



Privacy and your Personal Information

Protecting your privacy

Information about you held by the Office of State Revenue (OSR) is protected under the *Privacy and Personal Information Protection Act 1998* and the *Health Records and Information Privacy Act 2002*.

In the course of administering NSW revenue laws, OSR collects personal information from you and from other agencies.

There are state and federal laws to protect the privacy of your personal information and keep the information collected confidential.

There are also circumstances where the law authorises disclosure of your information for specific purposes to certain people or organisations.

OSR is bound by these laws and has procedures in place to ensure your privacy is always protected and your personal information is kept confidential.

Privacy and Personal Information Protection Act

The *Privacy and Personal Information Protection Act 1998* applies to information collected and handled by NSW public sector agencies.

It contains provisions to safeguard your personal information. At the same time, it recognises a balance must be achieved between the protection of privacy and other public interests, such as the efficient functioning of government.

What is considered personal information?

Personal information is any information or opinion about a person whose identity is apparent or can reasonably be ascertained from the information or opinion. It includes paper files, electronic records, video recordings and photographs.

Health Records and Information Privacy Act 2002

The Health Records and Information Privacy Act 2002 applies to medical records and information about health collected and handled by NSW public sector agencies. It contains provisions to safeguard your medical and health information. At the same time, it recognises a balance must be achieved between the protection of privacy and other public interests such as the efficient functioning of government and public health and safety.

What is considered medical and health information

Information or opinion about a person whose identity and medical condition is apparent or can reasonably be ascertained from the information or opinion. Medical and health information includes information about a person's mental health and may be in the form of doctors' certificates, caseworkers' comments, paper files, electronic records, video-recordings and photographs.

Section 21 of the *Health Records and Information Privacy Act 2002* applies the provisions of Part 5 *Privacy and Personal Information Act 1998* (the privacy protection principles) to health privacy principles.

Information protection principles

Information protection principles operate to protect your privacy and govern how OSR can deal with your personal information. They set out OSR's obligations in relation to:

- the collection of personal information
- the use of personal information
- the retention and security of personal information
- confidentiality of your personal information
- obtaining and using information from third parties
- disclosure of personal information.

The *Privacy and Personal Information Protection Act 1998* requires OSR to comply with these principles (or any relevant code of practice) and to provide you with the right to an internal review if you believe your privacy has been breached.

Collection of personal information

OSR will only collect personal information that is reasonably necessary for performing OSR's functions. OSR uses its powers under the law to obtain information. We may collect the information from you or from other agencies.

Where we collect the information from you, we will tell you under which act the information is being collected, for example the *Taxation Administration Act 1996* or the *Fines Act*, and for what purposes it will be used, for example to determine a tax liability or assess whether an infringement is valid. OSR will advise you if the provision of the information is voluntary or if it is lawfully required. You will be informed of any penalties or other possible consequences for not complying with such requests.

Use of personal information

OSR will use your personal information for the purposes for which it was collected or for other directly related purposes. OSR may also use the information for the assessment of other NSW revenue liabilities.

OSR will endeavour to make sure your personal information is accurate, correct and up-to-date for the purposes for which it is being used.

All notices sent to you allow for the confirmation and correction of your personal information. If you detect an error in our records, OSR will make the necessary corrections in a timely manner.

Retention and security of personal information

OSR has a series of security safeguards in place against the loss, unauthorised access, use and disclosure of your personal information.

These safeguards include making sure your personal information is not kept longer than necessary and that it is stored and disposed of in a secure manner under government requirements.

OSR has an internal code of conduct and information security policy that prohibits employees and other staff members looking at, recording or disclosing information about you except in the performance of their duties.

OSR may contract external service providers such as solicitors or mailing houses to provide advice or services. In such cases, the service provider

and its employees are bound by secrecy provisions of the revenue laws, and contractual obligations imposed by OSR, when dealing with your personal information.

Confidentiality of your personal information

In addition to the protection offered by the *Privacy and Personal Information Protection Act 1998* and the *Health Records and Information Privacy Act 2002*, other laws administered by OSR contain secrecy provisions which make it an offence for an OSR employee to make an unauthorised disclosure of information obtained in the administration of those laws. This applies to both current and former employees and contractors.

Obtaining and using information from third parties

As well as obtaining information from you, OSR is authorised to obtain information about you from other parties. For example, other government agencies such as the Land Titles Office can supply information under the provisions of the *Taxation Administration Act 1996*, or your driving history may be obtained from the RTA to assess whether the infringement or fine should stand.

Disclosure of your personal information

OSR will not disclose your information to any person, agency or organisation unless the disclosure is directly authorised by law.

The Taxation Administration Act 1996 prohibits disclosure of information except to certain authorised persons and agencies including state and federal revenue authorities.

The Fines Act 1996 permits disclosure to certain organisations, such as the Roads and Traffic Authority, Sheriff's Office, Department of Corrective Services, Workcover, banks or employers.

What to do if you have a privacy complaint

You can apply for a review of conduct by OSR if you believe your privacy has been, or might be, breached by OSR. This process is called an internal review. It is conducted under the guidelines set out in Part 5 of the *Privacy and Personal Information Protection Act 1998*.

Internal review

An internal review is a process where OSR handles complaints about how it has dealt with personal information. You can apply to OSR for a review of conduct if you believe it has breached an information protection principle or a code of practice which applies to OSR.

Applications for an internal review received by OSR which are not in relation to breaches of the *Privacy and Personal Information Protection Act 1998* and the *Health Records and Information Privacy Act 2002* will be handled under OSR's usual complaint-handling procedures.

Applications for an internal review must be lodged with OSR within six months of you becoming aware of the alleged breach.

OSR must make a determination on internal review applications within 60 days of receiving the application. OSR will advise you of the determination, your appeal rights and any subsequent action to be taken within 14 days of the determination being made.

MORE INFORMATION



www.osr.nsw.gov.au



(02) 9689 6270



GPO Box 4042
Sydney NSW 2001

DX 456 Sydney

**Office of State Revenue: A division of
the Department of Finance & Services**

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What complaints are handled?

You have a right to apply for an internal review if you believe conduct by OSR has:

- breached one or more of the information protection principles outlined in the *Privacy and Personal Information Protection Act 1998*,
- breached a privacy code of practice that applies to OSR, made under the Act, or
- disclosed personal information kept in a public register.

What you need to do when applying for a review

Your application to OSR should be in writing and contain a return address in Australia.

Your application should be lodged within six months of you becoming aware of the occurrence of the alleged conduct.

The best way to apply is by completing an application form entitled Application for Review of Conduct of Office of State Revenue under Section 53 of the *Privacy and Personal Information Protection Act 1998*.

Copies of this form are available from OSR's Right to Information and Privacy Coordinator or at www.osr.nsw.gov.au

What happens to your application?

Receipt of your application will be acknowledged and an assessment will be made by the OSR Privacy Coordinator to determine if the alleged conduct can be reviewed under the *Privacy and Personal Information Protection Act 1998*.

If the conduct can be reviewed, a copy of your application will be sent to the NSW Privacy Commissioner who has the right to comment.

An investigation of the alleged conduct will then be undertaken within OSR. You may be contacted to provide clarification or more information.

Once the investigation has been completed, we will inform you in writing within 14 days of the result, including:

- whether or not it has been found that OSR's conduct has breached an information protection principle, a code of practice, or the disclosure provisions of the Act relating to public registers
- why that decision was reached
- any action OSR intends to take
- why those actions will be undertaken.

What if you are dissatisfied with the outcome?

You have the right to appeal to the Administrative Decisions Tribunal if you are not satisfied with the outcome of an internal review.

Your right to appeal can also be exercised if the review is not completed within 60 days from the day on which your application was received.

OSR has 14 days after the completion of the review in which to notify you of its findings, the proposed action and your rights of review by the Tribunal.

Requests for access to personal information

If you wish to request access to your personal information, require more information on privacy, or would like to discuss any issue relating to an application, please contact the RIO and Privacy Coordinator.