

MPC Privacy Notice

Information Privacy Act 2014

Major Projects Canberra (MPC) takes your privacy seriously. The *Information Privacy Act 2014* (the Information Privacy Act) including Schedule 1 which contains the Territory Privacy Principles (TPPs), regulate how MPC handles your personal information.

This Privacy Notice sets out certain matters we must advise you of when collecting your personal information, including your sensitive information.

This Privacy Notice may be read in conjunction with any specific privacy or collection notice provided at the time of collection.

More detailed information about how MPC collects, holds and stores, uses and discloses your personal information, including how you can access and correct personal information, can be found in [MPC's Information Privacy Policy](#).

What MPC does

MPC plays a key role in providing accommodation, maintenance and upgrade services on behalf of the ACT Government through the ACT Property Group and delivering the ACT Government's infrastructure plan. Our mandate ranges from the largest and most complex projects though to local community-scale infrastructure. Our Directorate was established on 1 July 2019 for the purpose of building the infrastructure that helps ensure Canberra becomes one of the world's most liveable cities. We achieve this by working closely with other parts of the ACT Government and the private sector to deliver a range of civil, commercial and social infrastructure across the ACT.

Safety, great community outcomes, excellence in design, supporting diversity and environmental sustainability are key areas of focus for our team. These objectives are underpinned by our continual management of project timeframes and costs.

What is personal information?

The Information Privacy Act defines personal information as: *'...information or an opinion about an identified individual, or an individual who is reasonably identifiable; whether the information or opinion is true or not, and whether the information or opinion is recorded in a material form or not'*.

Personal information can be more than just the obvious details about you, such as your name, date of birth or a photograph. It can also include other seemingly non-personal information about you that in combination can make you identifiable or re-identify you.

What is sensitive information?

Sensitive information is a subset of personal information that is defined under the Information Privacy Act to include information about an individual's:

'...racial or ethnic origin, sexual orientation or practices, criminal records, genetic information, biometric information, membership of professional or trade associations, religious beliefs or affiliations, philosophical beliefs, and membership of political associations.'

Sensitive information does not include *personal health information or health records*.

What is biometric and genetic information?

Sensitive information includes genetic and biometric information. MPC does not collect any genetic information but may collect biometric information for the purposes of biometric verification and/or identification.

MPC may collect the following types of biometric information from you under the various acts it administers, for example:

- > an image of the face and shoulders
- > a video (CCTV footage) or voice recording
- > a person's signature.

This information is not used to create biometric templates.

Personal health information

Personal information, as defined by the Information Privacy Act, does not include *personal health information*, or *health records*, which are governed by a separate law, the *Health Records (Privacy and Access) Act 1997*.

At times, the *personal health information* we collect may also be governed by the *Privacy Act 1988* (Cth) when collected by our contractors on our behalf.

The purposes for which we collect your personal information

Our *primary purpose* for collecting your personal information is to carry out MPC's functions or activities which may include:

- > correspondence, including Ministerial correspondence
- > freedom of information (FOI) requests
- > physical and ICT Security matters
- > human resources for MPC including:
 - o employment legislation and policy
 - o ACTPS Graduate Program
 - o staffing data
 - o corruption, fraud and other investigations
- > quality assurance and internal audit
- > financial and economic management
- > procurement
- > grants
- > expenditure review
- > insurance
- > revenue management
- > work safety and compensation.

The consequences if MPC requests but does not receive your personal information

If MPC does not collect your personal information, MPC may not be able to provide you with the services or support you are seeking.

Failure to collect your personal information may also prevent MPC from meeting statutory or regulatory obligations, functions or activities (particularly in relation to compliance).

From whom MPC collects your personal information

Generally, MPC (or our contracted service providers) will collect your personal information directly from you with your consent. We may however also collect your personal information in the following situations:

Collection from third parties

MPC may also collect your personal information from third parties in certain circumstances with your consent, or without your consent where a permitted exception to collection under the Information Privacy Act applies.

A third party may be someone you have authorised to act on your behalf with your consent. Third parties from whom we may collect your personal information include:

- > ACT directorates
- > Australian Government and state/territory agencies
- > law enforcement agencies
- > medical practitioners
- > insurers
- > legal professionals
- > organisations
- > education providers, and
- > employers and members of the public who contact the ACT Government with information i.e. complaints or reports made about non-compliance under laws we administer.

Agencies or contractors performing services

Personal information is also collected and used on our behalf by our contractors and at times their sub-contractors. MPC requires that its contractors comply with the Information Privacy Act when handling personal information in Australia and if stored or handled by an overseas recipient.

Collection where required or authorised by law

MPC has functions and activities that permit the collection of personal and sensitive information from you or third parties without your consent, '*where required or authorised under or by an Australian law, or a court or tribunal order*'.

In general, we are required to advise you at the time of collection of the law that requires or authorises the collection of your personal and sensitive information. This information is usually contained in the various forms and notices (paper, online, or via portals) used at the time of collection. You should read any specific privacy or collection notice contained in those forms very carefully.

To whom MPC will usually disclose your personal information

Disclosure to nominated representatives

Where you have nominated or authorised a person, such as a family member, Ombudsman, Member of Parliament, or solicitor to represent you, your personal information may be disclosed to those third parties with your consent.

Disclosure to other Australian Government and state/territory government agencies

In certain circumstances, we may disclose personal information 'by an Australian law, or a court or tribunal order' to other ACT directorates, and Australian and state/territory government agencies when carrying out our functions, duties and activities, or when assisting other agencies to perform their functions, duties or activities.

Under the Information Privacy Act, we may also disclose your personal information for a *secondary purpose*.

Generally, this is where you would reasonably expect MPC to use or disclose your personal information, and the *secondary purpose* is either related to, or directly related (for sensitive information) to the *primary purpose* of collection.

Disclosure for ACT Government whole-of-government (WoG) functions or activities

The ACT Government has been centralising and streamlining many functions that are common across all ACT directorates to enhance services that better support the ACT community and ACT Government staff.

The ACT Government may collect and disclose your personal information between ACT directorates when delivering a variety of functions, activities and services, including through the following programs or business units:

- > Access Canberra
- > Accounts Payable Invoice Automation Solution(APIAS)
- > ACT Digital Account
- > YourSay Community Panel
- > YourSay
- > Customer Relationship Management (CRM) System
- > Shared Services, and
- > Procurement ACT and TendersACT.

Review, Audit and Investigation bodies

If you apply for a review of a decision or make a complaint, we may provide relevant personal information to the agency, body, court or tribunal conducting the review. This is usually on a consent basis, but at times may

be where required or authorised by law. We may disclose personal information to the following entities:

- > Commonwealth Ombudsman
- > ACT Ombudsman
- > Office of the Australian Information Commissioner (OAIC)
- > Administrative Appeals Tribunal (AAT)
- > ACT Civil and Administrative Tribunal (ACAT)
- > ACT Audit Office
- > ACT Human Rights Commission, and
- > Fair Work Ombudsman (FWO).

Disclosure to law enforcement bodies

We may disclose personal information when we reasonably believe disclosure is reasonably necessary for one or more enforcement-related activities conducted by us or by another enforcement body.

Enforcement-related activities may include:

- > the prevention, detection or investigation of a criminal offence, or breaches of a law that imposes a penalty or sanction
- > remedying of misconduct of a serious nature
- > surveillance, intelligence gathering and monitoring activities
- > protection of the public revenue, and
- > preparation for, or conduct of, proceedings before a court/tribunal, or implementation of court/tribunal orders.

Enforcement bodies to whom we may usually disclose include:

- > Australian Federal Police (AFP) and other Australian state/territory police forces
- > ACT Integrity Commission and Commissioner
- > ACT Director of Public Prosecutions, or a state/territory Director of Public Prosecutions
- > Independent Competition and Regulatory Commission (ICRC)
- > Australian Tax Office (ATO)
- > Services Australia (Centrelink, Medicare and Child Support) Department of Human Services (DHS)
- > Department of Home Affairs
- > Department of Veteran's Affairs, and
- > other Australian or state/territory government agencies for purposes or functions they have as enforcement bodies.

MPC also discloses personal information to other ACT agencies, where necessary for enforcement-related functions or activities.

Disclosure for serious injury, communicable and/or notifiable illnesses, death, to locate missing persons, or in emergencies.

Your personal information may be provided to Australian law enforcement agencies and Public Health Units, or other relevant ACT Government directorates to lessen or prevent a serious threat to the life, health or safety of an individual, or to public health or safety, where;

- > there are serious concerns for an individual(s) welfare
- > in the event of a serious injury
- > the event of a communicable, and/or, notifiable illness, and
- > the death of an individual(s) has occurred.

Your personal information may also be provided to a Missing Persons Unit (MPU) of an Australian law enforcement agency or other agency, where we have formed the reasonable belief that the disclosure is reasonably necessary and will assist the entity to locate a missing person(s).

In the event of a natural or man-made disaster (declared or not declared) we may disclose your personal information to enforcement bodies and emergency services agencies, such as: Emergency Services Agency (ESA), other ACT Government directorates, agencies and organisations providing recovery assistance, the Department of Home Affairs, and Emergency Management Australia (EMA).

Other usual disclosures

SkillSelect and visas

If you apply for a Skilled Nominated (subclass 190) visa to work in the ACT, you must submit an Expression of Interest (EOI) through SkillSelect with the Department of Home Affairs. We may also disclose personal information to other Australian and state/territory government agencies to assess and process your nomination, and to monitor and report on your obligations under the terms of the Skilled Nominated (subclass 190) visa to the Department of Home Affairs.

Research, consultation and surveys

Your personal information may be collected when undertaking surveys, attending public events, and when participating in consultations with the ACT community either online or in person. Personal information collected may be stored in databases or in online platforms, such as the CRM, YourSay, YourSay Community Panel, and may be disclosed to and used by other ACT Government directorates.

In addition, personal information, including de-

identified information and data may be provided to other Australian or state/territory government agencies for the purposes of research, investigation and analysis, policy and program development, where it may inform public debate, or where there is a mutual benefit to the research for the ACT community.

Usually, MPC will require for research purposes that a contract or formal binding agreement be signed by the parties to: protect the personal information and data, limit the use of the personal information to the stated research purposes, and require the destruction or secure return of the information or data upon completion of the research. Data including personal information collected, used or disclosed for research purposes must be de-identified before it is released publicly or published.

Personal information may be also disclosed lawfully to the Australian Bureau of Statistics to facilitate demographic research.

Disclosure to overseas recipients

MPC at times contracts external IT service providers who use or provide Software as a Service (SaaS), or Infrastructure as a Service (IaaS) when transmitting, using, and/or storing personal information and data on overseas servers.

Where we contract an ICT service provider, the exchange of personal information is usually considered a *use* and *not a disclosure*. Before we use, transmit, or store your personal information in an offshore server, we take reasonable steps to ensure that the overseas recipient agrees that your personal information will be treated in a manner consistent with the Information Privacy Act and any other relevant privacy laws. The ICT contractor must also ensure that the personal information is encrypted and meets Australian and International Standards for ICT Security.

In some circumstances it may be necessary to disclose ~~personal~~ information to an overseas recipient. If it is practical and reasonable to do so, we will obtain your consent first.

At times we may disclose without your consent where a permitted exception to disclosure applies, for example, if we form the belief the disclosure is reasonably necessary for an enforcement-related activity conducted by an enforcement body, and the recipient is a body that exercises functions like those exercised by an enforcement body.

Where to access our Privacy Policy

MPC's Information Privacy Policy is available at: <https://www.mpc.act.gov.au/legal/privacy> and provides more information about:

- > how you can contact us to access and correct personal information that we may hold about you
- > how you may make a complaint about the handling of your personal information; and
- > how we will handle your personal information including when accessing our websites.

How to contact us

If you have any comment in relation to any aspect of the collection, use, security of, or access to your personal information please contact us:

Email: MPCSecurity@act.gov.au

Mail:

MPC Privacy Contact Officer
Major Projects Canberra
GPO Box 158
CANBERRA ACT 2601

Telephone: +61 2 6207 xxTBA

Translating and Interpreting Service (TIS)

The Translating and Interpreting Service (TIS National) is an interpreting service provided by the Department of Home Affairs for people who do not speak English and for agencies and businesses that need to communicate with their non-English speaking clients

13 14 50 (within Australia)

+61 3 9203 4027 (outside Australia)

TIS Online is available at: <http://tisonational.gov.au/>

