



Privacy

Table of Contents

Introduction 1

- Background 1
- Application of the *Privacy Act 1988* 2
- Help with compliance 4

Summary of NPP Obligations 7

National Privacy Principles 8

Key Concepts 21

Guidelines to the National Privacy Principles

NPP 1 and NPP 10 – Collection

- NPP 1.1 Collection must be necessary
- NPP 1.2 Collection must be fair and lawful
- NPP 1.3 Informing individuals when collecting directly
- NPP 1.4 Collecting directly from the individual
- NPP 1.5 Collecting from third parties
- NPP 10 Collecting sensitive information

NPP 2 – Use and disclosure

- NPP 2.1(a) Primary and related purposes
- NPP 2.1(b) Secondary use and disclosure with consent
- NPP 2.1(c) Direct marketing
- NPP 2.1(d) Research and statistics relevant to public health or safety
- NPP 2.1(e) Serious threats to life, health or safety
- NPP 2.1(f) Unlawful activity
- NPP 2.1(g) Required or authorised by law
- NPP 2.1(h) Enforcement bodies
- NPP 2.3 Primary purpose and related companies

NPP 2.4–2.6 Disclosing health information to a responsible person

NPP 3 – Data quality

NPP 3.1 Accurate, complete and up-to-date

NPP 4 – Data security

NPP 4.1 Protecting personal information

NPP 4.2 Destroying or de-identifying personal information

NPP 5 – Openness

NPP 5.1 A policy in a document

NPP 5.2 Giving more information about personal information management

NPP 6 – Access and correction

NPP 6.1 Access to personal information

NPP 6.2 Complete Corporate Services sensitive decision-making processes

NPP 6.3 Access through an intermediary

NPP 6.4 Charging for access

NPP 6.5 Correcting personal information

NPP 6.6 Disputed accuracy

NPP 6.7 Giving reasons for denying access

NPP 7 – Identifiers

NPP 7.1 Adoption of identifiers

NPP 7.2 Use and disclosure of identifiers

NPP 8 – Anonymity

NPP 8 Dealing with people anonymously

NPP 9 – Transborder data flows

NPP 9 Sending personal information overseas

1. Introduction

New privacy provisions in the *Privacy Act 1988* (Cth) (the Privacy Act) affecting private sector organisations came into effect on 21 December 2001.

Complete Corporate Services Pty Ltd are bound by a privacy code approved by the Federal Privacy Commissioner (Commissioner), and the National Privacy Principles (NPPs).

The NPPs aim to ensure that organizations such as Complete Corporate Services Pty Ltd that hold information about people handle that information responsibly. They also give people some control over the way information about them is handled.

The NPPs are drafted in a way that is technology neutral. The result is that the NPPs apply equally to conventional, electronic and digital environments.

- National Consistency

The new private sector provisions, including the NPPs, aim as far as possible to establish a nationally consistent approach to handling of personal information in the private sector that is to be applied across jurisdictions and across industries.

- The Information Economy

The importance of responsible information practices has been increasing over recent years. Complete Corporate Services Pty Ltd work in the information economy, and the technology that underpins it, has developed rapidly. This has made it cheaper and easier than ever before to collect, store, analyse, compare and share personal information.

Our investigative staff, and research shows that people are often uncertain about what will be done with information about them and this can make them reluctant to co operate in investigations.

2. Application of the Privacy Act to COMPLETE CORPORATE SERVICES

In compliance with the Act guidelines Complete Corporate Services Pty Ltd outline coverage of the Act as it applies to this organisation.

The new privacy provisions will apply to Complete Corporate Services Pty Ltd as:-

- it discloses personal information for a benefit service or advantage;
- it provides someone else with a benefit, service or advantage to collect personal information;

If any of these circumstances apply to a business with an annual turnover of \$3 million or less, it is covered by the new privacy legislation from 21 December 2002, unless it provides a health service in which case it must comply from 21 December 2001.

The Privacy Act exemptions from coverage do not apply to Complete Corporate Services Pty Ltd.

The NPPs apply to information Complete Corporate Services Pty Ltd has already collected on the date the private sector scheme commenced.

The Privacy Act already regulates credit providers and credit reporting agencies in the way they handle consumer credit information. In some instances, this will apply to Complete Corporate Services Pty Ltd.

- Result of an interference with privacy

If an individual thinks that Complete Corporate Services Pty Ltd has interfered with his or her privacy they can complain to the Commissioner. When the Commissioner receives a complaint the individual must in most cases be referred back to Complete Corporate Services Pty Ltd to give the organisation a chance to resolve the complaint directly (see section 40(1A)).

If the individual and the Complete Corporate Services Pty Ltd cannot resolve the complaint between themselves, the Office conciliates the complaint using letters and phone calls, or in some cases, face-to-face meetings.

In the majority of cases, the complaint is resolved this way.

As a last resort, the Commissioner can make a formal determination. If Complete Corporate Services Pty Ltd does not comply with the determination either the Commissioner or the complainant can seek to have it enforced by the Federal Court. The Commissioner may also investigate an act or practice that may be a breach of privacy even if there is no complaint (section 40(2)).

3. Summary of NPP obligations

- If it is lawful and practicable to do so, give people the option of interacting anonymously with you.

- Only collect personal information that is necessary for your functions or activities.
- Use fair and lawful ways to collect personal information.
- Collect personal information directly from an individual if it is reasonable and practicable to do so.
- Get consent to collect sensitive information unless specified exemptions apply.
- At the time you collect personal information or as soon as practicable afterwards, take reasonable steps to make an individual aware of:
 - why you are collecting information about them;
 - who else you might give it to; and other specified matters.
- Take reasonable steps to ensure the individual is aware of this information even if you have collected it from someone else.
- Only use or disclose personal information for the primary purpose of collection unless one of the exceptions in NPP 2.1 applies (for example, for a related secondary purpose within the individual's reasonable expectations, you have consent or there are specified law enforcement or public health and public safety circumstances). Note that:
 - If the information is sensitive the uses or disclosures allowed are more limited. A secondary purpose within reasonable expectations must be directly related and the direct marketing provisions of NPP 2.1(c) do not apply.
- Take reasonable steps to ensure the personal information you collect, use or disclose is accurate, complete and up-to-date. This may require you to correct the information.
- Take reasonable steps to protect the personal information you hold from misuse and loss and from unauthorised access, modification or disclosure.
- Take reasonable steps to destroy or permanently de-identify personal information if you no longer need it for any purpose for which you may use or disclose the information.
- If an individual asks, take reasonable steps to let them know, generally, what sort of personal information you hold, what purposes you hold it for and how you collect, use and disclose that information.
- If an individual asks, you must give access to the personal information you hold about them unless particular circumstances apply that allow you to limit the extent to which you give access – these include emergency situations, specified business imperatives and law enforcement or other public interests.
- Only adopt, use or disclose a Commonwealth Government identifier if particular circumstances apply that would allow you to do so.
- Only transfer personal information overseas if you have checked that you meet the requirements of NPP 9.

*This is a summary only and NOT a full statement of obligations. These are set out in the NPPs themselves.

NATIONAL PRIVACY PRINCIPLES

Privacy Act 1988 Schedule 3 – National Privacy Principles

The following guidelines are the policy to Complete Corporate Services Pty Ltd with respect to the collection of information under the National Privacy Principles.

1. COMPLETE CORPORATE SERVICES PTY LTD Collection Guidelines:-

- 1.1 Complete Corporate Services Pty Ltd must not collect personal information unless the information is necessary for one or more of its functions or activities.
- 1.2 Complete Corporate Services Pty Ltd must collect personal information only by lawful and fair means and not in an unreasonably intrusive way.
- 1.3 At or before the time (or, if that is not practicable, as soon as practicable after) Complete Corporate Services Pty Ltd collect personal information about an individual from the individual, the organisation must take reasonable steps to ensure that the individual is aware of:
 - (a) the identity of the organisation and how to contact it; and
 - (b) the fact that he or she is able to gain access to the information; and
 - (c) the purposes for which the information is collected; and
 - (d) the organisations (or the types of organisations) to which Complete Corporate Services Pty Ltd usually discloses information of that kind; and
 - (e) any law that requires the particular information to be collected; and
 - (f) the main consequences (if any) for the individual if all or part of the information is not provided.
- 1.4 If it is reasonable and practicable to do so, an organisation must collect personal information about an individual only from that individual.
- 1.5 If Complete Corporate Services Pty Ltd collect personal information about an individual from someone else, it must take reasonable steps to ensure that the individual is or has been made aware of

the matters listed in sub clause 1.3 except to the extent that making the individual aware of the matters would pose a serious threat to the life or health of any individual.

2. Use and disclosure

2.1 Complete Corporate Services Pty Ltd must not use or disclose personal information about an individual for a purpose (the **secondary purpose**) other than the primary purpose of collection unless:

(a) both of the following apply:

- (i) the secondary purpose is related to the primary purpose of collection and, if the personal information is sensitive information, directly related to the primary purpose of collection;
 - (ii) the individual would reasonably expect the organisation to use or disclose the information for the secondary purpose;
- or

(b) the individual has consented to the use or disclosure; or

(c) if the information is not sensitive information and the use of the information is for the secondary purpose of direct marketing:

- (i) it is impracticable for the organisation to seek the individual's consent before that particular use; and
- (ii) Complete Corporate Services Pty Ltd will not charge the individual for giving effect to a request by the individual to Complete Corporate Services Pty Ltd not to receive direct marketing communications; and
- (iii) the individual has not made a request to Complete Corporate Services Pty Ltd not to receive direct marketing communications; and
- (iv) in each direct marketing communication with the individual, Complete Corporate Services Pty Ltd draw to the individual's attention, or prominently displays a notice, that he or she may express a wish not to receive any further direct marketing communications; and
- (v) each written direct marketing communication by Complete Corporate Services Pty Ltd with the individual (up to and including the communication that involves the use) sets out

the organisation's business address and telephone number and, if the communication with the individual is made by fax, telex or other electronic means, a number or address at which Complete Corporate Services Pty Ltd can be directly contacted electronically; or

- (d) if the information is health information and the use or disclosure is necessary for research, or the compilation or analysis of statistics, relevant to public health or public safety:
 - (i) it is impracticable for the organisation to seek the individual's consent before the use or disclosure; and
 - (ii) the use or disclosure is conducted in accordance with guidelines approved by the Commissioner under section 95A for the purposes of this subparagraph; and
 - (iii) in the case of disclosure– Complete Corporate Services Pty Ltd reasonably believe that the recipient of the health information will not disclose the health information, or personal information derived from the health information; or
- (e) Complete Corporate Services Pty Ltd reasonably believes that the use or disclosure is necessary to lessen or prevent:
 - (i) a serious and imminent threat to an individual's life, health or safety; or
 - (ii) a serious threat to public health or public safety; or
- (f) Complete Corporate Services Pty Ltd has reason to suspect that unlawful activity has been, is being or may be engaged in, and uses or discloses the personal information as a necessary part of its investigation of the matter or in reporting its concerns to relevant persons or authorities; or
- (g) the use or disclosure is required or authorised by or under law; or
- (h) Complete Corporate Services Pty Ltd reasonably believe that the use or disclosure is reasonably necessary for one or more of the following by or on behalf of an enforcement body:
 - (i) the prevention, detection, investigation, prosecution or punishment of criminal offences, breaches of a law imposing a penalty or sanction or breaches of a prescribed law;

- (ii) the enforcement of laws relating to the confiscation of the proceeds of crime;
- (iii) the protection of the public revenue;
- (iv) the prevention, detection, investigation or remedying of seriously improper conduct or prescribed conduct;
- (v) the preparation for, or conduct of, proceedings before any court or tribunal, or implementation of the orders of a court or tribunal.

Note 1: It is not intended to deter Complete Corporate Services Pty Ltd from lawfully co-operating with agencies performing law enforcement functions in the performance of their functions.

Note 2: Sub clause 2.1 does not override any existing legal obligations not to disclose personal information. Nothing in sub clause 2.1 requires Complete Corporate Services Pty Ltd to disclose personal information; Complete Corporate Services Pty Ltd are always entitled not to disclose personal information in the absence of a legal obligation to disclose it.

Note 3: Complete Corporate Services Pty Ltd are also subject to the requirements of National Privacy Principle 9 if it transfers personal information to a person in a foreign country.

2.2 If Complete Corporate Services Pty Ltd use or discloses personal information under paragraph 2.1(h), it must make a written note of the use or disclosure.

3. Data quality

Complete Corporate Services Pty Ltd take reasonable steps to make sure that the personal information it collects, uses or discloses is accurate, complete and up-to-date.

4. Data security

4.1 Complete Corporate Services Pty Ltd take reasonable steps to protect the personal information it holds from misuse and loss and from unauthorized access, modification or disclosure.

4.2 Complete Corporate Services Pty Ltd take reasonable steps to destroy or permanently de-identify personal information if it is no longer needed for any purpose for which the information may be used or disclosed under National Privacy Principle 2.

5. Openness

- 5.1 Complete Corporate Services Pty Ltd have set out in this document its policies on its management of personal information. Complete Corporate Services Pty Ltd make the document available to anyone who asks for it.
- 5.2 On request by a person, Complete Corporate Services Pty Ltd must take reasonable steps to let the person know, generally, what sort of personal information it holds, for what purposes, and how it collects, holds, uses and discloses that information.
- 5.3 If Complete Corporate Services Pty Ltd hold personal information about an individual, it must provide the individual with access to the information on request by the individual, except to the extent that:
- (a) in the case of personal information other than health information—providing access would pose a serious and imminent threat to the life or health of any individual; or
 - (b) in the case of health information—providing access would pose a serious threat to the life or health of any individual; or
 - (c) providing access would have an unreasonable impact upon the privacy of other individuals; or
 - (d) the request for access is frivolous or vexatious; or
 - (e) the information relates to existing or anticipated legal proceedings between Complete Corporate Services Pty Ltd and the individual, and the information would not be accessible by the process of discovery in those proceedings; or
 - (f) providing access would reveal the intentions of Complete Corporate Services Pty Ltd in relation to negotiations with the individual in such a way as to prejudice those negotiations; or
 - (g) providing access would be unlawful; or
 - (h) denying access is required or authorised by or under law; or
 - (i) providing access would be likely to prejudice an investigation of possible unlawful activity; or
 - (j) providing access would be likely to prejudice:
 - (k) the prevention, detection, investigation, prosecution or punishment of criminal offences, breaches of a law imposing a penalty or sanction or breaches of a prescribed law; or

- (ii) the enforcement of laws relating to the confiscation of the proceeds of crime; or
 - (iii) the protection of the public revenue; or
 - (iv) the prevention, detection, investigation or remedying of seriously improper conduct or prescribed conduct; or
 - (v) the preparation for, or conduct of, proceedings before any court or tribunal, or implementation of its orders; by or on behalf of an enforcement body; or
- (l) an enforcement body performing a lawful security function asks Complete Corporate Services Pty Ltd not to provide access to the information on the basis that providing access would be likely to cause damage to the security of Australia.
- 5.4 However, where providing access would reveal evaluative information generated within Complete Corporate Services Pty Ltd in connection with an Complete Corporate Services Investigation sensitive decision-making process, Complete Corporate Services Pty Ltd may give the individual an explanation for the Complete Corporate Services Pty Ltd sensitive decision rather than direct access to the information.
- 5.5 If Complete Corporate Services Pty Ltd are not required to provide the individual with access to the information because of one or more of paragraphs 6.1(a) to (k) (inclusive), Complete Corporate Services Pty Ltd must, if reasonable, consider whether the use of mutually agreed intermediaries would allow sufficient access to meet the needs of both parties.
- 5.6 If Complete Corporate Services Pty Ltd charges for providing access to personal information, those charges:
- (a) must not be excessive; and
 - (b) must not apply to lodging a request for access.
- 5.7 If Complete Corporate Services Pty Ltd hold personal information about an individual and the individual is able to establish that the information is not accurate, complete and up-to-date, Complete Corporate Services Pty Ltd must take reasonable steps to correct the information so that it is accurate, complete and up-to-date.
- 5.8 If the individual and Complete Corporate Services Pty Ltd disagree about whether the information is accurate, complete and up-to-date, and the individual asks Complete Corporate Services Pty Ltd

to assist Complete Corporate Services Pty Ltd with the information a statement claiming that the information is not accurate, complete or up-to-date, Complete Corporate Services Pty Ltd must take reasonable steps to do so.

5.9 Complete Corporate Services Pty Ltd must provide reasons for denial of access or a refusal to correct personal information.

6. Identifiers

An identifier includes a number assigned by Complete Corporate Services Pty Ltd to an individual to identify uniquely the individual for the purposes of the organisation's operations. However, an individual's name or ABN (as defined in the *A New Tax System (Australian Business Number) Act 1999*) is not an **identifier**. It is unlikely that Complete Corporate Services Pty Ltd would utilize an Identifier.

7. Anonymity

Wherever it is lawful and practicable, individuals must have the option of not identifying themselves when entering transactions with Complete Corporate Services Pty Ltd.

8. Sensitive information

8.1 Complete Corporate Services Pty Ltd must not collect sensitive information about an individual unless:

- a) the individual has consented; or
- b) the collection is required by law; or
- c) the collection is necessary to prevent or lessen a serious and imminent threat to the life or health of any individual, where the individual whom the information concerns:
 - (i) is physically or legally incapable of giving consent to the collection; or
 - (ii) physically cannot communicate consent to the collection.

9. Terms

The following are terms relevant to the National Privacy Principles:-

9.1 Access

This involves Complete Corporate Services Pty Ltd giving an individual information about themselves held by the organisation. Giving access may include allowing an individual to inspect personal information or giving a copy of it to them.

9.2 Children and young people

The Privacy Act does not specify an age after which individuals can make their own privacy decisions. Determining the decision-making capabilities of a young person can be a complex matter, often raising other ethical and legal issues. Complete Corporate Services Pty Ltd will need to address each case individually.

As a general principle, a young person is able to give consent when he or she has sufficient understanding and maturity to understand what is being proposed. In some circumstances, it may be appropriate for a parent or guardian to consent on behalf of a young person; for example if the child is very young or lacks the maturity or understanding to do so themselves. It should be noted that in some States, contracts with people under the age of 18 are not valid.

It may be desirable for Complete Corporate Services Pty Ltd who target children or young people to specifically address issues of consent and rights of access to the personal information of children and young people in the information policy that NPP 5 requires them to have. Such a policy might contain general guidelines about how the organisation will make decisions relating to young people and children and the factors it will take into account. The policy might also deal with parental involvement, particularly factors that would indicate that a parent should be involved in the decision-making process.

9.3 Collection

Complete Corporate Services Pty Ltd collect personal information if it gathers, acquires or obtains personal information from any source and by any means. Collection includes Complete Corporate Services Business keeping personal information it has come across by accident or has not asked for.

9.4 Consent

Consent means voluntary agreement to some act, practice or purpose. It has two elements: knowledge of the matter agreed to, and voluntary agreement. Consent can be express or implied. Express consent is given

explicitly, either orally or in writing. Implied consent arises where consent may reasonably be inferred in the circumstances from the conduct of the individual and the Complete Corporate Services Pty Ltd. Consent is invalid if there is extreme pressure or coercion.

Only a competent individual can give consent although an organisation can ordinarily assume capacity unless there is something to alert it otherwise. Competence means that individuals are capable of understanding issues, forming views based on reasoned judgments and communicating their decisions. The general law about competence and incapacity will apply to the issue of consent.

9.5 Contractors

The Privacy Act treats the acts and practices of employees (and those 'in the service of' an organisation) in performing their duties of employment as those of Complete Corporate Services Pty Ltd (see section 8(1)(a)). Contractors performing services for Complete Corporate Services Pty Ltd are not considered to fall within this provision. However, where there is a particularly close relationship between Complete Corporate Services Pty Ltd and a contractor it may mean that the actions of the contractor could be treated as having been done by Complete Corporate Services Pty Ltd for the purposes of section 8 of the Privacy Act.

When the parties to a contract are regarded as separate entities under the Privacy Act Complete Corporate Services Pty Ltd give personal information to a contractor is disclosing information and the contractor is collecting the information. In practical terms, this means that the Complete Corporate Services Pty Ltd Confidentiality and Non Disclosure clauses in the contract for the protection of personal information, Complete Corporate Services Pty Ltd disclose to the contractor in order to meet its obligations under the NPPs.

9.6 Disclosure

In general terms Complete Corporate Services Pty Ltd disclose personal information when it releases information to others outside Complete Corporate Services Pty Ltd. It does not include giving individuals information about themselves

9.7 Personal information

Personal information is information or an opinion (including information or an opinion forming part of a database) whether true or not, and whether recorded in a material form or not, about an individual whose identity is apparent, or can reasonably be ascertained, from the information or opinion (section 6). It includes all personal information regardless of its source.

Personal information relates to a natural living person. A natural person is a human being rather than, for example, a company, which may in some circumstances be recognised as a legal 'person' under the law.

The NPPs apply to the collection of personal information by Complete Corporate Services Pty Ltd for inclusion in a record or a generally available publication, but apart from this, the NPPs only apply to personal information Complete Corporate Services Pty Ltd has collected that it holds in a record.

9.8 Sensitive information

Sensitive information is a subset of personal information. It means information or opinion about an individual's Complete Corporate Services Pty Ltd or ethnic origin, political opinions, membership of a political Complete Corporate Services Pty Ltd, religious beliefs or affiliations, philosophical beliefs, membership of a professional or trade Complete Corporate Services Pty Ltd, membership of a trade union, sexual preferences or practices, criminal record or health information about an individual (section 6).

10. General Operational Instructions relating to the Act

COMPLETE CORPORATE SERVICES BUSINESSSS direct the following policy with regard to the interpretation of the Act:-

In general terms, use of personal information refers to the handling of personal information within Complete Corporate Services Pty Ltd including 'the inclusion of information in a publication'.

The Commissioner apparently interprets 'necessary' in a practical sense. If Complete Corporate Services Pty Ltd cannot in practice effectively pursue a legitimate function or activity without collecting personal information, then the Commissioner would ordinarily consider it necessary for that function or activity.

Complete Corporate Services Pty Ltd directors have identified, what personal information it collects (or proposes to collect) and for which of its functions and activities the information is necessary. Staff may find that de-identified information would do just as well in some cases or that it would be lawful and practicable for individuals to interact with your Complete Corporate Services Pty Ltd anonymously.

10.1 Collection must be fair and lawful

In general, the Commissioner interprets 'fair' to mean without intimidation or deception. This would usually require Complete Corporate Services Pty Ltd not to collect personal information covertly but there will be some circumstances – for example, investigation of possible fraud or other unlawful activity, where covert collection of personal information by surveillance or other means would be fair.

Complete Corporate Services Pty Ltd Directors have looked at the ways Complete Corporate Services Pty Ltd collects personal information. Complete Corporate Services Pty Ltd encourages all members of staff to become responsible in information handling practices;

10.2 Informing individuals when collecting directly

Deciding whether giving individuals information at or before the time of collection is not 'practicable' depends on the circumstances and requires balancing a number of possible factors. Complete Corporate Services Pty Ltd could put off giving individuals information until after the time of collection if there are practical problems in doing so that Complete Corporate Services Pty Ltd cannot overcome by any reasonable means. In assessing whether it is impracticable to give the individual information at or before the time of collection, Complete Corporate Services Pty Ltd could consider a number of factors including:

- the time at which it is possible to make the individual aware of matters;
- the sensitivity of the personal information involved;
- *the privacy implications for the individual of not receiving the information at or before the time of collection;*
- what is accepted industry practice (by consumers and industry);
- the cost to Complete Corporate Services Pty Ltd of giving the information at or before the time of collection; and
- *the benefits or otherwise to the individual of receiving the information at or before the time of collection.*

10.3 Informing individuals about the purposes of collection

Complete Corporate Services Pty Ltd could keep the description of the purposes reasonably general as long as the description is adequate to ensure that the individual is aware of what Complete Corporate Services Pty Ltd is going to do with information about them. Complete Corporate Services Pty Ltd does not have to describe internal purposes that form part of normal business practices, such as auditing, business planning or billing.

10.4 Informing individuals about usual disclosures

'Reasonable steps' to inform an individual about the disclosures Complete Corporate Services Pty Ltd usually makes would ordinarily mean either giving general descriptions of sets of people and organizations.

10.5 Informing individuals of any legal obligation to collect

Complete Corporate Services Pty Ltd must take reasonable steps to tell the individual about any law that requires the individual to provide, or Complete Corporate Services Pty Ltd to collect, personal information in the particular situation.

10.6 Informing individuals of consequences of not giving personal information

Complete Corporate Services Pty Ltd need not describe all possible consequences of not providing personal information. Ordinarily Complete Corporate Services Pty Ltd would need to describe significant (and non-obvious) consequences.

10.7 Collecting directly from the individual

The section aims to ensure that where it is reasonable and practicable to do so Complete Corporate Services Pty Ltd will collect information about an individual only from that individual.

Where it is collected indirectly consider whether it would be reasonable and practicable to collect it directly instead.

Deciding whether or not it is reasonable and practicable to collect personal information directly from the individual depends on the circumstances and involves balancing a number of possible factors including:

- whether it is possible to collect the information directly;
- whether a reasonable individual might expect information about them to be collected directly or indirectly;
- how sensitive the information is;
- the cost to Complete Corporate Services Pty Ltd of collecting directly rather than indirectly;
- the privacy consequences for the individual if the information is collected indirectly rather than directly; and
- what is accepted practice (by consumers and the industry).

10.8 Collecting from third parties

The aim here is to ensure that an individual knows what happens to information about them regardless of whether the information is collected directly or indirectly.

Complete Corporate Services Pty Ltd would need to take to make an individual aware of the matters listed in NPP 1.3 when it is not collecting directly from them will depend on the circumstances.

10.9 Collecting sensitive information

Collecting sensitive information with consent

Ordinarily Complete Corporate Services Pty Ltd would need clear evidence that an individual had consented to it collecting sensitive information.

Collecting sensitive information without consent

An example of where NPP 10.1(e) might apply is where an individual has made a claim under their insurance policy and the insurer is preparing to dispute the claim and it needs to collect health or other sensitive information about the claimant and about witnesses in order to prepare its case.

10.10 Use and disclosure

Complete Corporate Services Pty Ltd must only use or disclose personal information for the primary purpose of collection. Use and disclosure for a secondary purpose is not allowed except where such use or disclosure falls within the exceptions listed in NPP 2.

10.11 Primary and related purposes

Primary purpose

Determining the primary purpose of collection should always be possible. Where Complete Corporate Services Pty Ltd collect personal information directly from the individual the context in which the individual gives the information to Complete Corporate Services Pty Ltd will help identify the primary purpose of collection. When an individual provides and an organisation collects personal information, they almost always do so for a particular purpose – for example, to buy or sell a particular product or receive a service. This is the primary purpose of collection even if the organisation has some additional purposes in mind.

How broadly Complete Corporate Services Pty Ltd can describe the primary purpose will need to be determined on a case-by-case basis and it will depend on the circumstances.

Where Complete Corporate Services Pty Ltd collects personal information indirectly a guide to its primary purpose of collection could be what Complete Corporate Services Pty Ltd does with the information soon after it first receives it.

10.12 Related and directly related purposes within reasonable expectations

To be related, the secondary purpose must be something that arises in the context of the primary purpose.

If personal information is sensitive information the use or disclosure must be directly related to the primary purpose of collection. This means that

there must be a stronger connection between the use or disclosure and the primary purpose for collection.

When thinking about whether a use or disclosure falls within the primary purpose or a related or directly related purpose within the individual's reasonable expectations Complete Corporate Services Pty Ltd could, where relevant consider:

- the context in which it is collecting the personal information;
- the reasonable expectations of the individual whose information it is;
- the form and content of information the organisation has given about why it is collecting the individual's information (for example under NPP 1.3 and 1.5);
- how personal, confidential or sensitive the information is; and

Where sensitive personal information is involved, Complete Corporate Services Pty Ltd staff would in general need to take a more conservative approach to what the individual would reasonably expect.

Complete Corporate Services Pty Ltd may run a greater risk of an individual making a complaint where there is a difference between the individual's and Complete Corporate Services Pty Ltd understanding of the primary purpose or what might be reasonably expected to be done with the personal information.

10.13 Secondary use and disclosure with consent

This allows Complete Corporate Services Pty Ltd to use or disclose personal information for a secondary purpose if it has the individual's consent. Consent to the use or disclosure can be express or implied. Implied consent arises where consent may reasonably be inferred in the circumstances from the conduct of the individual and Complete Corporate Services Pty Ltd. For example, it may be possible to infer consent from the individual's failure to opt out provided that the option to opt out was clearly and prominently presented and easy to take up. If Complete Corporate Services Pty Ltd use or disclosure has serious consequences for the individual, Complete Corporate Services Pty Ltd would have to be able to show that the individual could have been expected to understand what was going to happen to information about them and gave their consent. In such situations it would ordinarily be more appropriate for Complete Corporate Services Pty Ltd to seek express consent.

10.14 Unlawful activity

This acknowledges that one of an organisation's legitimate functions is to investigate and report on suspected unlawful activity. Ordinarily but not in all cases, the suspected unlawful activity would relate to Complete Corporate Services Pty Ltd operations.

10.15 Required or authorised by law

The Privacy Act does not override specific legal obligations relating to use or disclosure of personal information. 'Law' includes Commonwealth, State and Territory legislation, as well as common law. If Complete Corporate Services Pty Ltd are required by law to use or disclose personal information it has no choice and it must do so. If an organisation is authorised by law to use or disclose personal information it means Complete Corporate Services Pty Ltd can decide whether to do so or not.

10.16 Enforcement bodies

This allows Complete Corporate Services Pty Ltd to use or disclose personal information where it reasonably believes this is reasonably necessary for a range of functions or activities carried out by, or on behalf of, an enforcement body.

10.17 Accurate, complete and up-to-date

The aim of NPP 3 is to prevent the adverse consequences for people that might result from Complete Corporate Services Pty Ltd collecting, using, or disclosing inaccurate, incomplete or out-of-date personal information. Complete Corporate Services Pty Ltd would only need to take reasonable steps to confirm the accuracy, completeness and currency of the personal information it holds at the time it collects, uses or discloses it.

10.18 Protecting personal information

NPP 4.1 requires Complete Corporate Services Pty Ltd to take reasonable steps to protect the personal information it holds from misuse and loss, and from unauthorised access, modification or disclosure. Protecting the security of personal information consists of Complete Corporate Services Pty Ltd maintaining:

- *physical security – by adopting measures to prevent unauthorised entrance to the premises, systems to detect unauthorised access and secure containers for storing paper-based personal information;*
- *computer and network security – by adopting measures to protect computer systems and networks for storing, processing and transmitting personal information from unauthorised access, modification and disclosure;*
- *communications security – by protecting communications via data transmission, including email and voice, from interception, and preventing unauthorised intrusion into computer networks; and*
- *personnel security – by adopting procedural and personnel measures for limiting access to personal information by authorised staff for approved purposes and controls to minimise security risks to Complete Corporate Services Pty Ltd IT systems.*

10.19 Destroying or de-identifying personal information

NPP 4.2 requires Complete Corporate Services Pty Ltd to take reasonable steps to destroy or permanently de-identify personal information if it is no longer needed for any purpose under NPP 2. Purposes under NPP 2 could include a legal requirement to keep the personal information.

Reasonable steps would not necessarily involve detailed culling of existing personal information. However, Complete Corporate Services Pty Ltd has in place systems for destroying or de-identifying personal information that is no longer needed.

10.20 De-identification of personal information

De-identification involves the removal of any information by which an individual may be identified from a record. De-identification must be permanent, which means that Complete Corporate Services Pty Ltd are not able to match the de-identified information with other records to re-establish the identity of people.

Reasonable steps would also include ensuring that the de-identified information cannot be re-identified in the hands of an organisation receiving the data.

10.21 Giving more information about personal information management

This principle aims to give the individual a fuller understanding of the sort of personal information Complete Corporate Services Pty Ltd holds and the way it handles that information. Depending on the circumstances Complete Corporate Services Pty Ltd could decide whether to let the individual know this information either verbally or in writing.

10.22 Access to personal information

NPP 6 gives an individual a right of access to all the personal information Complete Corporate Services Pty Ltd holds about them, although there are some exceptions.

Ways Complete Corporate Services Pty Ltd could give access to an individual would include allowing them to inspect records, take notes or giving them a photocopy or printout.

There are a limited number of situations where Complete Corporate Services Pty Ltd may deny an individual access to the personal information an organisation holds about them. Where such an exception applies to a request for access, Complete Corporate Services Pty Ltd would ordinarily

need to give the individual access to the parts of the record that are not exempt.

10.23 Time frames for access

An appropriate time to take for Complete Corporate Services Pty Ltd to respond to an individual's request for access will be influenced by various factors. These may include the method of communication, the type or amount of personal information requested, how the personal information is held, how complex an organisation's functions and activities are and how the personal information is to be provided to the individual making the request.

In the case of a reasonably complex matter and access is not given over the phone or by electronic means, the following response times, based on public sector freedom of information legislation, are offered as follows:-

- If the individual has made a written request for access, acknowledging the request as soon as possible or at least within 14 days could, in many cases, be appropriate.
- If granting access is straight forward, it would often be appropriate for an Complete Corporate Services Pty Ltd to grant access within 14 days, or if giving it is more complicated, within 30 days.

NPP 6.1(a) A serious and imminent threat.

Serious threats would include a threat to the life or health of any person; for example bodily injury, threat to mental health, illness or death. Imminent threat means the threat is about to happen.

10.24 Unreasonable impact on the privacy of others

Access to a document containing personal information about people other than the individual requesting access need not be denied altogether. For example, in such a case, it may be possible to delete the other individual's personal information from the document before it is released to the individual who made the request.

10.25 Frivolous or vexatious requests

Frivolous and vexatious requests could include those that are:

- trivial and made for amusement's sake; or
- made as a means of pursuing some unrelated grievance against Complete Corporate Services Pty Ltd; or
- repeated requests for access to the same personal information.

10.26 Existing or anticipated legal dispute resolution proceedings

Complete Corporate Services Pty Ltd would not have to grant an individual access to the personal information in circumstances where legal dispute resolution proceedings are under way or anticipated and where discovery would not grant access to the personal information.

10.27 Access would prejudice negotiations

Complete Corporate Services Pty Ltd would not have to provide access to an individual's information if it would show the organisation's intentions and would prejudice or interfere in some negative way in the organisation's negotiations with the individual.

10.28 Access would be unlawful

This exception would cover circumstances where providing access to personal information would be a breach of confidence under the law, for example a breach of legal professional privilege.

10.29 Prejudice to investigation of unlawful activity

Complete Corporate Services Pty Ltd is not required to provide access to personal information where unlawful activity is reasonably suspected, for example fraud or theft, and access would prejudice investigations into that activity.

10.30 Enforcement activities

An enforcement body may ask Complete Corporate Services Pty Ltd not to provide an individual with access to certain personal information when that information will itself prejudice an investigation carried out by, or on behalf of, an enforcement body or a security function.

10.31 Sensitive decision-making processes

This exception to the access principle would cover Complete Corporate Services Pty Ltd sensitive decision making processes but would not permit Complete Corporate Services Pty Ltd to deny access to the factual personal information on which those decisions have been based or other personal information it holds. In most cases an individual seeks access for an explanation of why Complete Corporate Services Pty Ltd has made an adverse decision. Complete Corporate Services Pty Ltd could usually meet this concern by explaining (as far as possible) the reasons for its actual decision and giving the raw data.

10.32 Access through an intermediary

Use of intermediaries

This principle requires Complete Corporate Services Pty Ltd to consider using a mutually agreed intermediary if reasonable. There will be some

cases, for example investigations of fraud or theft, where no form of access to the information the individual is asking for will be appropriate. In other circumstances Complete Corporate Services Pty Ltd would be able to consider using an intermediary as an alternative to complete denial of access.

10.33 Charging for access

This principle aims to prevent an organisation from charging an excessive amount to discourage persons from making requests for access. Complete Corporate Services Pty Ltd cannot charge an individual for lodging a request for access.

10.34 Correcting personal information

This principle requires that Complete Corporate Services Pty Ltd take reasonable steps to correct information about an individual where that information is not accurate, up-to-date and complete. What is reasonable will depend on the circumstances. For example, an Complete Corporate Services Pty Ltd might not be obliged to correct personal information that is inaccessible and never likely to be used even if it is of poor quality.

10.35 Disputed accuracy

If an individual and Complete Corporate Services Pty Ltd are unable to agree about whether personal information is accurate, up-to-date and complete, Complete Corporate Services Pty Ltd must, at the request of the individual take reasonable steps to Complete Corporate Services with the personal information the individual's claim that it is not accurate, complete and up-to-date.

10.36 Giving reasons for denying access

NPP 6.7 requires Complete Corporate Services Pty Ltd to give an individual its reasons for denying access or refusing to correct personal information.

10.37 Use and disclosure of identifiers

NPP 7.2 aims to prevent organisations from using Commonwealth government assigned identifiers in a way that is inconsistent with the purpose for which they were originally issued.

10.38 Dealing with people anonymously

Unless there is a good practical or legal reason to require identification, Complete Corporate Services Pty Ltd must give people the option to operate anonymously. Anonymity is an important element of privacy. In some circumstances, it will not be practicable to do business anonymously. In

others there will be legal obligations that require identification of the individual. This principle is not intended to facilitate illegal activity.

10.39 Sending personal information overseas

NPP 9 prevents Complete Corporate Services Pty Ltd from disclosing personal information to someone in a foreign country that is not subject to a comparable information privacy scheme, except where it has the individual's consent or some other circumstances.

11. Conclusion

Complete Corporate Services Pty Ltd is committed to the collection of use of information in a lawful manner and in accordance with the provisions of the Privacy Act.

Staff are to strictly adhere to this policy.

Staff shall report directly the Business, any complaint or request from an individual for the provision of information.

Staff are also referred to the following Web site and hotline for clarification issues:-

Office of the Federal Privacy Commissioner

www.privacy.gov.au

Privacy Hotline 1300 363 992 (local call charge)

Further clarification of issues are to be forwarded through the Business, or Complete Corporate Services for consultation with the Company Solicitors.