

## **Appendix F: The Information Privacy Principles in plain English**

The following provides a summary of the Information Privacy Principles contained in the Privacy Act. The Information Privacy Principles regulate the information-handling practices of Commonwealth government agencies and their contractors.

(Graham Greenleaf - July 1989)

### **Principle 1 - Restricting collection of information to lawful purposes and by fair means**

Agencies must not collect personal information unless:

- (i) it is collected for a lawful purpose directly related to a function or activity of the agency; and
- (ii) the means of collection are lawful and fair.

### **Principle 2 - Informing people why information is collected**

Agencies must ensure that people from whom they solicit personal information are generally aware, before collection, or as soon as practical thereafter, of:

- (i) the purpose of collection;
- (ii) any legal authority for the collection, and
- (iii) any third parties to which the collecting agency discloses such information as a usual practice.

### **Principle 3 - Ensuring personal information collected is of good quality and not too intrusive**

Where an agency solicits personal information (whether from the person that the information is about or otherwise), it must take reasonable steps to ensure

- (i) that the information is relevant to the purpose of collection, up-to-date and complete; and
- (ii) that its collection does not unreasonably intrude upon the person's personal affairs.

### **Principle 4 - Ensuring proper security of personal information**

An agency must protect personal information against misuse by reasonable security safeguards including doing everything within its power to ensure that authorised recipients of the information do not misuse it.

### **Principle 5 - Allowing people to know what personal information is collected and why**

Any person has a right to know whether an agency holds any personal information (whether on him or her or not), and if so

- (a) its nature;
- (b) the main purposes for which it is used;
- (c) the classes of persons about whom it is kept;
- (d) the period for which each type of record is kept;
- (e) the persons who are entitled to have access to it, and under what conditions; and
- (f) how to obtain access to it.

Each agency must maintain an inspectable register of this information, and must inform the Privacy Commissioner annually of its contents.

**Principle 6 - Allowing people access to their own records**

A person has a right of access to personal information held by an agency, subject to exceptions provided in the *Freedom of Information Act 1982* or any other law.

**Principle 7 - Ensuring that personal information stored is of good quality, including allowing people to obtain corrections where it is not**

Agencies must make corrections, deletions and additions to personal information to ensure that it is:

- (i) accurate; and
- (ii) relevant, up-to-date, complete and not misleading (given the purpose of collection and related purposes), subject to exceptions provided in the *Freedom of Information Act 1982* or any other law.

Agencies are also required to add a reasonable statement by a person to that person's record, on request.

**Principle 8 - Ensuring that personal information is of good quality before using it**

Agencies must take reasonable steps to ensure that personal information is accurate, up-to-date and complete (given the purpose of collection and related purposes) before using it.

**Principle 9 - Ensuring that personal information is relevant before using it**

Agencies may only use personal information for purposes to which it is relevant.

**Principle 10 - Limiting the use of personal information to the purposes for which it was collected**

Agencies may not use personal information for purposes other than for which it was collected, except

- (a) with the consent of the person;
- (b) to prevent a serious and imminent threat to a person's life or health;
- (c) as required or authorised by law;
- (d) where reasonably necessary for the enforcement of criminal or revenue laws; or
- (e) for a directly related purpose.

In the case of exception (d), but not otherwise, the use must be logged.

**Principle 11 - Preventing the disclosure of personal information outside the agency**

Agencies may not disclose to anyone else personal information, with the same exceptions as apply as to Principle 10 (a) - (d), plus an additional exception where the subject of the information is reasonably likely to be aware of the practice of disclosure (or reasonably likely to have been made aware under Principle 2). The recipient of information under one of these exceptions may only use it for the purpose for which it was disclosed.