

MUSEUM OF APPLIED ARTS AND SCIENCES

PRIVACY MANAGEMENT PLAN

1. Introduction

This Privacy Management Plan is developed by the Museum of Applied Arts and Sciences in response to section 33 of the *Privacy and Personal Information Protection Act 1998*.

The *Privacy and Personal Information Protection Act 1998* aims to protect the privacy of individuals from the inappropriate collection, storage, use and disclosure of personal information by NSW public sector agencies. The Act is based on 12 Information Protection Principles (see Appendix 1) which establish standards for using personal information in an open and accountable manner.

The Act requires public sector agencies to establish Privacy Management Plans to document how the agency currently complies or what the agency proposes to do to comply with the new legislation.

This Privacy Management Plan will help to ensure that when the Museum collects, uses, maintains, discloses and destroys personal information, it will be in accordance with the Information Protection Principles in the *Privacy and Personal Information Protection Act 1998*.

The Museum endorses the spirit and intent of the legislation, and will remain vigilant in the protection of individuals' rights to privacy.

Due to the complex nature of the Museum and the information which it handles, it may be necessary to review this Plan from time to time.

2. Requirements of the Plan

This summary of the legal requirements of the *Privacy and Personal Information Protection Act* is to enable Museum staff and customers to understand the law underpinning the Plan.

2.1 Definition of 'personal information'

In this Act, personal information means 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 definition of personal information includes such things as an individual's fingerprints, retina prints, body samples or genetic characteristics.

Personal information does not include:

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

Nothing in this Act affects the operation of the *Freedom of Information Act 1989*.

Nothing in this Act affects courts, tribunals and Royal Commissions.

The Crown is bound by the Act.

Privacy and confidentiality

Privacy is **not** confidentiality.

- Privacy is an obligation to the subject of the information;
- Confidentiality is an obligation to the provider of the information;
- The *Privacy and Personal Information Protection Act* does not remove existing duties of confidentiality.

Privacy includes:

- the right to a sense of personal autonomy;
- the right to be left alone;
- the right to have information about you used fairly.

2.2 Overview of the 12 Information Protection Principles (IPPs)

Part 2 of the Act, which covers sections 8 to 19 (ss8–ss19) of the Act contains the 12 Information Protection Principles (IPPs). Each IPP is covered by a section of the Act: IPP1 is ss8, IPP2 is ss9, and so on. This is a brief description of the 12 IPPS (the full text of the IPPs is at Appendix 1).

IPP1 / ss8	Collection of personal information must be for lawful purposes.
IPP2 / ss9	Collection of personal information must be directly from the individual to whom the information relates, unless the individual is authorised to provide the information or unless the information is being provided by a parent or guardian of a person under 16 years of age.
IPP 3 / ss10	Requirements when collecting personal information
IPP 4 / ss11	Other requirements relating to collection of personal info
IPP 5 / ss12	Retention and security of personal information
IPP 6 / ss13	Information about personal information held by agencies
IPP 7 / ss14	Access to personal information held by agencies
IPP 8 / ss15	Alteration of personal information
IPP 9 / ss16	Agency must check accuracy of personal information before use
IPP 10 / ss17	Limits on use of personal information
IPP 11 / ss18	Limits on disclosure of personal information
IPP 12 / ss19	Special restrictions on disclosure of personal information

2.3 Privacy Codes of Practice

Privacy Codes of Practice are statements describing ways in which agencies are permitted to depart from the Information Protection Principles (IPPs). Agencies may create their own or they may choose to be covered by a generic Code or Codes of Practice developed by the Privacy Commissioner.

The Museum is awaiting the final drafts of the following Codes of Practice developed by the Privacy Commissioner before deciding whether to request coverage by them:

- Research;
- Inter-agency transfer of information.

2.4 Other legal requirements affecting privacy

In addition to the *Privacy and Personal Information Protection Act*, the Museum must observe other legislation and associated Government policies and procedures which confer or support a right to privacy in certain circumstances, such as:

- *State Records Act 1998*
- *Protected Disclosure Act 1994*
- *Freedom of Information Act 1989*
- *ICAC Act 1988*

Internal policies help the Museum comply with the Act:

Acceptable internet and email use policy
Code of conduct
Employer communication devices policy
Grievance and dispute resolution policy
Guarantee of service
Institutional archives policy
Personnel handbook
Records management policy

Museum staff are also bound by codes of practice relating to specific professional practices eg Australian Society of Archivists Code of Ethics and Position Paper on Privacy; and the Australian Library and Information Association Statement on Professional Ethics (which includes the commitment to the protection of users' rights to privacy with respect to information sought or received and materials consulted or borrowed).

3. Specific issues relevant to the Museum

3.1 Collection, storage, use, disclosure and disposal

The Museum collects personal information in a lawful manner, generally from the person to whom the information relates (there are exceptions in research records such as deposited records which will be dealt with by a Code of Practice).

As a general rule, the Museum advises individuals who provide personal information at the time of collection about the reasons for collecting such information. However in some instances such understanding in the past has been presumed by the Museum and not made explicit. For example when new staff join the Museum, it has been assumed that they understand that their personal details will enable administrative functions such as payment of wages, etc. Such information will now be explicitly provided.

The Museum's records are managed in accordance with standards set by the *State Records Act 1998*. Records are managed by the Museum's electronic records management system, TRIM.

Security measures include the requirement of personal access cards or visitor's cards in order to enter the Museum's administrative areas and personal access passwords in order to enter the Museum's computer systems. The Museum considers that the personal information held on files is adequately secure against loss, or misuse relating to unauthorised access, modification or disclosure.

The Museum disposes of inactive records in accordance with NSW State Records Authority retention and disposal schedules. Disposal is done in secure conditions.

3.2 Notification, access and correction

Under the Act, individuals have the right to be told whether the Museum holds personal information about them, and to be provided with access to their personal information. They also have the right to have their information amended to ensure that the information is accurate, relevant, up-to-date, complete and not misleading (except where the records, such as deposited records, have been collected for research purposes, and need to be left intact in order to preserve the integrity of such archival information – this Plan is based on the understanding that the Code of Practice (Research) will exempt such categories of information from these requirements).

Individuals may contact the Museum's Executive Officer by telephone on (02) 9217 0576, email dbrowne@phm.gov.au facsimile (02) 9217 0459 or by writing to PO Box K347 Haymarket NSW 1238 to enquire about whether the Museum holds personal information about them, or to request amendment to their personal information held by the Museum if they think the information is not accurate, not relevant, not up to date, incomplete or misleading, or to discuss their privacy rights in relation to that personal information. Generally, a fee of \$30.00 per hour will be charged for enquiries which require a search, and applications should be processed within 60 days. Simple requests, such as the updating of contact details, are welcomed by the Museum and will continue to be processed promptly and free of charge.

Information about access to the personal information of others is at Appendix 2.

If a person has a complaint about a matter related to access to their information, the Museum has an internal review process – see section 5 of this document.

3.3 Public registers

A public register is a register of personal information that is required by law to be publicly available or open to public inspection, eg, registers of birth, deaths and marriages.

The Museum has not identified any public registers.

4. Key categories of personal information held and used by the Museum

The Museum has a large number of diverse corporate records, some of which contain personal information, all of which are managed in accordance with standards set by the *State Records Act 1998*. Records are managed by the Museum's electronic records management system, TRIM.

The following describes the key categories of the Museum's dealings with personal information which are currently compliant. Where change is required to more fully comply, details are in the Privacy Management Action Plan tables commencing on page 13.

4.1 Personnel records

The Museum is required to collect personal information in relation to the people it employs. The primary reason for collecting this information is to ensure that all statutory requirements in relation to providing remuneration and other conditions of employment are met. In addition, information required to ensure that health and safety requirements are met is also collected. This information is collected directly from the individual employees either by the Museum or by a previous employer within the Public Service. All information collected and kept in hard copy form is securely stored in a lockable filing compactus with only two sets of keys, one of which is locked in a combination safe when not in use and the other held by the Personnel Administrator. Computerised information is secured by internal system security and accessible only to Human Resources Department and other authorised staff. All disposal of personal information is done in accordance with legislative requirements in consultation with the Museum's Records Manager.

Information is sought from time to time in order to develop a profile of staff composition. Such information includes questions about whether staff are Indigenous Australians, come from a Non-English-Speaking Background or have a disability. Such information is always provided on a voluntary basis and not disclosed in any manner which would identify the individuals. Such information forms the basis of Museum reporting to the Office of the Department of Equal Opportunity in Public Employment and to statistical information provided in the Museum's Annual Report.

4.2 Recruitment

In the recruitment of staff, the Museum collects and stores personal information provided by applicants. If applicants are successful, then the personal material provided by them is transferred to a personal file. How the Museum deals with the personal files has been discussed in the previous section.

The personal information collected about those who are not successful is held in a lockable filing compactus until it is destroyed unless the individual requests it be returned to them. Document destruction is in accordance with legislative requirements.

4.3 Research information

The Museum collects information in support of its collection and associated activities, such as exhibitions, public and education programs, publications and other services. Such records (deposited records among them) include information about objects, object histories, donors, vendors and users of objects and associated information, and may include personal information.

The Museum will be able to further address the issues of compliance regarding research records when the revised Code of Practice (Research) is available.

4.4 Visitor comments

A category of the Museum's corporate records which contains personal information is the 'visitor comments' files, which contain complaints, suggestions and compliments about the Museum and its services. These letters are all voluntarily offered to the Museum (either sent in as letters or provided as 'visitor comments' forms filled in and left after a visit). They usually contain the name and contact details (address and/or phone number) of the person who has provided the information. These comments are used internally to inform the Museum's development of customer service, for example identifying staff training needs. Where appropriate, the Museum responds to these comments, for example to advise action taken to correct the cause of a complaint. Any reporting on these comments and this data is without use of individuals' names or supply of other identifying features.

4.5 Evaluation and visitor research

The Museum seeks visitor response to exhibitions and programs and this requires a profile of the type of visitor giving the information. All participation is voluntary, so that there are no unreasonable intrusions into the personal affairs of the individual providing the information, and information is only used for the purpose for which it was collected.

When visitor surveys, exhibition evaluations or focus groups are undertaken, the purpose of the activity and the use to which it will be put is specified, and the information is collected directly from the respondent.

Video tape and audio tape are both used in capturing visitor response in focus groups. These are authorised, confidential and cleared with participants beforehand. All video tapes and audio tapes are kept in a locked office. When requests are received from staff to view the videotapes, borrowers are required to sign a confidentiality agreement which states: *'I/we the undersigned, agree that I/we will not disclose to any other person, firm or company the identity of any respondent seen or heard in the tape recordings of the below-mentioned project. I/we will use the information in the recordings for research purposes only.'*

Names and addresses are not included on surveys. Names and addresses are known when people are recruited for focus groups, but they are kept confidential. The purpose of the focus groups is to analyse information across the groups and to make generalisations rather than to identify specific individuals as the source of the information.

When depth interviews are conducted, the transcripts of the interviews are kept separate from the main report. The interviews are marked 'confidential', treated as separate working papers and have limited distribution.

When collection is undertaken by outside consultants, they are identified as working on behalf of the Museum. Surveys sometimes collect data from people under 16 to achieve parity with ABS age categories.

When outside consultants are employed, all material and copyright of the material rests with the Powerhouse Museum. The consultant may not use any of the material without written permission from the Director.

4.6 Education and visitor services

The Education and Visitor Services (EVS) Department handles bookings for a range of group visits including schools, aged care centres, groups with physical disabilities, etc, and presents the education and public programs for visitors. EVS manages lists of schools, contacts and performers/lecturers etc in order to provide these services. Such information relates to a position (eg, science teacher) or service provision (eg, performer) and enables Museum education and public programs to take place. Such information is used for the purpose for which it was collected.

4.7 Marketing and media

The Marketing and Media Department manages lists of media contacts (available in publicly available publications) in order to promote the Museum and its services. The Department also handles lists of people associated with the Museum in order to invite them to launches or to advise of upcoming exhibitions or events. Lists are derived from sources such as publicly available publications (eg media, politicians) and from people who have voluntarily provided their contact details because of their association with the Museum (eg Trustees, past Trustees, Honorary Associates, sponsors, donors, etc). Such information is used for the purpose for which it was collected.

4.8 Members

Members of the Museum are offered special services such as free entry to the Museum, discounts on purchases, and special programs and tours. The Members application and renewal forms specify that information given is not provided to anyone outside the Museum, however more explicit advice about the use of information will be provided in future. Members and prospective members voluntarily provide personal information in order to have their memberships serviced.

4.9 Volunteers

Volunteers form an invaluable service to the Museum. The Museum collects personal information from volunteers in order to contact them and enable coordination of volunteer services.

Information is gathered from time to time in order to develop a profile of volunteer composition. Such information includes questions about whether volunteers are Indigenous Australians, come from a Non-English-Speaking Background and/or speak a language other than English. Such information is always provided on a voluntary basis and not disclosed in any manner which would identify the individuals. Such information helps the Museum to improve its services to visitors from culturally diverse backgrounds.

4.10 Security

The Museum conducts video surveillance through closed circuit TV in public areas to ensure the security of the people and collection in the Museum. The videotapes are kept in secure conditions and taped over after seven days.

The Museum is required by its insurers to fill out forms when staff or visitors are provided with first aid treatment in case of claims by members of the public or by staff members seeking workers compensation or to assist with further medical treatment.

5. The Internal Review Process

If an individual has a complaint about the conduct of the Museum in relation to the collection, storage, use or disclosure of personal information, a written request should be forwarded to the Museum so that an internal review may be undertaken.

An application for an internal review must:

- Be in writing, addressed to the Executive Officer of the Museum;
- Specify an address in Australia to which a notice (under subsection 8 of the Act) may be sent;
- Be lodged with the Museum within six months (or such later date as the Museum may allow) from the time the applicant first became aware of the conduct which is the subject of the application;
- Comply with such other requirements as may be prescribed by the Act.

An application for internal review will be dealt with by an employee of the Museum who has the authority of the Museum to deal with the matter. The employee will not have been substantially involved in the matter that is the subject of the application. This will normally be the Executive Officer of the Museum.

The review will be completed as soon as reasonably practicable in the circumstances and within 60 days from the day on which the application was received.

As a result of the review, the Museum may:

- Take no further action on the matter; or
- Make a formal apology to the applicant; and/or
- Take such remedial action as thought appropriate; and/or
- Provide undertakings that the conduct will not occur again; and/or
- Implement administrative measures to ensure that the conduct will not occur again.

The Museum will write to the applicant as soon as practicable and within 14 days after completing the review advising of:

- The findings of the review (and the reasons for those findings); and
- The action proposed to be taken (and the reasons for taking that action); and
- The right of the applicant to have those findings, and the Museum's proposed action, reviewed by the Administrative Decisions Tribunal in NSW.

The Museum is required to:

- Notify the Privacy Commissioner of an application for an internal review;
- Provide reports to the NSW Privacy Commissioner on the progress of the internal review;
- Inform the Privacy Commissioner of the findings of the review and of the action to be taken by the Museum in relation to the matter.

If requested by the Museum, the Privacy Commissioner may undertake the internal review.

6. Monitoring, reviewing and reporting

The Museum's Executive Officer is the officer responsible for monitoring, reviewing and reporting on the Museum's Privacy Management Plan.

The following steps will be taken to monitor, review and report on the Plan:

- Statistics on complaints and inquiries about personal information held by the Museum and requiring action will be noted on a schedule and placed on file (the schedule will capture the issue, date of request and its source (eg phone, email, letter), action sought, action taken, outcome (eg appeal), recommended changes to policy/practices);
- Potential areas for amending the Plan will be noted on file and incorporated when a comprehensive review of the Plan is undertaken;
- Amendments to the legislation and/or Government policy will be incorporated in the Plan;
- Achievements will be assessed against the Privacy Management Action Plan ;
- A report on the implementation of the Plan will be included in the Museum's Annual Report to Parliament.

7. Privacy Management Action Plan

Objective / Issue	Strategy	Responsibility	Timeframe/ completion date
<p>Increase staff awareness of their responsibilities in relation to the <i>Privacy and Personal Information Protection Act</i> and the Museum's Privacy Management Plan</p>	<p>Staff to be made aware of the <i>Privacy and Personal Information Protection Act</i> and the Museum's Privacy Management Plan:</p> <ul style="list-style-type: none"> • at an all-staff meeting; • through availability on the Intranet; • at Induction Workshops for new staff; • in Records Management Training Workshops; • through provision of information to key staff who deal with such information, eg, curators. 	<p>Executive Officer; CIO; Staff Development; Records Manager; Manager, Collection Development and Research</p>	<p>By August 2000 By August 2000 Commencing in 2000-2001 Commencing in 2000-2001 Commencing in 2000-2001</p>
<p>Increase staff awareness of their responsibilities in relation to the <i>Privacy and Personal Information Protection Act</i> and the Museum's Privacy Management Plan</p>	<p>Managers with key responsibilities relating to personal privacy will be required to include their strategies for compliance in operational plans and report against these.</p>	<p>Departmental managers</p>	<p>Commencing in 2000-2001</p>
<p>Advise people, at the point of collection, about the purpose for retaining the information – visitor comments</p>	<p>Add information to the visitor comments form stating that these are retained for research and evaluation purposes and are not published with personal information (unless with the prior approval of the writer of the comments).</p>	<p>Privacy Contact Officer</p>	<p>Commencing 2000-2001</p>

Objective / Issue	Strategy	Responsibility	Timeframe
Advise people, at the point of collection, about the purpose for collecting the information – existing personnel	To provide advice to existing personnel explaining why information has been collected, who may use it, the rights of access to the information and rights to correct or amend information.	Human Resources Manager	Commencing 2000-2001
Advise people, at the point of collection, about the purpose for collecting the information – new personnel	To develop a statement, to be printed on documents for new Museum personnel, explaining why information is being collected, who may use it, the rights of access to the information and rights to correct or amend information.	Human Resources Manager	Commencing 2000-2001
Advise people, at the point of collection, about the purpose for collecting the information – recruitment procedures	To revise the information package provided to applicants to include information explaining why information is being collected, who may use it, the rights of access to the information and rights to correct or amend information.	Human Resources Manager	Commencing 2000-2001
Advise people, at the point of collection, about the purpose for collecting the information – first aid forms	To print the following statement on first aid forms: We value your privacy Personal information collected on this first aid form is to assist with any further medical treatment or associated claim which may result from the illness or injury. It is understood that the personal information / contact details you provide may be held and used for such purposes, in accordance with the Museum's Privacy Management Plan.	Security Manager	Commencing 2000-2001

Objective / Issue	Strategy	Responsibility	Timeframe
<p>Advise subscribing or renewing Members, at the point of collection, about the purpose for collecting the information – Membership application / renewal forms</p>	<p>We value your privacy Personal information is collected, held and used by the Powerhouse Museum for the purposes of servicing your membership and of providing information to you related to the Museum's collection, exhibitions, programs and services. It is understood that the personal information/contact details you provide will be held and used for such purposes, in accordance with the Museum's Privacy Management Plan.</p>	<p>Members Manager</p>	<p>Commencing 2000-2001</p>
<p>To ensure volunteers are advised about the purpose for collecting personal information</p>	<p>New volunteers to be advised of the use and purpose of personal information at the point of information collection on application form and registration form; with current volunteers to be advised by memo.</p>	<p>Volunteer Coordinator</p>	<p>Commencing 2000-2001</p>

APPENDIX 1

The Information Protection Principles (IPPs) in full

IPP1 / ss8. Collection of personal information for lawful purposes

- (1) A public sector agency must not collect personal information unless:
 - (a) the information is collected for a lawful purpose that is directly related to a function or activity of the agency, and
 - (b) the collection of the information is reasonably necessary for that purpose.
- (2) A public sector agency must not collect personal information by any unlawful means.

IPP2 / ss9. Collection of personal information directly from individual

A public sector agency must, in collecting personal information collect the information directly from the individual to whom the information relates unless:

- (a) the individual has authorised collection of the information from someone else, or
- (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.

IPP 3 / ss10. Requirements when collecting personal information

If a public sector agency collects personal information from an individual, the agency must take such steps as are reasonable in the circumstances to ensure that, before the information is collected or as soon as practicable after collection, the individual to whom the information relates is made aware of the following:

- (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, and correction of, the information,
- (f) the name and address of the agency that is collecting the information and the agency that is to hold the information.

IPP 4 / ss11. Other requirements relating to collection of personal information

If a public sector agency collects personal information from an individual, the agency must take steps as are reasonable in the circumstances (having regard to the purposes for which the information is collected) to ensure that:

- (a) the information collected is relevant to that purpose, 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.

IPP 5 / ss12. Retention and security of personal information

A public sector agency that holds personal information must ensure:

- (a) that the information is kept for no longer than is necessary for the purposes for which the information may lawfully be used, and
- (b) that the information is disposed of securely and in accordance with any requirements for the retention and disposal of personal information, and
- (c) that the information is protected, by taking such security safeguards as are reasonable in the circumstances, against loss, unauthorised access, use, modification or disclosure, and against all other misuse, and
- (d) that, if it is necessary for the information to be given to a person in connection with the provision of a service to the agency, everything reasonably within the power of the agency is done to prevent unauthorised use or disclosure of the information.

IPP 6 / ss13. Information about personal information held by agencies

A public sector agency that holds personal information must take such steps as are, in the circumstances, reasonable to enable any person to ascertain:

- (a) whether the agency holds personal information, and

- (b) whether the agency holds personal information relating to that person, and
- (c) if the agency holds personal information relating to that person:
 - (i) the nature of that information, and
 - (ii) the main purposes for which the information is used, and
 - (iii) that person's entitlement to gain access to the information.

IPP 7 / ss14. Access to personal information held by agencies

A public sector agency that holds personal information 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.

IPP 8 / ss15. Alteration of personal information

- (1) A public sector agency that holds personal information must, at the request of the individual to whom the information relates, make appropriate amendments (whether by way of corrections, deletions or additions) to ensure that the personal information:
 - (a) is accurate, and
 - (b) having regard to the purpose for which the information was collected (or is to be used) and to any purpose that is directly related to that purpose, is relevant, up to date, complete and not misleading.
- (2) If a public sector agency is not prepared to amend personal information in accordance with a request by the individual to whom the information relates, the agency must, if so requested by the individual concerned, take such steps as are reasonable to attach to the information, in such a manner as is capable of being read with the information, any statement provided by that individual of the amendment sought.
- (3) If personal information is amended in accordance with this section, the individual to whom the information relates is entitled, if it is reasonably practicable, to have recipients of that information notified of the amendments made by the public sector agency.

IPP 9 / ss16. Agency must check accuracy of personal information before use

A public sector agency that holds personal information must not use the information without taking such steps as are reasonable in the circumstances to ensure that, having regard to the purpose for which the information is proposed to be used, the information is relevant, accurate, up to date, complete and not misleading.

IPP 10 / ss17. Limits on use of personal information

A public sector agency that holds personal information must not use the information for a purpose other than that for which it was collected unless:

- (a) the individual to whom the information relates has consented to the use of the information for that other purpose, or
- (b) the other purpose for which the information is used is directly related to the purpose for which the information was collected, or
- (c) the use of the information for that other purpose is necessary to prevent or lessen a serious and imminent threat to the life or health of the individual to whom the information relates or of another person.

IPP 11 / ss18. Limits on disclosure of personal information

- (1) A public sector agency that holds personal information must not disclose the information to a person (other than the individual to whom the information relates) or other body, whether or not such other person or body is a public sector agency, unless:
 - (a) the disclosure is directly related to the purpose for which the information was collected, and the agency disclosing the information has no reason to believe that the individual concerned would object to the disclosure, or
 - (b) the individual concerned is reasonably likely to have been aware, or has been made aware in accordance with section 10, that information of that kind is usually disclosed to that other person or body, or
 - (c) the agency believes on reasonable grounds 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.
- (2) If personal information is disclosed in accordance with subsection (1) to a person or body that is a public sector agency, that agency must not use or disclose the information for a purpose other than the purpose for which the information was given to it.

IPP 12 / ss19. Special restrictions on disclosure of personal information

- (1) A public sector agency 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.
- (2) A public sector agency that holds personal information must not disclose the information to any person or body who is in a jurisdiction outside New South Wales unless:
 - (a) a relevant privacy law that applies to the personal information concerned is in force in that jurisdiction, or
 - (b) the disclosure is permitted under a privacy code of practice.
- (3) For the purposes of subsection (2), a *relevant privacy law* means a law that is determined by the Privacy Commissioner by notice published in the Gazette, to be a privacy law for the jurisdiction concerned.
- (4) The Privacy Commissioner is, within the year following the commencement of this section, to prepare a code relating to the disclosure of personal information by public sector agencies to persons or bodies outside New South Wales.
- (5) Subsection (2) does not apply:
 - (a) until after the first anniversary of the commencement of this section, or
 - (b) until a code referred to in subsection (4) is made.whichever is the later.

APPENDIX 2

Access to personal information about another person

The *Privacy and Personal Information Protection Act, 1998* describes a number of circumstances where personal information may be made available to people other than the subject of the information. These are:

- Release is directly related to the purpose it was collected and the Museum has no reason to believe that the subject of the information would object to the information being released – *section 18(1)(a)*
- The subject of the information has been made aware, or is likely to be aware that the information is usually disclosed – *section 18(1)(b)*
- The Museum has reasonable grounds to believe that release is necessary to prevent or lessen a serious and imminent threat to life or health – *section 18(1)(c)*
- If there is a Privacy Code of Practice authorising release – *section 20(2)(a)*
- If the Museum is lawfully required to or authorised to release, or release is permitted (or necessarily implied or reasonably contemplated) under an Act or any other law (including the *State Records Act 1998*), examples may include subpoena, audits, Commissions of Inquiry, Freedom of Information requests – *section 25(a) and (b)*
- If the subject of the information has expressly consented to release – *section 26 (2)*
- If it is to inform the Minister or the Premier about a matter within their administration – *section 28(3)*
- The subject of the information has been dead for more than 30 years – *section 4(3)(a)*
- The personal information is contained in a publicly available publication (for example, a phone book) – *section 4(3)(b)*
- The information is information or an opinion about a person's suitability for employment in the public sector – *section 4(3)(j)*

Under the *Freedom of Information Act 1989*, other people have the right to apply for another person's personal information. However, the Museum must take such steps as are reasonably practical to consult the subject of the information before information about their personal affairs is released.

Under the *State Records Act 1998* people may be able to access personal information about another person where such information is held in records more than 30 years old which are covered by an open to public access direction. In making Access Directions for its records, the Museum must consider the *Attorney-General Guidelines: making Access Directions under Part 6 of the State Records Act 1998* which include consideration of privacy. Records less than 30 years old and those subject to a closed to public access direction may be accessible under the Special Access provisions of the Act in certain very limited circumstances.