

Privacy Management Plan

Management of personal and health information in line with NSW privacy laws

December 2018



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1 Purpose

To document how the Office of Sport (the Office) manages personal information in line with the *Privacy and Personal Information Protection Act 1998* (NSW) (PPIP Act) and health information under the *Health Records and Information Privacy Act 2002* (HRIP Act). With this plan we also acquit our compliance with s33 of the PPIP Act.

2 Scope

The plan applies to all business areas within the Office of Sport.

3 Policy statement

The Office takes the privacy of our clients, stakeholders and staff seriously and will protect privacy in accordance with this Privacy Management Plan.

The Office of Sport is committed to ensuring that personal information is:

- only collected where directly required for an activity or service provided, and when doing so the purpose, intended recipients and whether it is required by law or is voluntary is clearly stated
- only collected directly from the individual to whom the information relates, unless the individual has authorised the collection from someone else or the information relates to a person under the age of 16 years and has been provided by their parent or guardian
- protected with necessary safeguards against loss, unauthorised access, misuse, modification or disclosure
- not kept for longer than necessary and is disposed of securely
- accessible on request from the individual on whom the information is held.

4 Office of Sport functions and activities

The Office is responsible for planning, managing and delivering high quality venues, facilities and sport and active recreation development programs, high performance sport and sports integrity and safety. It is also the driver for NSW sport policy and strategy, formation and dissemination of insights and information, and the promotion of partnerships.

The Office operates Sport and Recreation Centres and Sporting Venues that provide programs, facilities and accommodation for school, sporting clubs and the community.

5 Personal and health information

5.1 Personal information

Personal information is defined in the PPIP Act and is essentially any information or opinions about a person where that person's identity is apparent or can be reasonably ascertained. Personal information can include a person's name, address, family life, sexual preferences, financial information, fingerprints and photos.



There are a number of exceptions to the definition of personal information. These include:

- information about someone who has been dead for more than 30 years
- information about someone that is contained in a publicly available publication
- information about someone that is contained in a public interest disclosure within the meaning of the *Public Interest Disclosures Act 1994* or that has been collected in the course of an investigation arising out of a public interest disclosure
- information or an opinion about a person's suitability for employment as a public sector official

Health information is generally excluded from the definition of personal information as it is covered by the HRIP Act.

5.2 Health information

Health information is a more specific type of personal information and is defined in the HRIP Act.

Health information can include information about a person's physical or mental health or disability or the provision of a health service to an individual. Put simply, the meaning of health information is:

- personal information about your health
- information about a health service already provided to you
- some personal information about organ donation
- genetic information about you or your relatives

5.3 Why we collect personal and health information

The Office collects and uses personal information to process applications for grants or financial assistance, enrolments in sport and recreation programs, seeking feedback on workshops and programs that we run as well as for dealing with general requests for information or enquiries.

The collection of such information enables us to carry out our business, build up a profile of clients who use our products and services and to remain client focussed in the delivery of products and services.

In some instances, where the information is provided in the course of applying for a grant, it is necessary for us to disclose that information to the Minister or Members of Parliament for approval purposes.

Generally, personal information is collected directly from the individual to whom the information relates or from their parent or guardian. There are occasions where it is necessary to collect information from third parties. These occasions may include nominations for awards or enrolment into a program via a third party such as a school or sporting club or organisation. We may collect and update information over the phone, over the internet, in person, in writing (including by email) or through a customer survey.

The Office also collects and uses personal and health information of combatants and industry participants involved in certain combat sports in NSW. The Office does this in the course of providing administrative services to the Combat Sports Authority for the purposes of the operation of the *Combat Sports Act 2013*. The information is held on registers and may be viewed by police for the purposes of the exercise of their functions under the Combat Sports Act.



5.4 Personal and health information held by the Office of Sport

The types of personal and health information the Office holds include:

- records of participants in school, holiday and community programs and activities including:
 - participant details such as age and gender
 - emergency contact details for next of kin, parents or guardians or other appropriate persons
 - medical consent forms (showing allergies, dietary requirements or special needs for accommodation or care)
 - media consent forms and risk waivers for participation in activities
- records of participants in workshops, training or other events, including evaluation feedback
- records of subscriber, mailing and contact lists
- records of Active Kids program recipients including:
 - name, e-mail, address and contact phone number
 - date of birth
 - Medicare card or other Australian document identity number (for identity verification purposes)
 - Personal details of the specified child in relation to Active Kids Voucher applications, including name, age, school, residential postcode, indigenous status, disability status, language spoken at home, weight, height and activity level
 - Provider business details
- correspondence records including:
 - contact details of people who have phoned or written to a business unit
 - details of the nature of their correspondence
 - records of who (if anyone) correspondence referred to
- financial information (including credit card details) for types of payments made for services (such as bookings, venue hire, participation in programs)
- information obtained during investigations, applications or reviews, including names of people involved, contact details, proof of identification
- personal and health information provided in response to an incident at an Office of Sport facility, centre or venue
- personal information of employees in personnel files which may include:
 - address, phone number, emergency contact details, tax file number and bank details
 - records of race, sex, marital status and impairment of employees for equal employment opportunity purposes
 - proof of identity
 - medical assessments, certificates and reports
 - attendance, pay and leave records
 - performance and disciplinary records
 - next of kin
 - education and training
 - family and care arrangements
 - secondary employment
 - conflicts of interest and pecuniary interest disclosures
 - work health and safety records
 - investigation reports
 - outcome of criminal records checks or working with children checks.



- recruitment records when people apply for jobs
- visitors to Office of Sport premises
- information obtained when individuals request information, brochures or make general enquiries
- information about individuals and organisations obtained during tender processes
- information about individuals and State Sporting Organisations obtained in the course of seeking feedback on organisational health
- information about individuals obtained in the course of developing and managing business relationships and entering into and maintaining contractual relationships
- information obtained in the course of complaint handling
- information obtained about individuals and organisations during the grant application process
- information (including health information) obtained from combatants and industry participants involved in combat sports for the purposes of registration and determinations etc under the *Combat Sports Act 2013* (in the course of the Office of Sport providing administrative support to the Combat Sports Authority).

5.5 How we store information

The Office stores information in secure application specific databases in our electronic document and records management system or access controlled paper-based files. We have taken steps to ensure the protection of personal information from misuse, loss, unauthorised access and modification or disclosure.

The Office also take steps to destroy or de-identify information (including CCTV footage) that we no longer require in accordance with the *State Records Act 1988*.

The Office does use Cloud Services for the provision of software, platform, and infrastructure. Prior to the deployment of a Cloud service a risk assessment is undertaken in accordance with the requirements of the NSW Government Cloud Policy.

6 Privacy Principles

Privacy Principles refer to the combination of the Information Protection Principles set out in the PPIP Act and the Health Privacy Principles in the HRIP Act, which are summarised here as a set of principles.

When developing new services, business processes, online forms or other material or resources, our staff will refer to the Information & Privacy Commission's (IPC) *Privacy for NSW public sector agency staff checklist* (available on www.ipc.nsw.gov.au).

6.1 Information Protection Principles (IPPs)

6.1.1 Collection

- The Office collects personal information only for a lawful purpose that is directly related to our functions and activities.
- The Office collects personal information directly from the person concerned unless:
 - they have authorised information to be collected from someone else, or
 - the information relates to a person under the age of 16 and has been provided by their parent or guardian



- The Office informs people why their personal information is being collected, what it will be used for, and to whom it will be disclosed. We tell people how they can access and amend their personal information and any possible consequences if they decide not to give their personal information to us.
- The Office ensures that personal information is relevant, accurate, is not excessive and does not unreasonably intrude into the personal affairs of people.

This principle also applies to the installation and use of CCTV surveillance in public places. Refer also to the “NSW Government policy statement and guidelines for the establishment and implementation of closed circuit television (CCTV) in public places”.

A privacy statement is provided at **Appendix A** for use when collecting personal information.

A privacy statement specifically for the Active Kids Program is provided at **Appendix B**.

6.1.2 Storage

- The Office stores personal information securely, keep it no longer than necessary and destroy it appropriately. We protect personal information from unauthorised access, use or disclosure.
- Personal information will be kept for no longer than is reasonably necessary and will be stored, used, retained and disposed of in accordance with the *State Records Act 1998* and approved retention and disposal authorities.

6.1.3 Access and accuracy

- The Office is transparent about the personal information we store about people, why we use the information and about the right to access and amend it.
- The Office allows people to access their own personal information without unreasonable delay or expense.
- The Office allows people to update, correct or amend their personal information where necessary by making a request to the Privacy Contact Officer.
- The Office makes sure that personal information is relevant and accurate before using it.

6.1.4 Use

- The Office only uses personal information for the purpose we collected it for unless the person consents to us using it for an unrelated purpose.

6.1.5 Disclosure

- The Office only discloses personal information with people’s consent unless they were already informed of the disclosure when we collected the personal information.
- The Office does not disclose sensitive personal information without consent, e.g. ethnicity or racial origin, political opinions, religious or philosophical beliefs, health or sexual activities or trade union membership.
- The Office must not disclose personal information to a person or body outside NSW or to a Commonwealth agency without the person’s consent unless a relevant privacy law that applies to the personal information concerned is in force in that jurisdiction or the disclosure is permitted or required by an Act or other law.



6.1.6 Exemptions to the IPPs

- The Office does not use exemptions on a regular basis however if we did use one we aim to be clear about the exemption we have used and the reasons for using it.
- In limited circumstances privacy codes of practice and public interest directions can modify the IPPs for any NSW public sector agency. Public interest directions are available on the Information and Privacy Commissioners website www.ipc.nsw.gov.au
- There are limited exceptions to IPPs to enable law enforcement or investigative functions.
- Non-compliance with the IPPs may be expressly or impliedly authorised in other legislation.
- Disclosure may also be authorised or required by a subpoena, warrant or statutory notice to produce.
- In certain circumstances personal information may be exchanged between public sector agencies including for the purposes of dealing with correspondence from a Minister or Member of Parliament. This exemption does not apply to health information.

6.1.7 Public Registers

The Office does not have any public registers that contain personal or health information.

6.1.8 Offences

It is an offence for the Office to:

- intentionally disclose or use personal information accessed in doing our jobs for an unauthorised purpose
- offer to supply personal information that has been disclosed unlawfully
- hinder the Privacy Commissioner or a member of the Commissioner's staff from doing their job

6.2 Health Privacy Principles (HPPs)

6.2.1 Collection

- The Office collects health information only for a lawful purpose that is directly related to our functions and activities.
- The Office ensures that health information is relevant, accurate, is not excessive and does not unreasonably intrude into the personal affairs of people.
- The Office collects health information directly from the person concerned.
- The Office informs people why their health information is being collected, what it will be used for, and to whom it will be disclosed. We tell people how they can access and amend their health information and any possible consequences if they decide not to give their health information to us.

6.2.2 Storage

- The Office stores health information securely, keep it no longer than necessary and destroy it appropriately.
- The Office protects health information from unauthorised access, use or disclosure.

6.2.3 Access and accuracy

- The Office is transparent about the types of health information we store about people, why we use the information and about the right to access and amend it.



- The Office allows people to access their own health information without unreasonable delay or expense.
- The Office allows people to update, correct or amend their health information where necessary.
- The Office makes sure that health information is relevant and accurate before using it.

6.2.4 Use

- The Office only uses health information for the purpose we collected it for unless the person consents to us using it for an unrelated purpose.

6.2.5 Disclosure

- The Office only discloses health information with people's consent unless they were already informed of the disclosure when we collected the health information.

6.2.6 Identifiers and anonymity

- The Office does not use unique identifiers for health information, other than where we need them to carry out our functions – for example, wrist bands allocated to identify participants who have food allergies for the purposes of catering at school camps.
- The HPPs provide for people to stay anonymous where it is lawful and practical. However, we generally collect health information for the purposes of a person participating in a sport and recreation program and in those circumstances it is essential for the relevant health information to be linked to the identifiable participant in case the participant needs medical attention.

6.2.7 Transfers and linkage

- The Office does not usually transfer health information outside of NSW. Where we are using data management and software services provided by organisations with data centres outside of NSW but within Australia they are subject to either the *Privacy Act 1988* (of the Commonwealth) or equivalent Australian state or territory privacy laws or binding policies.
- The Office does not currently use a health records linkage system and do not anticipate using one in the future. However if we did, we would not use one without people's consent.
- Any transfers or linkages are done in accordance with the HRIP Act, NSW Government Cloud Policy and *Data Sharing (Government Sector) Act 2015*.

6.2.8 Exemptions to the HPPs

- The Office does not use exemptions on a regular basis, however if we did use one we aim to be clear about the exemption we have used and our reasons for using it.
- Health privacy codes of practice and public interest directions can modify the HPPs for any NSW public sector agency. These are available on the Information and Privacy Commissioner's website www.ipc.nsw.gov.au.

6.2.9 Offences

It is an offence for the Office to:

- intentionally disclose or use health information accessed in doing our jobs for anything else other than what we are authorised to do
- offer to supply health information that has been disclosed unlawfully
- attempt to persuade a person to refrain from making or pursuing a request for health information, a complaint to the Privacy Commissioner or the NSW Civil and Administrative



Tribunal (NCAT), or an application for internal review under the PPIP Act, or to withdraw such a request, complaint or application

7 Other laws that affect how we comply with the IPPs and HPPs

This section contains information about the other laws that affect how we comply with the Information and Health Privacy Principles (IPPs and HPPs).

7.1 Crimes Act 1900

Under this law we must not access or interfere with data in computers or other electronic devices unless we are authorised to do so.

7.2 Government Information (Public Access) Act 2009 (GIPA Act) and Government Information (Public Access) Regulation 2009

Under this law people can apply for access to government information we hold. Sometimes this information may include personal or health information which will usually be redacted from the information provided. If a person has applied for access to someone else's personal or health information we must consult with affected third parties. If we decide to release a third party's personal information, we must not disclose the information until the third party has had the opportunity to seek a review of our decision.

When accessing government information of another NSW public sector agency about a review, the Information Commissioner must not disclose this information if the agency claims that there is an overriding public interest against disclosure.

7.3 Government Information (Information Commissioner) Act 2009 (GIIC Act)

Under this law the Information Commissioner has the power to access government information held by other NSW public sector agencies for conducting a review, investigation or dealing with a complaint under the GIPA Act and GIIC Act. The Information Commissioner also has the right to enter and inspect any premises of a NSW public sector agency and inspect any record.

This Act also allows the Information Commissioner to provide information to the NSW Ombudsman, the Director of Public Prosecutions, the Independent Commission Against Corruption or the Police Integrity Commission.

7.4 Independent Commission Against Corruption Act 1988

Under this law we must not misuse information we have obtained while doing our jobs.

7.5 Public Interest Disclosures Act 1994 (PID Act)

Under the PID Act people working within a NSW public sector agency can make a public interest disclosure (PID) to the Information Commissioner about a failure to properly fulfil functions under the GIPA Act.

We note that the definition of personal information under the PPIP Act excludes information contained in a public interest disclosure. This means that "personal information" received or collected under the PID Act is not subject to the IPPs or HPPs.



Please refer to our Public Interest Disclosure Policy and Procedure.

7.6 State Records Act 1998 and State Records Regulation 2010

This law sets out when we can destroy our records. It also authorises the State Records Authority to establish policies, standards and codes to ensure that NSW public sector agencies manage their records appropriately.

8 Procedures

8.1 How to access and amend personal and health information

People have the right to access personal information we hold about them. They also have the right to amend their own personal or health information we hold, for example if they need to update their contact details.

The Office must provide access to or amend personal or health information without excessive delay or expense. We do not charge any fees to access or amend personal or health information.

8.1.1 Informal request

The Office encourages people wanting to access or amend their own personal or health information to contact us to request it.

People are encouraged to contact the staff member or team managing their information or alternatively using our general contact details.

In some cases functionality may be available via our online booking system for persons to update or correct their own information (subject to verification of identity requirements).

A person does not need to put an informal request in writing. If necessary, we will ask them to verify their identity or make a formal application instead.

The Office aims to respond to informal requests within **5 working days**. We will tell the person how long the request is likely to take, particularly if it may take longer than first expected.

The person will be contacted to advise the outcome of the request. In some cases, particularly if it is sensitive information, we may ask them to make a formal application.

If a person is unhappy with the outcome of an informal request, they can make a formal application to us.

8.1.2 Formal application

People also have the right to make a formal application to access or amend personal or health information.

A person does not need to ask informally before making a formal application, and a person can make a formal application if they have already asked informally.



A person can make a formal application to the Privacy Contact Officer by email or post.

The application should:

- include the person's name and contact details (postal address, telephone number and email address if applicable)
- state whether the person is making the application under the PPIP Act (personal information) or HRIP Act (health information)
- explain what personal or health information the person wants to access or amend
- explain how the person wants to access or amend it.

We aim to respond in writing to formal applications within **20 working days**. We will contact the person to advise how long the request is likely to take, particularly if it may take longer than expected.

If a person thinks we are taking an unreasonable amount of time to respond to an application, they have the right to seek an internal review. Before seeking an internal review, we encourage people to contact our office to ask for an update or timeframe.

8.1.3 Why the Office of Sport might not give access to or amend personal or health information

If a decision is made not to give access to or amend personal or health information, we will clearly explain our reasons.

If a person disagrees with the outcome of an application, they have the right to seek an internal review.

If the Office and the individual disagree about whether personal information held by the Office is accurate, complete and up to date, the Office will, at the request of the individual, attach a statement provided by the individual of the amendments requested.

8.1.4 Limits on accessing or amending other people's information

The Office is restricted from giving people access to someone else's personal and health information. The PPIP Act and the HRIP Act give people the right to access their own information; they generally do not give people the right to access someone else's information.

Under the PPIP Act, a person can give consent to disclose their personal information to someone that would not normally have access to it.

Under the HRIP Act, an "authorised representative" can act on behalf of someone else. The HPPs also contain information about other reasons we may be authorised to disclose health information, such as in the event of a serious and imminent threat to the life, health and safety of the individual, to find a missing person or for compassionate reasons.

If none of the above scenarios are relevant, a third party could also consider making an application for access to government information under the GIPA Act.



8.2 Internal Reviews

People have the right to seek an internal review under the PPIP Act if they think that the Office has breached the PPIP Act or HRIP Act relating to their own personal or health information.

The Office encourages people to try to resolve privacy issues informally first before going through the review process or making a complaint to the Privacy Commissioner. We recommend individuals contact the Privacy Contact Officer before lodging an internal review to discuss the issue.

It is not possible for someone to seek an internal review for a breach of someone else's privacy, unless they are authorised representatives of the other person.

Internal review applications need to be received within **six months** of individuals becoming aware of the breach. In exceptional cases late applications may be considered for internal review.

8.2.1 Internal Review Process

A person can seek an internal review by filling out the internal review application available on our website (copy at **Appendix C**) and sending it to our Privacy Contact Officer by email, post or in person along with any relevant information.

The Privacy Contact Officer will conduct the internal review unless the internal review is about the conduct of the Privacy Contact Officer. In this case another suitably qualified employee within our office will be appointed to conduct the internal review.

The Privacy Contact Officer aims to:

- acknowledge receipt of an application for internal review within **7 calendar days**
- complete an internal review within **60 calendar days**.

The Privacy Contact Officer will inform the person of the progress of the internal review, particularly if it is likely to take longer than first expected.

The Privacy Contact Officer will respond to the person in writing within **14 calendar days** of deciding the internal review. This is a requirement under the PPIP Act.

If a person disagrees with the outcome of an internal review or is not notified of an outcome within 60 days, they have the right to seek an external review.

8.2.2 The Privacy Commissioner's role in internal reviews

When an internal review application is received the Office must notify the Privacy Commissioner of the internal review and of the proposed outcome.

The Privacy Commissioner is entitled to make submissions to the Office of their view on the matter.

8.2.3 External Review Process

A person can seek an external review if they are unhappy with the outcome of an internal review we have conducted or do not receive an outcome within **60 calendar days**.

To seek an external review, a person must apply to the NSW Civil and Administrative Tribunal (NCAT). Generally a person has **28 calendar days** from the date of the internal review decision to



seek an external review. A person must seek an internal review before they have the right to seek an external review.

NCAT has the power to make binding decisions on an external review.

For more information about seeking an external review including current forms and fees, please contact NCAT:

Website: www.ncat.nsw.gov.au
Phone: 1300 006 228
Address: Level 9, John Maddison Tower
86-90 Goulburn St
SYDNEY NSW 2000

PO Box K1026
HAYMARKET NSW 1240

NCAT cannot give legal advice, however the NCAT website has general information about the process it follows and legal representation.

8.2.4 Other ways to resolve privacy concerns

The Office welcomes the opportunity to discuss any privacy issues you may have. You are encouraged to try to resolve privacy issues with the Office of Sport informally before lodging an internal review.

You can raise your concerns by contacting the Privacy Contact Officer or making a complaint through the Office of Sport's Feedback Assist process.

You may also make a complaint directly to the Privacy Commissioner

Please keep in mind that you have six months from when you first become aware of the potential breach to seek an internal review. This six-month time frame continues to apply even if attempts are being made to resolve privacy concerns informally. Please consider this time frame when deciding whether to make a formal request for internal review or continue with informal resolution.

9 Roles and Responsibilities

9.1 Our Staff

Under the PPIP Act, it is a criminal offence, punishable by up to two years' imprisonment for any employee (or former employee) to intentionally use or disclose any personal information about another person, to which the employee has or had access in the exercise of his or her official functions, except as necessary for the lawful exercise of his or her official functions.

The Privacy Contact Officer is the contact for privacy matters. This Privacy Contact Officer is responsible for the ongoing training and education of staff about their obligations under the PPIP Act and HRIP Act by:

- ensuring this Plan remains up to date
- informing staff of any changes to the Plan



- conducting or arranging staff training sessions on privacy matters as required

The Human Resources branch is responsible for ensuring this Plan is included in the online induction for all new employees.

9.2 Executive Team

The Core Executive Team is committed to:

- making privacy a standard agenda item in executive meetings
- Reporting on privacy issues in our annual report in line with the *Annual Reports (Departments) Act 1985* (NSW)
- confirming support for privacy compliance in the code of conduct
- identifying privacy issues when implementing new systems
- promoting the Privacy Management Plan as part of induction for new staff

10 Public awareness

This plan is publicly available as open access information under the GIPA Act.

We promote public awareness of this plan by:

- writing the plan in plain English
- publishing the plan on our website
- providing hard copies of the plan free of charge on request
- telling people about the plan when we answer questions about how we manage personal and health information

11 Contacting Us

11.1 Privacy Contact Officer

The Privacy Contact Officer:

- responds to enquiries about how we manage personal and health information
- responds to requests for access to and amendment of personal or health information
- provides guidance on broad privacy issues, compliance, and application of the Privacy Management Plan and privacy principles across the Office
- conducts internal reviews about possible breaches of the PPIP Act and HRIP Act (unless the subject of the review is the conduct of the Privacy Contact Officer).

Please use the contact details below to contact the Privacy Contact Officer

11.2 Our contact details

For further information about this plan or the personal and health information we hold, or to raise any concerns please feel free to contact us.

Website: www.sport.nsw.gov.au

Email: privacy@sport.nsw.gov.au



Phone: 131302
Mail: Locked Bag 1422
SILVERWATER NSW 2128
Address: Level 3, 6B Figtree Drive
SYDNEY OLYMPIC PARK NSW 2127

11.3 Information and Privacy Commission Contact

Website: www.ipc.nsw.gov.au
Email: ipcinfo@ipc.nsw.gov.au
Phone: 1800 472 679
Mail: Information & Privacy Commission
GPO Box 7011
SYDNEY NSW 2000
Address: Level 17, 201 Elizabeth Street
SYDNEY NSW 2000



Appendix A:

Privacy statement

[Note: The privacy statement may be used as a separate form, as part of correspondence or as part of the instructions to an online form.]

The personal information you provide is subject to the *Privacy & Personal Information Protection Act 1988* (PIIP Act). It is being collected by the Office of Sport and will be used and disclosed for the Office of Sport's purposes, or a directly related purpose, unless you consent to another use or disclosure, in emergencies or as otherwise required or authorised by law.

On most occasions, the provision of information to the Office of Sport is voluntary, however in some circumstances it is required by law. If you choose not to provide the requested information, we may not be able to provide certain products or services to you.

Under the PIIP Act, you have the right to access your personal information held by the Office of Sport, without excessive delay or expense. You also have the right to have your personal information corrected in certain circumstances (e.g. if it is inaccurate).

Should you wish to access or correct your personal information, please contact us:

Email: privacy@sport.nsw.gov.au
Phone: 13 13 02
Post: Locked Bag 1422, SILVERWATER NSW 2128

Further information regarding privacy can be obtained from the Office of Sport website at www.sport.nsw.gov.au



Appendix B:

Privacy statement – Active Kids

Introduction

The [Active Kids Program](#) is being delivered by the Office of Sport, in partnership with Service NSW.

Your privacy is important to us, and we are bound by the following NSW privacy laws when dealing with personal information and health information:

- the [Privacy and Personal Information Protection Act 1998](#) (NSW) and the 12 Information Protection Principles; and
- the [Health Records and Information Privacy Act 2002](#) (NSW) and the 15 Health Privacy Principles.

This Privacy Statement explains in general terms how the Office of Sport and Service NSW collects, stores, uses and discloses personal information for the purposes of the Active Kids Program, in accordance with NSW privacy laws.

We may review and update this privacy statement as business requirements or the law changes. Any changes to this Privacy Statement will be updated on the Office of Sport website.

Additional information the Office of Sport's general data handling practices is set out in the [Office of Sport Privacy Management Plan](#).

Further information about how Service NSW handles personal information, including in relation to MyServiceNSW Account registration, can be found at: [Service NSW - Privacy](#)

What personal information we collect and how

The Office of Sport and Service NSW collects personal information about:

- parents/guardians/carers who apply for an Active Kids Voucher ([Applicants](#)), and their children;
- sport and activity providers (which may include sole traders) who apply to be an Active Kids [Registered Provider](#), and their nominated contact persons, office bearers and authorised Active Kids Provider Account delegates; and
- individuals who make enquiries or complaints, or request information or brochures, in relation to the Active Kids Program.

The types of personal information that we collect about you will depend on our relationship with you and the circumstances of the collection. This may include:

- your name, email, address and contact phone number;
- date of birth and Medicare card or other Australian document identity number (for identity verification purposes);
- personal details of the specified child in relation to Active Kids Voucher applications, including name, age, school, residential postcode, indigenous status, disability status, language spoken at home, weight, height and activity level;
- Provider business details.



We only collect such information that is reasonable necessary to deliver and evaluate the Active Kids Program.

We may collect information over the phone, over the internet, in person, in writing or if you participate in a customer survey.

Generally, we collect personal information directly from you or your authorised representative. However, there may be occasions where it is necessary to collect information from a third party. These occasions may include:

- bulk Provider registrations made by NSW state sporting organisations on behalf of affiliated clubs;
- verification of evidence of identity documents, and Provider and office bearer details, with the [Document Verification Service](#), the [Australian Business Register](#), [Australian Securities and Investment Commission](#) and the [NSW Incorporated Associations Register](#);
- nomination of Provider delegates by office bearers; and
- verification of a child's enrolment at an Active Kids program via a third party.

We may collect and update information over the phone, over the internet, in person, in writing or if you participate in a customer survey.

How we use your personal information

Personal information may be used by the Office of Sport and Service NSW for the following purposes in relation to the delivery of the Active Kids Program:

Office of Sport

- assessing a child's eligibility for an Active Kids Voucher;
- assessing a Provider's eligibility for registration as an Active Kids Registered Provider;
- conducting auditing and compliance activities, to ensure the financial integrity of the Active Kids Program;
- contacting Applicants in relation to further research activities where they have agreed to be contacted for that purpose (participation in research activities is voluntary);
- undertaking Program evaluation activities, which will assist the Office of Sport assess whether the Program has met its objectives (i.e. increase child participation in sport and active recreation, and reduce the prevalence of childhood overweight and obesity) and inform further program and policy development in relation to these matters. For the purposes of these evaluations, de-identified information about children will be linked across each year of the Program in which an Active Kids Voucher is issued to the child, using unique identifiers;

Service NSW

- creating and maintaining MyServiceNSW accounts;
- facilitating voucher redemption transactions, and reconciling Provider claims and payments;

Office of Sport and Service NSW

- improving the delivery of services so they remain client focused;
- responding to complaints and enquiries in relation to the Program; and
- communicating with you as required.



Disclosure of personal information

Personal information may be disclosed to third parties in connection with the administration and management of the Active Kids Program, including:

- the [Document Verification Service](#) (managed by the Commonwealth Attorney-General's Department), the [Australian Business Register](#) (managed by the Australian Business Registrar), Australian Securities and Investment Commission and the [NSW Incorporated Associations Register](#) (managed by the NSW Office of Fair Trading), for the purposes of verifying identity documents and details about Providers and their office bearers;
- contracted service providers engaged by Service NSW who process voucher redemption transactions (and who may be located and store data overseas);
- Active Kids Registered Providers for voucher redemption and acquittal purposes; and
- the Office of Sport's research partners (e.g. universities or other research bodies engaged by the Office of Sport) for the purposes of conducting Program evaluation activities (de-identified information) and research activities (where consent has been provided), and other contracted service providers engaged by the Office of Sport to assist with these activities.

A list of Active Kids Registered Providers will be made available to Applicants.

A Provider's nominated office bearers, delegates and key contacts will be able to access Provider details (including names and contact details of other office bearers, delegates and key contacts) via the Provider's MyServiceNSW business account.

The Office of Sport and Service NSW may also share information for the purposes of:

- facilitating the creation of MyServiceNSW Accounts;
- undertaking financial auditing and compliance activity in relation to the Program; and
- responding to complaints or enquiries.

Any report or publications on the evaluation of the Active Kids program will not identify any individual that has participated in the Program.

Personal information will not be disclosed for other purposes unless you give consent, or the disclosure is authorised or required by law.

How we store information

We store your information in strict confidence in secure access controlled databases. We may use third party system providers who may store or have access to personal information. We have taken steps to ensure the protection of your personal information from misuse, loss, unauthorised access and modification or disclosure.

We also take steps to destroy or de-identify information that we no longer require. In some cases there are statutory requirements for retaining information for a prescribed period of time.

Access to and correction of personal information

You have a right to request access to your personal information held by the Office of Sport or Service NSW. There is no charge for lodging an access request, however a fee may be charged for costs associated with collating and providing access to the information, such as photocopying.



You may also request a correction to your personal information if you believe it is inaccurate, incomplete, out of date or misleading.

If we are unable or otherwise refuse to amend personal information in accordance with a request, you will be provided with reasons for that decision. We will also, at your request, take reasonable steps to attach to the disputed information a statement provided by you in relation to the requested amendment.

Requests for access to or correction of personal information held by the Office of Sport or Service NSW in connection with the Active Kids Program should be directed to the relevant agency, using the contact details provided further below.

You can also update your personal details (such as address, telephone number or email address) via your MyServiceNSW Account.

Privacy complaints

If you are concerned about the way in which your personal information has been handled by the Office of Sport and/or Service NSW, you may request an internal review in relation to the relevant agency's conduct.

Procedure for making a complaint

An application for a review of conduct relating to the handling of personal information by the Office of Sport or Service NSW:

- should be directed to the relevant agency using the contact details provided further below;
- must be lodged within 6 months of the person becoming aware of the conduct the subject of the complaint; and
- must specify an address in Australia to which agency responses and correspondence may be sent.

You may also be requested to provide:

- evidence of your identity; and/or
- if you are making a complaint on behalf of another person – a signed consent from that other person, or other evidence of your authority to act for that person.

Handling requests for review

Following receipt of an application for review by the Office of Sport or Service NSW:

- the Privacy Contact Officer in the relevant agency will:
 - acknowledge receipt of your review application in writing;
 - notify the NSW Privacy Commissioner of the application; and
 - allocate the matter to an appropriate person within the agency (Investigating Officer, being an officer that was not involved in the alleged behaviour or conduct which gave rise to the complaint) to investigate the matter;
 - the review will be undertaken within 60 days; and



- within 14 days of the completion of the review, the applicant/complainant will be notified in writing of the Investigating Officer's findings and actions proposed to be taken by the agency (with supporting reasons for the decision).

If you are dissatisfied with the response to an application for review, you can appeal the agency's decision to the NSW Civil and Administrative Tribunal.

Contact details

All requests for access to or correction of personal information held by the Office of Sport and Service NSW in connection with the Active Kids Program should be directed in the first instance to:

Privacy Review
Office of Sport
Locked Bag 1422
SILVERWATER NSW 2128

David Cushway
Program Director Active Kids
Locked Bag 1422
SILVERWATER NSW 2128

Privacy Contact Officer
Governance & Risk
Service NSW
GPO Box 7057
Sydney NSW 2001
Phone: 13 77 88
Email: governanceandrisk@service.nsw.gov.au



Appendix C:

Privacy complaint - Internal review application

<p>This is an application for review of conduct under (please tick one)</p> <p><input type="checkbox"/> s53 of the <i>Privacy and Personal Information Protection Act 1998</i> (PPIP Act)</p> <p><input type="checkbox"/> s21 of the <i>Health Records and Information Privacy Act 2002</i> (HRIP Act)</p>	
YOUR DETAILS	
Name:	
Postal Address:	
Telephone:	
Email:	
COMPLAINT	
<p>What is the specific conduct you are complaining about? <i>("Conduct" can include an action, decision or inaction by an agency)</i></p>	
<p>Please tick which of the following describes your complaint: <i>(you may tick more than one option).</i></p>	<p><input type="checkbox"/> collection of my personal or health information</p> <p><input type="checkbox"/> security or storage of my personal or health information</p> <p><input type="checkbox"/> refusal to let me access or find out about my own personal or health information</p> <p><input type="checkbox"/> accuracy of my personal or health information</p> <p><input type="checkbox"/> use of my personal or health information</p> <p><input type="checkbox"/> disclosure of my personal or health information</p> <p><input type="checkbox"/> other</p> <p><input type="checkbox"/> unsure</p>
<p>What date did the conduct occur? <i>(please be as specific as you can)</i></p>	



What date did you first become aware of this conduct?	
What effect did the contact have on you?	
What effect might the conduct have on you in the future?	
What would you like to see the agency do about the conduct? <i>(eg: an apology, a change in policies or practices, your expenses paid, damages paid to you, training for staff, etc)</i>	
You need to lodge this application within six months of the date you became aware of the conduct. If you have taken more than six months please explain why.	
I understand that this form will be used by the agency to process my request for an internal review. I understand that details of my application will be referred to the Privacy Commissioner in accordance with: section 54(1) of the <i>Privacy and Personal Information Protection Act</i> , or section 21 of the <i>Health Records and Information Privacy Act</i> , and that the Privacy Commissioner will be kept advised of the progress of the internal review.	
Signature:	
Date:	
LODGEMENT OF FORM	
Please e-mail completed forms to: privacy@sport.nsw.gov.au OR Post to: Privacy Contact Officer Office of Sport Locked Bag 1422, SILVERWATER NSW 2128	
PLEASE KEEP A COPY OF THIS FORM FOR YOUR RECORDS NOTE: It is not a requirement under the PPIP Act or the HRIP Act that you complete an application form. This form is designed for your convenience only. However, you must make a written request in some form to the agency for the matter to be a valid internal review.	

