's log files.
- 3.13 We use [Google Analytics](#), a web analytics service provided by Google Inc. Google Analytics uses cookies and JavaScript code to enable analysis on usage of websites and online facilities.

SOCIAL NETWORKING SERVICES

- 3.14 If you communicate with us using social networking services like Twitter, your information may also be collected by those services in accordance with their own privacy policies. We have no control over the ways in which your information might be used or disclosed by those services.

EMAIL LISTS

- 3.15 If you subscribe to an email list (such as 'Matters of public importance - your Assembly @ work'), your details will be collected for the purposes of that subscription list. If you no longer wish to

subscribe, you need to ask to be unsubscribed (this can be done by replying to the email containing that publication).

4. USE AND DISCLOSURE OF PERSONAL INFORMATION

4.1 If we hold personal information that we collected for a particular purpose, we will not use or disclose that information for another purpose unless:

- you consent,
- you would reasonably expect us to, or
- the law authorises us.

4.2 Situations where the law allows us to use or disclose personal information include where there is a court or tribunal order, there is a serious threat to health or safety, it is reasonably necessary to locate a missing person, or we have reason to suspect unlawful activity or serious misconduct and need to take appropriate action. We may also use or disclose the information if we reasonably believe that the use or disclosure is reasonably necessary for law enforcement activities (for example, we may disclose information to the Australian Federal Police or a state police service, a body conducting criminal investigations or the Director of Public Prosecutions).

4.3 We will only disclose sensitive information for the purpose for which you gave it to us, or for directly related purposes that you would reasonably expect, or if you agree.

4.4 Common situations in which we will disclose information are detailed below.

REFERRING INFORMATION TO AN ACT GOVERNMENT DIRECTORATE OR AGENCY

4.5 We will share information with other ACT agencies in situations where you would reasonably expect us to.

4.6 For example, if you write to us with an inquiry or request and we are not able to help you, we would disclose your name, contact details and the nature of your inquiry or request to the ACT agency that is best placed to assist you.

4.7 If you make a complaint to the ACT Ombudsman about one of our policies or actions, we may give the Ombudsman personal information such as your contact details, whether you have used a review mechanism, and how you have been affected by our actions, to enable the Ombudsman to understand and investigate your complaint.

DISCLOSURE UNDER THE FREEDOM OF INFORMATION ACT 1989

4.8 Personal information may be included in documents that someone requests under the *Freedom of Information Act 1989*. Personal information about anyone (including a deceased person) is exempt from release under that Act if disclosure would be unreasonable. For more details see our [Freedom of Information – Factsheet and Procedures](#).

SHARING INFORMATION WITH SERVICE PROVIDERS

- 4.9 We contract with service providers to support some of our activities and functions. In some circumstances it may be necessary for us to share personal information with these service providers to enable them to perform their functions efficiently and effectively.
- 4.10 Where the Office engages a service provider and personal information is provided to them as part of the service being provided, the Office will effect appropriate contractual measures to ensure that the contracted service provider, and any subcontractor for the contract, does not do an act, or engage in a practice that breaches a TPP, or a TPP code that binds the Office.

DISCLOSURE OF PERSONAL INFORMATION OVERSEAS

- 4.11 In some circumstances, we may need to share or store information with overseas recipients.
- 4.12 Web traffic information is disclosed to Google Analytics when you visit our website, as noted above. Google stores information across multiple countries.

5. QUALITY OF PERSONAL INFORMATION

- 5.1 The Office will take reasonable steps to ensure that the personal information we collect is accurate, up to date and complete.

6. STORAGE AND SECURITY OF PERSONAL INFORMATION

- 6.1 We take reasonable steps to protect your personal information by:
- assessing and treating risks associated with the misuse, interference, loss, and unauthorised access, modification or disclosure of the information (for example, our electronic records and information management system allows us to track when someone has added, changed or deleted personal information held on the system);
 - requiring staff to comply with the Office's information technology security policies;
 - implementing restricted access controls to ensure that only authorised staff are able to gain access to personal information;
 - securely storing paper based files; and
 - controlling access to the Assembly premises.
- 6.2 The *Territory Records Act 2002* establishes frameworks for the management of personal information held within our files and data systems. Personal information that is no longer required is destroyed in accordance with that Act and the Office's Records and Information Management Policy and Procedures, using an approved disposal schedule.

7. ACCESSING YOUR PERSONAL INFORMATION

- 7.1 You have the right to ask for access to personal information that the Office holds about you (under Territory Privacy Principle 12).

- 7.2 If you ask for access to your personal information, we will ask you to verify your identity. We may refuse you access to a document if access could be refused under the *Freedom of Information Act 1989* or another law.
- 7.3 We will give you access in the way you request, as long as that is reasonable and practical. If it is not, we will take reasonable steps to give access in a way that meets both our needs and your needs.
- 7.4 We will respond to your request in writing within 30 days. If we refuse your request for access, we will tell you why we are not giving you access to that information.
- 7.5 We will not charge you any fees for making a request or giving you access.
- 7.6 You also have the right under the *Freedom of Information Act 1989* to request access to documents that we might hold. Further information on our freedom of information arrangements, including how you can apply for access, can be found in the [Office's FOI factsheet](#) on the Assembly website.

8. CORRECTING YOUR PERSONAL INFORMATION

- 8.1 You may ask us to correct any of your personal information if you believe it is incomplete, incorrect, out of date or misleading (Territory Privacy Principle 13).
- 8.2 If you ask, we must take reasonable steps to correct the information if we are satisfied that it is incorrect, unless doing so is impracticable or unlawful.
- 8.3 If we make a correction and we have previously shared the incorrect information with another agency, you may ask us to tell the other agency about the correction.
- 8.4 If we refuse to correct the information, we must give you written notice within 30 days of why we have refused and how you can complain about our decision.
- 8.5 If we refuse to correct your personal information, you can ask us to attach or link a statement that you believe the information is incorrect.
- 8.6 We will not charge you any fees for making the request for correction, correcting the information or attaching a statement to the personal information.
- 8.7 You also have a right under the *Freedom of Information Act 1989* to ask for your personal information to be amended. For further information on your rights under that Act, see the [Office's FOI factsheet](#).

9. HOW TO MAKE A COMPLAINT

- 9.1 Complaints about how we handled your personal information should be made in writing to us at the contact details listed below. If you need help lodging your complaint, please contact us.
- 9.2 We will consider your complaint to work out what action we should take to resolve your issue satisfactorily. We will acknowledge receipt of your complaint within five working days and will aim to respond within 30 days.

- 9.3 If you are not satisfied with our response, you may ask for a review by a more senior officer in the Office, or you can make a formal complaint to the Information Privacy Commissioner.
- 9.4 The Information Privacy Commissioner is an independent body that can make a determination that there has been an interference with your privacy. Privacy complaints against ACT public sector agencies are currently being handled by the Office of the Australian Information Commissioner on behalf of the Territory. You can contact the Office of the Australian Information Commissioner on 1300 363 992 or via its website at www.oaic.gov.au. If the Commissioner upholds your complaint, you may be able to seek a remedy in the Magistrates Court.

HOW TO CONTACT US

- 9.5 You can contact us by:

Email: ola@parliament.act.gov.au (include the words 'privacy query' in the subject line)
Telephone: (02) 6205 0439
Fax: (02) 6205 3109
Post: GPO Box 1020
Canberra ACT 2601

10. COMPLIANCE WITH THIS POLICY

- 10.1 Compliance with this policy will be included in the range of activities that may be subject to internal or external audit.

11. REVIEW

- 11.1 This policy will be reviewed on an ongoing basis, at least every three years.