



UrbanGrowth NSW  
Development Corporation

# **UrbanGrowth NSW Development Corporation**

# **Privacy Management Plan**

**June 2017**

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## 1. Introduction and scope

### 1.1 Purpose and scope

This Privacy Management Plan (**Plan**) is prepared in accordance with Part 3, Division 2 of the *Privacy and Personal Information Protection Act 1998* (NSW) (**Privacy Act**).

It sets out how UrbanGrowth NSW Development Corporation (**UGDC**) collects and manages personal and health information, in compliance with the requirements of the Privacy Act and the *Health Records and Information Privacy Act 2002* (NSW) (**Health Records Act**).

Specifically, the Plan addresses:

- (a) how UGDC develops policies and practices to ensure compliance with the requirements of the Privacy Act and the Health Records Act;
- (b) how UGDC trains its staff on those policies and practices;
- (c) UGDC's internal review procedures; and
- (d) other matters which UGDC considers relevant in relation to privacy and the protection of personal information which it holds.

This includes explaining how individuals can contact UGDC to access and/or correct their personal and health information and what they can do if they feel that we have breached our obligations in respect of their information.

However, nothing in this Plan affects the operation and/or interpretation of the Privacy Act, the Health Records Act or any applicable privacy code or legislation. It does not create or alter any obligation at law which UGDC may have.

### 1.2 Application

The Privacy Act, the Health Records Act and this Plan applies to:

- (a) UGDC employees; and
- (b) consultants and contractors of UGDC.

UGDC will ensure that all such persons are made aware of their responsibilities under these instruments and any other applicable policy.

### 1.3 Monitor and review

The Plan is monitored on a regular basis and any changes needed to reflect new systems or processes, legislative amendments or advice from the NSW Privacy Commissioner will be made as soon as practicable.

In addition, UGDC will undertake a formal review of the Plan every three years.

The Plan was implemented on 31 August 2017.

## 2. About us

### 2.1 Background

UGDC came into effect on 1 January 2013 under the Growth Centres (Development Corporations) Act 1974 (**Growth Centres Act**). The Growth Centres Act is the primary legislation under which UGDC operates. The UGDC has a Chief Executive Officer reporting directly to the Premier.

UGDC is the NSW Government's urban transformation agency. We work with our government, private sector and community partners to facilitate the delivery of complex, large-scale urban transformation projects to help meet the NSW Government's priorities of job creation, housing supply, and economic growth. We also champion sustainability leadership

across our projects through our Sustainability Strategy, focused on social, environmental, accountable and economic sustainability. We are responsible for planning, coordinating and delivering major urban transformation programs including The Bays Precinct, Redfern to Eveleigh, Waterloo and Parramatta North, in association with our partners.

UGDC was previously known as the Sydney Metropolitan Development Authority and the Redfern Waterloo Authority.

## 2.2 Functions

In summary, UGDC is charged with the responsibility of promoting, co-ordinating, managing and securing the orderly and economic development of five designated growth centres: Redfern-Waterloo, Granville, Cooks Cove, Parramatta North Urban Transformation and the Bays Precinct.

A detailed description is set out in section 7 of the *Growth Centres (Development Corporations) Act 1974* (NSW).

## 3. Personal and Health Information

### 3.1 Personal information

Section 4 of the Privacy Act defines personal information as '*information or an opinion (including information or an opinion forming part of a database and whether or not recorded in a material form) about an individual whose identity is apparent or can reasonably be ascertained from the information or opinion*'.

The Privacy Act also provides examples of the type of information that is not personal information. For example, personal information does not include:

- (a) information about an individual who has been dead for more than 30 years;
- (b) information about an individual that is contained in a publicly available publication; and
- (c) information or an opinion about an individual's suitability for appointment or employment as a public sector official.

This list is not exhaustive.

### 3.2 Health information

Section 6 of the Health Records Act defines health information as:

- (a) personal information that is information or an opinion about:
  - the physical or mental health or a disability (at any time) of an individual;
  - an individual's express wishes about the future provision of health services to him or her; or
  - a health service provided, or to be provided, to an individual;
- (b) other personal information collected to provide, or in providing, a health service;
- (c) other personal information about an individual collected in connection with the donation, or intended donation, of an individual's body parts, organs or body substances;
- (d) other personal information that is genetic information about an individual arising from a health service provided to the individual in a form that is or could be predictive of the health (at any time) of the individual or of a genetic relative of the individual; or
- (e) healthcare identifiers,

but does not include health information, or a class of health information or health information contained in a class of documents, that is prescribed as exempt health information for the purposes of the Health Records Act generally or for the purposes of specified provisions of the Health Records Act.

### 3.3 Personal and health information collected and held by UGDC

UGDC collects and holds different kinds of personal and health information in order to conduct its functions.

Personal and health information collected by UGDC about staff may include, but is not limited to, payroll information, leave data, personal contact information, accident/incident reports, remuneration details and health information (such as medical certificates, disclosures of pre-existing medical conditions, drug and alcohol tests, medical reports and workers compensation claims).

UGDC also collects information about individuals obtained during tender processes, in the course of developing and managing business relationships and when people contact us with enquiries and complaints. This can include names, contact details, opinions, health conditions and illnesses, family relationships, housing or tenancy information, work history, education and criminal histories.

There is an important distinction between solicited and unsolicited information. For the purposes of the Privacy Act, personal information is not *collected* by a public sector agency if the receipt of the information by the agency is unsolicited.

However, personal information is held by UGDC if:

- (a) UGDC is in possession or control of the information;
- (b) the information is in the possession or control of a person employed or engaged by UGDC in the course of their employment or engagement; or
- (c) the information is contained in a State record which UGDC is responsible for.

There is no distinction between solicited and unsolicited information for the *holding* of information.

Relevantly, some of the principles under the Privacy Act and Health Records Act apply to the collection of information while others apply to the holding of information.

### 3.4 Principles

The Privacy Act protects personal information held by public sector agencies by means of 12 principles. The principles are:

- (a) Collection of personal information for lawful purposes;
- (b) Collection of personal information directly from individual;
- (c) Requirements when collecting personal information;
- (d) Other requirements relating to collection of personal information;
- (e) Retention and security of personal information;
- (f) Information about personal information held by agencies;
- (g) Access to personal information held by agencies;
- (h) Alteration of personal information;
- (i) Agency must check accuracy of personal information before use;
- (j) Limits on use of personal information;
- (k) Limits on disclosure of personal information; and
- (l) Special restrictions on disclosure of personal information.

The Health Records Act contains 15 principles, many of which are similar to those in the Privacy Act:

Set out below is a summary of how UGDC and its employees, consultants and contractors are to collect and manage personal and health information, in line with the Privacy Act and the Health Records Act.

#### Why we collect personal and health information

We only collect personal and health information if:

- (a) it is collected for a lawful purpose that is directly related to a function or activity of UGDC; and
- (b) the collection of the information is reasonably necessary for that purpose.

#### Who we collect personal and health information from

We collect personal and health information directly from the individual to whom the information relates, unless:

- (a) the individual has authorised the collection of the information from someone else;
- (b) in the case of information relating to a person who is under the age of 16 years, the information has been provided by a parent or guardian of the person; or
- (c) in the case of health information, it is unreasonable or impracticable to do so.

Guidelines relating to privacy law in NSW can be found here:

[http://www.ipc.nsw.gov.au/sites/default/files/file\\_manager/Fact\\_Sheet\\_privacy\\_20150122.pdf](http://www.ipc.nsw.gov.au/sites/default/files/file_manager/Fact_Sheet_privacy_20150122.pdf)

#### Requirements when collecting personal and health information

When we collect personal and health information we must take reasonable steps to ensure that, before the information is collected or as soon as practicable after collection, the individual concerned is made aware of:

- (a) the fact that the information is being collected;
- (b) the purposes for which the information is being collected;
- (c) the intended recipients of the information;
- (d) whether the supply of the information by the individual is required by law or is voluntary, and any consequences for the individual if the information (or any part of it) is not provided;
- (e) the existence of any right of access to, or correction of the information; and
- (f) the name and address of the agency that is collecting the information and the agency that is to hold the information.

This ensures that when people are asked to provide their personal information to UGDC they are given enough information in order to exercise any rights that they may have under the Privacy Act. This could enable the person to decide not to provide the information in the first place.

Guidelines relating to the collection of health information can be found here:

<http://ipc.nsw.gov.au/health-privacy-principles-hpps-explained-members-public>

#### How we collect personal and health information

When we collect personal and health information we must take reasonable steps to ensure:

- (a) the information collected is relevant to the purpose for which it is collected, is not excessive, and is accurate, up to date and complete; and
- (b) the collection of the information does not intrude to an unreasonable extent on the personal affairs of the individual to whom the information relates.

We must not take unreasonable methods to gather personal information.

### How we store and secure personal and health information

Once we have collected personal and health information, we must ensure:

- (a) the information is kept for no longer than is necessary;
- (b) the information is disposed of securely;
- (c) the information is protected against loss, unauthorised access, use, modification or disclosure, and against all other misuse; and
- (d) if it is necessary for the information to be given to a person in connection with the provision of a service to UGDC, we must take steps to prevent unauthorised use or disclosure of the information by that person.

The level of security that may be appropriate will depend on the nature of the personal and health information and the medium in which it is stored.

It is important to note that this does not mean that personal information should be destroyed or disposed of when they are no longer useful – compliance with the provisions of the *State Records Act 1998* (NSW) may be relevant.

Objective is UrbanGrowth NSW records management system. Objective manages both physical and electronic files. A disposal schedule is applied at the file level. Access to files is based on privileges. Access is role based, hence staff are only given access if required for their role.

We have the following policies to ensure we properly protect information and supporting systems:

- (a) Records Management Policy;
- (b) Information and Communication Technology (ICT) Security Policy;
- (c) ICT Information Security Guidelines;
- (d) Information Classification and Handling Policy; and
- (e) ICT Access Control Policy and Procedure.

### Transparency around the holding of personal and health information

We must be transparent about the personal and health information which we hold. In particular, we must enable any person to ascertain:

- (a) whether the agency holds personal information;
- (b) whether the agency holds personal information relating to that person; and
- (c) if we do hold personal information relating to that person:
  - the nature of that information;
  - the main purposes for which the information is used; and
  - the person's entitlement to gain access to the information.

### Access to personal and health information we hold

People have a right of access to their personal and health information. Accordingly, we must, at the request of the individual to whom the information relates and without excessive delay or expense, provide the individual with access to the information.

Before such information is provided we must make proper enquiries to confirm the identity of the individual who has requested the information – unless an exception exists (discussed below) information must only be provided to individuals to whom the information relates.

#### Correction of personal and health information

We must, at the request of an individual to whom personal and health information relates, make appropriate amendments to ensure that the information which we hold is accurate, relevant, up-to-date, complete and not misleading.

Similarly, before any corrections are made we must make proper enquiries to confirm the identity of the individual who has requested the correction.

If we are not prepared to amend the information, the individual's request for an amendment should be attached to the information requested to be changed.

#### Maintaining accuracy of personal and health information

Before using personal and health information we must take reasonable steps to ensure that the information is relevant, accurate, up-to-date, complete and not misleading.

While it will depend on the particular circumstances, some factors which should be taken into consideration when determining what steps are reasonable include:

- (a) whether the information has recently been updated;
- (b) the manner in which the information was obtained;
- (c) the purpose for which the information was collected;
- (d) the purpose for which the information is used;
- (e) the sensitivity of the information; and
- (f) the effort and cost in checking the information.

#### What limits are there on the use of personal and health information

UGDC must only use personal and health information for the purpose for which it was collected, unless;

- (a) the individual consents to the use of the information for another purpose;
- (b) if the information is not health information, the other purpose is directly related to the primary purpose;
- (c) if the information is health information, the other purpose is directly related to the primary purpose and the individual would reasonably expect us to use the information for that other purpose; or
- (d) we believe the use is necessary to prevent or lessen:
  - (i) a serious and imminent threat to the life or health of the individual concerned or of another person; or
  - (ii) in the case of health information, a serious threat to public health or public safety.

It is important to note that *use* refers to the treatment and handling of personal information within UGDC. It does not include disclosure to a third party.

A statutory guideline on consent relating to the use and disclosure of personal and health information can be found here:

[http://www.ipc.nsw.gov.au/sites/default/files/file\\_manager/Consent\\_Fact\\_Sheet\\_Final.pdf](http://www.ipc.nsw.gov.au/sites/default/files/file_manager/Consent_Fact_Sheet_Final.pdf)



What limits are there on the disclosure of personal and health information

Subject to the below (special restrictions), we may only disclose personal and health information about an individual to a third party:

- (a) the individual consents to the disclosure of the information for another purpose;
- (b) if the information is not health information, the disclosure is directly related to the purpose for which the information was collected and we have no reason to believe that the individual concerned would object to the disclosure;
- (c) if the information is not health information, the individual concerned is likely to have been aware, or has been made aware, that the information is usually disclosed to that third party;
- (d) if the information is health information, the disclosure is for the purpose for which the information was collected, or it is directly related to the primary purpose, and the individual would reasonably expect us to disclose the information for that secondary purpose; or
- (e) if we believe the use is necessary to prevent or lessen:
  - (i) a serious and imminent threat to the life or health of the individual concerned or of another person; or
  - (ii) in the case of health information, a serious threat to public health or public safety.

A statutory guideline on consent relating to the use and disclosure of personal and health information can be found here:

[http://www.ipc.nsw.gov.au/sites/default/files/file\\_manager/Consent\\_Fact\\_Sheet\\_Final.pdf](http://www.ipc.nsw.gov.au/sites/default/files/file_manager/Consent_Fact_Sheet_Final.pdf)

Special restrictions on the disclosure of personal and health information

Special restrictions apply to certain types of information. In particular, we must not disclose personal information relating to an individual's ethnic or racial origin, political opinions, religious or philosophical beliefs, trade union membership, health or sexual activities unless the disclosure is necessary to prevent a serious or imminent threat to the life or health of the individual concerned or another person.

There are also limitations on disclosure outside New South Wales or a Commonwealth agency. Relevantly, we must not disclose personal or health information to any person or body who is in a jurisdiction outside New South Wales or a Commonwealth agency unless:

- (i) the individual concerned consents;
- (ii) a privacy law which contains principles similar to those in paragraphs 3.4 to 0 above applies in that jurisdiction;
- (iii) it is necessary for the performance of a contract between UGDC and the individual or the performance of a contract between UGDC and a third party which is in the interest of the individual;
- (iv) it is for the benefit of the individual, it is impracticable to obtain the consent of the individual and it is likely that the individual would have given their consent;
- (v) the disclosure is permitted under a privacy code of practice;
- (vi) we believe that the disclosure is necessary to prevent or lessen a serious and imminent threat to the life or health of the individual concerned or another person;
- (vii) we have taken reasonable steps to ensure the information won't be held, used or disclosed by the recipient in a manner that is inconsistent with the principles in paragraphs 3.4 to 0 above; or
- (viii) if it is permitted or required by legislation or any other law.

A statutory guideline on transborder disclosure can be found here:

[http://www.ipc.nsw.gov.au/sites/default/files/file\\_manager/2016.06.30%20s19%20Transborder%20Guidance.pdf](http://www.ipc.nsw.gov.au/sites/default/files/file_manager/2016.06.30%20s19%20Transborder%20Guidance.pdf)

### *The use of identifiers and the linkage of health records*

We can only assign identifiers (eg, numbers) about health information to individuals if it is reasonably necessary to enable us to carry out our functions efficiently. Presently we do not use unique identifiers for health information, as we do not need them to carry out our functions.

In addition, unless we have the consent of the individual, we must not include health information about an individual in a health records linkage system or disclose an identifier of an individual to any person if the purpose of the disclosure is to include health information about the individual in a health records linkage system.

## 3.5 *Exemptions*

Compliance with the principles in paragraphs 3.4 to 0 above is subject to certain exemptions. A full list of the exemptions can be found in Part 2, Division 3 of the Privacy Act and in Schedule 1 of the Health Records Act.

Some of the exemptions most relevant to UGDC are:

- (a) if the information is unsolicited information;
- (b) if the information is collected in connection with proceedings before a court or tribunal;
- (c) if non-compliance is necessary to assist another public sector agency that is an investigative agency in exercising its investigative functions;
- (d) if compliance would prejudice the interests of the individual to whom the information relates;
- (e) if we are lawfully authorised or required not to do so;
- (f) if non-compliance is authorised or required by a subpoena, warrant or statutory notice to produce;
- (g) non-compliance is permitted (or is necessarily implied or reasonably contemplated) by another law (including the *State Records Act 1998* and the *Government Information (Public Access) Act 2009*); or
- (h) if the information is sent between public sector agencies under the administration of the same Minister for the purposes of informing that Minister about any matter within that administration.

Importantly, the exemptions are particular to certain principles – some principles do not enjoy any exemptions.

## 4. **Other matters**

### 4.1 Public Registers

UrbanGrowth NSW is required to provide the following information to the public:

- (a) a [disclosure log](#) of information previously released in response to formal access applications under the Government Information (Public Access) Act 2009 that may be of interest to other members of the public; and
- (b) a [register of contracts](#) with a value of \$150,000 or more that UrbanGrowth NSW has with private sector organisations and which are required to be disclosed under the Government Information (Public Access) Act.

## 4.2 Offences

Sections 62 to 68 of the Privacy Act set out a number of offences relating to the collection and management of personal information. For example, it is an offence to:

- (a) intentionally disclose or use personal information for an unauthorised purpose;
- (b) offer to supply personal information that has been disclosed unlawfully; and
- (c) hinder the Privacy Commissioner or a member of staff from doing their job.

Similar offences exist in Part 8 of the Health Records Act. Under the Health Records Act, it is also an offence to prevent or attempt to prevent an individual from making or pursuing a request for access to health information, a complaint to the Privacy Commissioner or a review under the Privacy Act.

## 5. Review rights and complaints

### 5.1 *Internal review*

Individuals (including staff) who are aggrieved by our conduct relating to the collection or management of personal or health information have the right to seek an internal review of our conduct.

An application for review must be in writing to the Right for Information Officer and be made within six months of the time the applicant first became aware of the conduct. A review form is available on the [website](#) for the New South Wales Information and Privacy Commission. In appropriate circumstances, we may exercise our discretion to accept an out of time application.

Once a request has been made, it will be allocated to the General Counsel, unless the General Counsel was involved in the conduct which is the subject of the review – in which case the CEO will appoint an appropriate person to conduct the review.

The General Counsel, or another person appointed to conduct the review will notify the Privacy Commissioner of request for a review and will keep the Privacy Commissioner informed throughout the review, including of its findings and proposed action. While we may ask the Privacy Commissioner to undertake the internal review on our behalf, in most instances we will conduct the review internally. In any case, the Privacy Commissioner is entitled to make submissions to us regarding his or her view of the matter.

We will aim to complete the review within 60 calendar days and within 14 days of completion we will notify the applicant in writing of:

- (a) the findings of the review (and the reasons for those findings);
- (b) the action proposed to be taken by us (with reasons); and
- (c) the right of the applicant to have those findings, and the agency's proposed action, reviewed by NCAT (see below).

### 5.2 *External review*

An applicant may seek an external review of our conduct relating to the collection or management of personal or health information if they have sought an internal review and either:

- (a) they disagree with our decision; or
- (b) they were not notified of a decision within 60 days from the date of their request for an internal review.

An application for external review can be made to the NSW Civil and Administrative Tribunal (**NCAT**). Generally applications will need to be made within **28 days** from the date of the decision of the internal review.

On reviewing the conduct, NCAT may decide not to take any action on the matter, or it may make one or more of the following orders:

- (a) an order requiring UGDC to pay to the applicant damages not exceeding \$40,000;
- (b) an order requiring UGDC to refrain from any conduct or action in contravention of an information protection principle or a privacy code of practice;
- (c) an order requiring the performance of an information protection principle or a privacy code of practice;
- (d) an order requiring personal information that has been disclosed to be corrected by UGDC;
- (e) an order requiring UGDC to take specified steps to remedy any loss or damage suffered by the applicant;
- (f) an order requiring UGDC not to disclose personal information contained in a public register; or
- (g) such ancillary orders as NCAT thinks appropriate.

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

Website: <http://www.ncat.nsw.gov.au/>

Phone: (02) 9377 5711

Visit/post: Level 9, John Maddison Tower, 86-90 Goulburn Street, Sydney NSW 2000

### 5.3 *Informal or alternative review*

Individuals aggrieved by our collection or management of personal or health information can also seek to resolve their grievances in an informal manner. This can include:

- (a) contacting the Right to Information Officer;
- (b) contracting the Privacy Commissioner;
- (c) for staff, through our internal complaints procedure in accordance with the UrbanGrowth NSW Compliments and Complaints Handling Policy; or
- (d) for external persons, through our complaints and enquiries channels (eg, on our website).

If an individual chooses to explore one of these options, they should be aware that the six month limitation on internal reviews continues to run during an informal or alternative review.

## **6. Promotion, use and accessibility of the Plan**

### 6.1 Initial training

At the commencement of their engagement with UGDC, employees, contractors and all other staff are provided with a copy of the Plan and the Privacy Policy and undertake basic training on the material in those documents and their responsibilities under the Privacy Act and Health Records Act.

All employees, contractors and all other staff are required to comply with the UrbanGrowth NSW Code of Conduct that sets out obligations in relation to acting honestly and with integrity, managing and disclosing conflicts of interest and not disclosing or misusing inside information.

### 6.2 Ongoing training

A copy of the Plan and Privacy Policy is available to all employees on UGDC's intranet page and all employees will be advised of any updates to the Plan and Privacy Policy.

Employees in positions which involve the collection and management of personal and health information will be provided detailed training relevant to their particular role. This training includes participating in workshops that include worked examples and hypothetical situations regarding the collection and management of personal and health information.

Further, individual training requirements in relation to the collection and management of personal and health information will be determined by the relevant staff member's manager. Where more in depth training is identified as necessary for particular roles or staff members, these requirements will be incorporated into the individual training plans for those employees.

### 6.3 Questions about personal and health information

Staff who are unsure about their responsibilities regarding the collection and management of personal and health information should contact the Right to Information Officer or the New South Wales Information and Privacy Commission.

### 6.4 Distribution of information to the public

UGDC may distribute information on personal and health information to the public, including privacy statements on forms and information available from the New South Wales Information and Privacy Commission.

UGDC's Internet Privacy Policy (see Schedule 1) and Privacy Statement (see Schedule 2) are available on its internet page.

## 7. Contact details

### 7.1 UrbanGrowth Development Corporation

Government information Public Access Enquiries  
Right to Information Officer  
UrbanGrowth NSW Development Corporation  
Level 12, 19 Martin Place, MLC Centre  
Sydney NSW 2000  
Telephone: (02) 9841 2900

Email: [info@ugdc.nsw.gov.au](mailto:info@ugdc.nsw.gov.au)

### 7.2 NSW Privacy Commissioner

NSW Privacy Commissioner  
Information and Privacy Commission  
Office: Level 5, 47 Bridge Street, Sydney NSW 2000  
Post: PO Box R232 Royal Exchange, NSW 2001  
Phone: 1800 472 679  
Email: [ipcinfo@ipc.nsw.gov.au](mailto:ipcinfo@ipc.nsw.gov.au)  
Web: [www.ipc.nsw.gov.au](http://www.ipc.nsw.gov.au)

### 7.3 NCAT:

NSW Civil and Administrative Tribunal  
Office/post: Level 9, John Maddison Tower, 86-90 Goulburn Street, Sydney NSW 2000  
Website: <http://www.ncat.nsw.gov.au/>  
Phone: (02) 9377 5711

# Schedule 1 – Internet Privacy Statement

## Privacy Statement

This website is maintained by UrbanGrowth NSW Development Corporation (**UGDC**). This Privacy Statement applies to all of the publicly accessible pages on this site located at [www.ugdc.nsw.gov.au](http://www.ugdc.nsw.gov.au).

UGDC does not have any responsibility for the privacy policies or practices of third party sites linked to this site. If you have any questions about UGDC's site, the application of this Privacy Statement, or a request for access to information held, please contact:

Right to Information Officer  
UrbanGrowth NSW Development Corporation  
Level 12, 19 Martin Place, MLC Centre  
Sydney NSW 2000

Ph: (02) 9841 2900

Users of the UGDC site are entitled to expect that any information collected as a result of that use will be treated within the terms of UGDC's privacy responsibilities and obligations. UGDC's privacy practices are regulated by the New South Wales *Privacy and Personal Information Protection Act 1998*.

### What information do we collect?

When you look at the pages on the UGDC site, our computers automatically record information that identifies, for each page accessed:

- the IP (Internet Protocol) address of the machine which has accessed it;
- your top-level domain name (for example .com, .gov, .au, .uk etc.);
- the address of your server;
- the date and time of your visit to the site;
- the pages accessed and documents downloaded;
- the previous site visited; and
- the type of browser and operating system you have used.

### Cookies

'Cookies' are small pieces of text data that a web server can store on, and later retrieve from, a user's computer. They do not personally identify you, but they do identify your browser. Cookies can be either 'persistent' or 'session' based. Persistent cookies are stored on your computer, contain an expiration date, and may be used to track your browsing behaviour upon return to the issuing web site. Session cookies are short-lived, are used only during a browsing session, and expire when you shut down your browser.

The UGDC website mainly uses sessional cookies. This information is unable to be retained once the user session has ceased.

The only instances where the UGDC website uses persistent cookies are for quick polls or surveys (to prevent users answering the same poll question more than once) or where cookies may be set by external third party services, such as Google Maps and Vimeo.

The cookies on this site do not read the information on your hard drive. They do not make your computer perform any actions or make your computer send information to any other computer via the

internet. UGDC makes no attempt to associate cookies with users' names or identities. Our server cannot find out your name or email address, or anything about your computer, by using cookies.

### **How do we use the information collected?**

The information collected during each visit is aggregated with similar logged information and published in reports in order for UGDC to identify patterns of usage of the site. This will assist us in improving this site and the services offered on it.

UGDC will not disclose or publish information that identifies individual machines, or potentially identifies sub-groupings of addresses, without consent or otherwise in accordance with the New South Wales *Privacy and Personal Information Protection Act 1998*.

### **What exceptions are there to this rule?**

UGDC will collect, use and disclose more extensive information than stated above in the following circumstances:

- unauthorised attempts to access files which are not published UGDC pages;
- unauthorised tampering or interference with files published on the UGDC site;
- unauthorised attempts to index the contents of the UGDC site by other sites;
- attempts to intercept messages of other users of the UGDC site;
- communications which are defamatory, abusive, vilify individuals or groups or which give rise to a suspicion that an offence is being committed; and
- attempts to otherwise compromise the security of the web server, breach the laws of the State of New South Wales or Commonwealth of Australia, or interfere with the enjoyment of the UGDC site by other users.

Use or access to this site is subject to your acknowledgement and agreement that UGDC can make disclosures to relevant authorities where the use of this site raises a suspicion that an offence is being, or has been, committed, or for other law enforcement and related purposes (eg, pursuant to a search warrant).

### **Is the information stored securely?**

Information collected is stored in an appropriately secure format and held by UGDC for archival purposes. The information is kept only for as long as is necessary for the purposes for which it was collected.

### **What will we do with information provided as feedback?**

The provision of personal details on feedback is optional. UGDC provides feedback facilities on this site to allow users to provide input into the future development of the site and to comment on the provision of service by UGDC.

Users provide personal details for the purpose of receiving a reply to their feedback. This information will only be used for the purpose for which it was provided. We will not add your email address or name to any mailing list.

UGDC may publish aggregated information about feedback on the site, to the extent that it does not identify or cannot be used to identify individual users.

### **Who else has access to information within the Department?**

Access to raw data is restricted to a limited number of officers in Amazon Web Services, our Hosts, and UGDC for the purpose of analysis, and to report on the success of the site in meeting UGDC's communication and access objectives.

**Do you have access to the information?**

Under the *Privacy and Personal Information Protection Act 1998*, you have the right to access and request the correction of information which UGDC holds about you.

If you would like to access information held about you by Amazon Web Services please contact:

Right to Information Officer  
UrbanGrowth NSW Development Corporation  
Level 12, 19 Martin Place, MLC Centre  
Sydney NSW 2000  
Ph: (02) 9841 2900

**Will this policy be updated over time?**

Due to the developing nature of privacy principles for online communication, this policy may be modified or amended in light of new developments or issues that may arise from time to time. The amended policy will be posted to this site and will operate from the time it is posted.



# Schedule 2 – Privacy Policy

## Privacy Policy

### 8. Overview

This policy outlines the way in which UrbanGrowth NSW Development Corporation (**UGDC**) collects and manages personal and health information.

### 9. Collection, storage and disclosure of personal and health information

#### 9.1 Type of personal and health information collected

The type of information we may collect and hold in relation to you includes, but is not limited to, your:

- (a) name, date of birth, citizenship, gender, driver's licence number and identification;
- (b) personal and emergency contact details;
- (c) any information contained on your CV (such as employment history, education and qualifications);
- (d) recruitment and training records;
- (e) information relating to terms and conditions of employment or engagement;
- (f) remuneration details;
- (g) taxation, banking, financial and superannuation information;
- (h) special skills or abilities that may enhance your suitability for certain types of work, such as knowledge of languages;
- (i) the results of police checks, background checks and/or bankruptcy checks;
- (j) any information contained in emails sent or received from your UGDC email address;
- (k) details of phone calls logged from your UGDC phone number;
- (l) expenses recorded on UGDC provided credit cards, and travel related expenses recorded through UGDC;
- (m) any information recorded on client or business development matter related files;
- (n) any information collected from media sites, UGDC blogs and subscription services and professional networking sites such as LinkedIn;
- (o) performance, conduct or disciplinary records, including performance reviews;
- (p) annual, long service, sick, personal, parental or other leave records;
- (q) information relating to termination of employment;
- (r) WHS records;
- (s) accident/incident reports;
- (t) health information (such as medical certificates, disclosures of pre-existing medical conditions, drug and alcohol tests and medical reports);

- (u) personal preferences;
- (v) testimonials and feedback; and
- (w) any other information provided by you from time to time.

In some cases, we may also collect 'sensitive information', such as information about your membership of professional associations, criminal history information (**CHI**) obtained through a National Police History Check and/or other health information.

#### 9.2 How do we collect and hold personal and health information?

We will generally collect personal and health information in relation to you:

- (a) directly from you when you provide employment details to us;
- (b) indirectly from you through the conduct of our business and your employment (or other contractual) relationship with UGDC, including through emails, forms, face to face meetings, interviews, registration and attendance at seminars, business cards and telephone conversations and through use of services and facilities available through our websites and social media channels (including our blogs and LinkedIn channel).
- (c) from third parties in some instances, for example, we use third parties to analyse traffic at our website, our blogs and social media channels, which may involve the use of cookies. In some circumstances, we may collect personal information about an individual from a third party, for example, a report provided by a medical professional or an employee reference from another person.

We will take reasonable steps to protect the security of personal and health information. You are required to respect the confidentiality of personal and health information and the privacy of individuals. We take reasonable steps to protect personal and health information held from misuse and loss and from unauthorised access, modification or disclosure - for example the use of physical security and restricted access to electronic records.

Where we no longer require your personal or health information, we will take reasonable steps to destroy it.

#### 9.3 Why do we collect, hold, use and disclose personal and health information?

We collect, hold, use and disclose personal and health information in order to conduct our business, to provide and market our services, to purchase goods or services, to help us manage and enhance our services and to comply with our legal obligations. The primary purpose for us collecting personal and health information in relation to our employees is to administer your employment or engagement with us.

#### 9.4 Who do we disclose your personal and health information to?

We may disclose personal and health information (including, in certain limited circumstances, your sensitive information):

- (a) to other public service agencies;
- (b) to entities who assist us in providing our services, such as:
  - (i) hosting and data storage providers;
  - (ii) pre-employment screening organisations;
  - (iii) recruitment and personnel agencies;
  - (iv) medical practitioners;
  - (v) legal advisors; and

- (vi) training providers;
- (c) to superannuation trustees and/or administrators;
- (d) to social media sites on which we have a presence;
- (e) to anyone you authorise; and
- (f) where we are required to do so by law.

If you have authorised a lending institution to request verification of your income, you must advise UGDC in writing that you consent to the information being provided and, where appropriate, identify the lending institution to which the information is to be provided. In response to such a request, UGDC will only provide details of your position, length of service and current salary. These details will not be provided to a lending institution in the absence of the required written authority.

9.5 Are we likely to disclose your personal and health information interstate or overseas?

We may disclose your personal and health information to the following interstate or overseas recipients:

- (a) to anyone else you authorise us to disclose it to; and
- (b) to anyone else where we are required to do so by law.

9.6 How can you access and correct your personal and health information?

UGDC endeavours to ensure that the personal information it holds is accurate, up to date, complete and relevant. You may seek access to and correction of personal and health information held by UGDC by contacting the Right to Information Officer.

**10. Complaints**

If you have any questions about privacy-related issues or wish to complain about our conduct relating to the collection or management of personal or health information, you can contact the Right to Information Officer or make a formal request for an internal review using the form available on the [website](#) for the New South Wales Information and Privacy Commission.

An application for informal review must be made within six months of the time you first became aware of the conduct.

For further information about your rights in relation to the review of our conduct relating to the collection or management of personal or health information you can contact the New South Wales Information and Privacy Commission.

**11. Relevant contact details**

11.1 UrbanGrowth Development Corporation

Government information Public Access Enquiries  
 Right to Information Officer  
 UrbanGrowth NSW Development Corporation  
 Level 12, 19 Martin Place, MLC Centre  
 Sydney NSW 2000  
 Telephone: (02) 9841 2900

Email: [info@ugdc.nsw.gov.au](mailto:info@ugdc.nsw.gov.au)

11.2 NSW Privacy Commissioner

NSW Privacy Commissioner

Information and Privacy Commission  
Office: Level 5, 47 Bridge Street, Sydney NSW 2000  
Post: PO Box R232 Royal Exchange, NSW 2001  
Phone: 1800 472 679  
Email: [ipcinfo@ipc.nsw.gov.au](mailto:ipcinfo@ipc.nsw.gov.au)  
Web: [www.ipc.nsw.gov.au](http://www.ipc.nsw.gov.au)