

Short Guide to the Information Privacy Principles

Introduction

The purpose of this information sheet is to provide a short guide to the South Australian Government's Information Privacy Principles.

Most State Government agencies collect and use personal information provided by the public. All government employees have an obligation to manage this information appropriately. This information sheet outlines what employees need to know to ensure this obligation is met.

What is personal information?

Personal information is information or an opinion, whether true or not, relating to a natural person or the affairs of a natural person whose identity is apparent, or can reasonably be ascertained. A natural person in this context is a living human being¹.

Personal information can include combinations of name, address, date of birth, financial or health status, ethnicity, gender, religion, witness statements, alleged behaviours and licensing details. It may also include photographs, biometrics or video footage.

How is personal information protected in the South Australian State Government?

South Australian Government agencies are required to comply with Premier & Cabinet Circular No 12; more commonly known as the [Information Privacy Principles \(IPPs\) Instruction](#). Contracted service providers are required to comply with the IPPs when handling personal information while under contract to a government agency. See information sheet on [Contracting and the Information Privacy Principles](#)

The IPPs exist to keep personal information safe from inappropriate collection, use or disclosure by State Government agencies.

The Principal Officer of an agency must ensure that the IPPs are observed within their agency, and that privacy clauses are included in contracts when businesses are providing services on behalf of the agency. Public sector employees are also bound by

¹ Information Privacy Principles Instruction

the Code of Ethics issued under the *Public Sector Act 2009*, which requires public sector employees to “...ensure that the privacy of individuals is maintained and will only release information in accordance with relevant legislation, industrial instruments, policy or lawful and reasonable direction.”

The IPPs recognise the need to balance personal privacy with the broader public interest. If your agency has a legislated requirement to collect, use or disclose personal information, then that legislation takes precedence.

The Information Privacy Principles

Collection

Only collect personal information legally, fairly and where relevant. It should not be collected unnecessarily.

Individuals should be told the purpose for which their personal information is being collected and how it will be used, and to whom the agency usually discloses it.

Personal information should be kept up-to-date, complete and accurate.

Storage

Personal information should be stored securely to prevent against loss or misuse or unauthorised access.

Agencies should have policies concerning the storage and classification of personal information in accordance with the requirements of the [Government's Protective Security Management Framework \(Premier and Cabinet Circular 30\)](#), the [Information Security Management Framework](#), and [Records Management Standards and Guidelines](#). If you are unclear about your agency's security policies or procedures you should contact your Agency Security Advisor.

Access and correction

Individuals have a right to apply for access to their own personal information and can seek to have it corrected under the *Freedom of Information Act 1991* if they consider it to be incomplete, incorrect, out-of-date or misleading.

Use and disclosure

Personal information should only be used for the purpose for which it was collected, and it should not be used for another purpose or disclosed to a third person for another purpose unless:

- » the record-subject would reasonably expect it to be used or disclosed for that secondary purpose; or
- » the record-subject has given consent; or
- » it is required to prevent a serious threat to the life, health or safety of someone; or
- » it is required by law; or
- » it is required for enforcing a law, protecting public revenue, or protecting the interests of the government as an employer; or

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- » the agency suspects unlawful activity has been, is being or may be engaged in and the use or disclosure is necessary for its investigation of the matter or reporting its concerns to relevant persons or authorities; or
- » the agency reasonably believes that the use or disclosure relates to information about an individual that suggests that the individual has engaged or may engage in illegal conduct or serious misconduct in relation to a person; and the use or disclosure is appropriate in the circumstances; and is made in accordance with guidelines issued by the Minister.

The IPPs are not intended to prevent disclosure of personal information where it is in the public interest to do so, such as a serious threat to the life, health or safety of a child or any other person. It specifically does not prevent the disclosure of information where there is lawful reason to do so, such as a mandatory reporting obligation under the *Children's Protection Act 1993*.

If a State Government agency intends to undertake a program or action of significant public interest that does not comply with one or more of the IPPs it may apply to the Privacy Committee of South Australia for an exemption. The Privacy Committee can grant exemptions from the IPPs on any conditions as it sees fit.

What about the *Privacy Act 1988*?

The Commonwealth *Privacy Act 1988* applies to Commonwealth Government Departments, private companies and private health providers, with some exceptions. It does not apply to:

- » private companies with a turnover of less than \$3 million unless they are handling personal health information
- » State Government agencies
- » Local Government authorities, or
- » private companies in respect of work they are undertaking on behalf of a State Government agency.

Like some advice?

The full text of the IPPs can be accessed from the State Records website at www.archives.sa.gov.au. Information on the application of the IPPs is also available on the website.

Your agency's Human Resources section is able to provide advice about the handling of public sector personnel records.

The Privacy Committee of South Australia

The Privacy Committee of South Australia exists to:

- » make recommendations to the Government and any person or body on measures that should be taken to protect personal information

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- » refer written complaints received about breaches of privacy to the relevant authority
- » consider agency requests for exemption from compliance with the IPPs.

The Committee is appointed by, and reports to, the Attorney-General.

Privacy complaints

In the first instance, members of the public should make privacy complaints directly to the agency concerned to be resolved through their normal complaints handling process. If a privacy complaint is unable to be resolved directly by an agency, the individual may choose to complain to the Privacy Committee of South Australia. Privacy complaints can also be dealt with by the [Ombudsman SA](#), or in the case of a privacy complaint relating to police matters, the Office of the Police Ombudsman. Complaints can also be made to the [Health and Community Services Complaints Commissioner](#) that relate to health and community services.

Further information

This information sheet has been issued by State Records of South Australia. Further information about State Records or the Committee may be found at www.archives.sa.gov.au.

Use of this information sheet

This information sheet is provided for general guidance to agencies only and should not be constituted as legal advice. Agencies may need to seek formal legal advice on the application of the IPPs to their particular situation.

Need further assistance?

Contact

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Email staterecords@sa.gov.au

Web www.archives.sa.gov.au

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