



**Legislative Assembly** for the  
**Australian Capital Territory**

# **Office of the Legislative Assembly—Privacy policy**

Date of Approval: 2023

## Version information

Owner	Date and source of approval	Version	Description / Changes	Date for next review
Business Support	2015 Clerk	V1.0	First instance of the policy.	-
	February, 2023 Clerk	V1.1	Inclusion of references to the Office's visitor management platform, e-petitions, HR and personnel information.	2025

# Contents

Version information	2
<b>Contents</b>	<b>3</b>
<b>1. Background</b>	<b>5</b>
<b>2. Purpose</b>	<b>5</b>
<b>3. Collection of your personal information</b>	<b>6</b>
How we collect personal information	6
Anonymity	7
Types of information we collect and hold	7
Notice of collection	8
Collecting through our visitor management platform	8
Collecting through our website	9
e-Petitions	9
Committee submissions	10
Social networking services	11
Email lists	11
HR, entitlements, and personnel records—Staff and contractors	11
Recruitment information (Office staff only)	12
Performance and Development Scheme (Office staff only)	12
Other	12
Contents of personnel records	12
How we collect personal information	13
Access to personnel records	13
Disclosure	14
HR and Entitlements information—non-executive MLAs	14
Access to records	14
HR and Entitlements information—General	14
Storage	14
Disclosure of personal information overseas	15
Accessing HR and Entitlements making a complaint	15
Members' declarations of private interests	15
<b>4. Use and disclosure of personal information</b>	<b>15</b>
Referring information to an ACT Government directorate or agency	16
Disclosure under the <i>Freedom of Information Act 1989</i>	16
Sharing information with service providers	16

Disclosure of personal information overseas	16
<b>5. Quality of personal information</b>	<b>16</b>
<b>6. Storage and security of personal information</b>	<b>17</b>
<b>7. Accessing your personal information</b>	<b>17</b>
<b>8. Correcting your personal information</b>	<b>17</b>
<b>9. How to make a complaint</b>	<b>18</b>
<b>10. How to contact us</b>	<b>18</b>
<b>11. Compliance with this policy</b>	<b>19</b>
<b>12. Review</b>	<b>19</b>

# 1. Background

- 1.1 This 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](#) (the Act), particularly in the Territory Privacy Principles found in that Act. This policy is made in accordance with Territory Privacy Principle 1.3.
- 1.3 The 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 (see section 25(c) of the Act).
- 1.4 Similarly, personal information collected and held by Members of the Legislative Assembly (MLAs) 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.
- 1.5 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.
- 1.6 We will update this 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

- 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
- Providing public education about the functions of the Assembly and committees.

2.4 These functions may involve communication and engagement with the public, stakeholders and the media through our website, social media and by other means. The Office also manages a number of security functions associated with the Assembly precincts.

### 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.

3.4 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
- You are employed by us or a non-executive MLA
- 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.

3.5 Sometimes we may collect personal information without seeking your consent, such as when it is unreasonable or impractical to gain your consent, 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

- 3.6 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).
- 3.7 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).
- 3.8 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

- 3.9 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)
  - Information related to your employment or application for employment (e.g. your work history, previous remuneration, referee comments).
- 3.10 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
  - Membership of a trade union
  - Sexual orientation or practices
  - Political opinions
  - Criminal record
  - Religious beliefs or affiliations
  - Membership of a political association
  - Membership of a professional or trade association
  - Genetic information
  - Biometric information.
- 3.11 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 sector 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

3.12 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 require 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
- How you can access our Privacy Policy.

## Collecting through our visitor management platform

3.13 All visitors (i.e. those persons who do not have an access pass to the Assembly precincts) to the Assembly's secure areas are required to be processed through the Assembly's visitor management system.

3.14 In order to be permitted to enter the precincts, visitors must provide:

- Their name
- The person that they are visiting (in most cases, the person that a visitor is visiting will be required to 'sign' the visitor into the precincts)
- Their contact telephone number.

3.15 This information may be used to effectively administer the Assembly's security function.



## Collecting through our website

3.16 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.

3.17 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.

## e-Petitions

3.18 If you initiate or participate in an e-Petition on the Assembly's website, you may make the following information available:

- First name and last name
- Address
- Email address
- Phone number

3.19 The e-petitions site does not store personal information in cookies but will make a record of your visit and records the following information for statistical purposes only:

- Your server address
- Top level domain name (eg. .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

3.20 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 (e.g. Australian Federal Police) exercises a warrant to inspect our web server's log files.

- 3.21 Any personal information you chose to provide will only be used for the purpose for which it was provided.
- 3.22 The e-Petitions process in the Legislative Assembly is governed by the standing orders which have been approved by the Assembly. In the case of all petitioners, their name, address (including postcode) and email address is required. This information is required as a means of verifying the person and their eligibility to join the e-Petition (a person is only eligible to petition to the Legislative Assembly if they are a resident/citizen of the ACT).
- 3.23 The standing orders require the name, address (including postcode) and email address of all petitioners. However, the Principal Petitioner's details will be published on the e-Petition. **The personal details of persons who join an e-Petition will not be viewable in any form on the website.** A petition may be presented in the Assembly in accordance with standing orders, referred to a committee and/or to a minister.<sup>1</sup>
- 3.24 A petitioner's name, address and email address will not be added to a mailing list by the Legislative Assembly. Access to the electronic information is restricted to certain officers of the Legislative Assembly such as the Clerk and staff involved in supporting proceedings of the Assembly. However, the information from paper petitions (including tabled e-Petitions) can be viewed by others with the Speaker's permission. The personal information within paper petitions includes the name and address of the persons who have joined e-Petitions.
- 3.25 The Clerk is required to dispose of all electronic personal data related to the posting and joining of an e-petition within six months after an electronic petition is printed and presented to the Assembly.<sup>2</sup>

## Committee submissions

- 3.26 If you are making a submission to an Assembly committee (whether via email, in hard copy or via the website), you may include a range of information that falls within the meaning of personal information, including but not limited to:
- Your name and contact details
  - Details of your personal circumstances in a range of contexts
  - Expression of political philosophical beliefs or opinions.
- 3.27 Committee staff redact submitters contact details such as address, telephone number and email address.
- 3.28 Submissions to Assembly committees are governed by the Assembly standing orders and may be published on a resolution of the relevant committee,<sup>3</sup> including on the Assembly website.
- 3.29 Where you wish for a submission to a committee to remain confidential, it is important to make this request in the submission itself or the cover letter to the submission. It is up to the relevant committee as to whether a submission will be considered confidential. Where

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<sup>1</sup> See Chapter 8 of the Standing Orders

<sup>2</sup> See standing order 100B(d)

<sup>3</sup> See standing order 241(a)

a confidential submission is disclosed without authorisation, it may amount to a contempt of the Assembly.

## Social networking services

- 3.30 If you communicate with us using social networking services like Twitter or Facebook, 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

- 3.31 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).

## HR, entitlements, and personnel records—Staff and contractors

- 3.32 The Office, through the HR and Entitlements area of the Office's Business Support Branch, maintains records to undertake HR, payroll and entitlements functions in relation to:
- Staff and contractors of the Office
  - Staff and contractors employed/engaged by non-executive Members under the *Legislative Assembly (Members' Staff) Act 1989* (the Office does not create or maintain information about staff employed by ministers).
- 3.33 The purpose of these records is to maintain employment history and payroll and administrative information relating to all permanent and temporary staff members and contractors. This enables the Office to meet its obligations in relation to the employment of staff and to assist non-executive MLAs in meeting their obligations.
- 3.34 The Office also keeps recruitment information and performance and development information for staff employed by the Office (i.e. not MLA or their staff/contractors).
- 3.35 Types of information that may be held by the Office are as follows:
- Certified copies of academic qualifications
  - Completed questionnaires and personnel survey forms
  - Contracts and conditions of employment
  - Declarations of pecuniary interests supplied for the purpose of managing perceived or actual conflicts of interest
  - Employment history
  - Leave applications and approvals
  - Medical and dental records supplied by a staff member or health practitioner
  - Payroll and pay related records, including banking details
  - Pre-employment vetting records and relevant security clearances
  - Probation reports
  - Proof of Australian citizenship

- Records relating to attendance and overtime
- Records relating to personal development and training
- Records relating to personal welfare matters
- Records relating to removals
- Self-disclosed information on diversity and cultural background
- Taxation details
- Travel documentation

### Recruitment information (Office staff only)

3.36 Information relating to recruitment undertaken on behalf of the Office may include any one or more of the following:

- Expressions of interest in employment
- Job applications
- Selection committee reports, including referees' comments
- Temporary employment proposals
- Records relating to character checks and security clearances

### Performance and Development Scheme (Office staff only)

3.37 The Office maintains documentation relating to its staff performance and development scheme.

### Other

Other records that may be created and maintained include:

- Records of accidents and injuries, compensation case files and rehabilitation case files
- Records relating to counselling and discipline matters, including investigation and action files
- Records relating to legal proceedings
- Records of criminal convictions, and any other staff and establishment records as appropriate
- Complaints and grievances
- Recommendations for honours and awards

### Contents of personnel records

3.38 Personal information on personnel records relates to current and former staff for permanent and temporary staff. Contents of personnel records may include:

- Name
- Address
- Date of birth
- Occupation
- Employee/payroll numbers and related identifiers
- Gender
- Qualifications
- Diversity/cultural information

- Next of kin
- Bank account details
- Details of pay and allowances
- Leave details
- Work reports
- Security clearance details
- Employment history.

3.39 Sensitive personal information has additional protection under the *Information Privacy Act 2014*. Sensitive information in personnel records could include:

- |   |                                   |
|---|-----------------------------------|
| • Racial or ethnic origin                           | • Membership of a trade union     |
| • Philosophical beliefs                             | • Sexual orientation or practices |
| • Political opinions                                | • Criminal record                 |
| • Religious beliefs or affiliations                 | • Genetic information             |
| • Membership of a political association             | • Biometric information           |
| • Membership of a professional or trade association |                                   |

3.40 The Office will only collect sensitive information if it is relevant to a particular matter or if the law requires us to do so (for example, if a staff member supplies sensitive information in relation to a declaration of conflict of interest).

## How we collect personal information

3.41 The Office generally collects personal information directly from employees and applicants but may also collect personal information from an employee's or potential employee's supervisors, other employees or intermediaries such as recruitment agents and personnel providers.

3.42 We may also collect personal information about employees and applicants from third parties, for example previous employers, when it is relevant to a selection process.

3.43 In rare cases the Office may collect sensitive information without an individual's consent, such as where it is necessary to investigate suspected unlawful activity or misconduct of a serious nature.

## Access to personnel records

3.44 Depending on the type of personal information, the following Office staff may have access to personnel records:

- The Clerk
- Executive Manager, Business Support
- Office's HR and Entitlements staff
- Members of selection committees (for Office staff)
- The person to whom a record relates.

## Disclosure

Information held in personnel records may be disclosed as required by law, to:

- ACT Auditor-General's Office
- Comcare (or relevant workers compensation fund provider)
- Government Medical Officers
- Superannuation Funds
- Australian Taxation Office
- Receiving agency following a transfer
- Chief Minister, Treasury and Economic Development Directorate

## HR and Entitlements information—non-executive MLAs

3.45 The purpose of these records is to maintain payroll and administrative information relating to non-executive Members and their entitlements. These records may include all, or any, of the following:

- Name, address, date of birth, gender, details of pay and allowances
- Payroll and pay related records, including banking details
- Tax file number declaration forms
- Travel documentation.

## Access to records

3.46 The following staff may have access to records:

- The Clerk
- Executive Manager, Business Support
- HR and Entitlements staff of the Office
- The Member to whom the record relates.

3.47 Members can obtain access to their personal information by contacting any of these staff.

## HR and Entitlements information—General

### Storage

3.48 The Office maintains and updates personal information in its human resources files as necessary, or when it is advised that an individual's personal information has changed.

3.49 Records that relate to all current and former employees are stored securely on paper and electronic media. Not all personal information is kept in a common storage facility. Separate security arrangements often apply, depending on the sensitivity of the information.

3.50 The Office takes steps to protect the security and confidentiality of personal information it holds. For the Office's electronic systems these measures include:

- Password protection

- Logical access controls
- The generation of audit trails.

3.51 Personal information stored in paper form is protected by physical access controls such as lockable cabinets and secure offices.

### Disclosure of personal information overseas

3.52 The Office utilises network, storage and ICT services provided by the whole-of-Territory provider—Digital, Data, and Technology Solutions (DDTS). This includes the use of secure cloud storage technologies that have been assessed by DDTS for security and data integrity. As a result, some data that is created or maintained by the Office may be stored on computer servers overseas.

### Accessing HR and Entitlements making a complaint

3.53 A staff member or former staff member can access, and ask that we correct, the personal information we hold about in the Office's human resources files or make a complaint about how the Office has handled their personal information, in accordance with the processes set out in section 9 of this document.

### Members' declarations of private interests

3.54 As required under the Assembly continuing resolution 6, information relating to members' declarations of private interests (and any alterations) are provided by MLAs to the Clerk and published on the Assembly website by the Clerk. Any declaration stored by the Clerk is available for perusal to any person upon request.

3.55 The Clerk is required to retain declarations for a period of seven years after which the Clerk shall destroy them and remove from the Assembly website.

## 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 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.

4.3 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). However, where parliamentary privilege is potentially enlivened due to the circumstances surrounding a request for information, the Clerk will consider the matter.

4.4 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.

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

### **Referring information to an ACT Government directorate or agency**

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

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

4.8 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***

4.9 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](#) at [www.parliament.act.gov.au](http://www.parliament.act.gov.au).

### **Sharing information with service providers**

4.10 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.

4.11 In such situations, we protect personal information by only entering into contracts with private companies that agree to comply with the Territory requirements for the protection of personal information.

### **Disclosure of personal information overseas**

4.12 In some circumstances, we may need to share or store information with overseas recipients such as external cloud service providers. We will take reasonable steps before disclosing any personal information to an overseas recipient to ensure that they will treat the personal information with the standard of care defined in the *Information Privacy Act 2014*.

## **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 are required by law to take reasonable steps to ensure that the personal information we hold is safe and secure. We do this 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 who have a need to know are able to gain access to personal information
- Securely storing paper-based files
- 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. 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.

7.4 We will not charge you any fees for making a request or giving you access.

7.5 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. 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. 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. 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.
- 8.3 We will not charge you any fees for making the request for correction, correcting the information or attaching a statement to the personal information. 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 on the Assembly website](#).

## 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](http://www.oaic.gov.au). If the Commissioner upholds your complaint, you may be able to seek a remedy in the Magistrates Court.

## 10. How to contact us

You can contact us by:

**Email:** [ola@parliament.act.gov.au](mailto:ola@parliament.act.gov.au) (include the words 'privacy query' in the subject

Telephone: line  
(02) 6205 0439  
Fax: (02) 6205 3109  
Post: GPO Box 1020  
Canberra ACT 2601

## **11. Compliance with this policy**

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

## **12. Review**

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