

Office of the Privacy Commissioner

HOW TO COMPLETE A PERSONAL INFORMATION DIGEST ENTRY

Legislative requirement

IPP 5.3 in s.14 of the *Privacy Act 1988* requires that each agency which has possession of or control over records of personal information, shall maintain, for each type of record containing personal information, a statement of:

- (a) the nature of the records kept by or on behalf of the Agency;
- (b) the purpose for which the records are kept;
- (c) the classes of people about whom the records are kept;
- (d) the period for which the records are kept;
- (e) who is entitled to have access to personal information in the records and the conditions under which they are entitled to have access; and
- (f) steps that should be taken by people wishing to obtain access to the records.

Publication by the Privacy Commissioner

The Privacy Commissioner publishes these statements annually in the Personal Information Digest. PID entries should be provided to the Privacy Commissioner by agencies as soon as possible after June of each year.

Who needs to prepare a PID entry?

Each Commonwealth agency that is subject to the IPPs needs to prepare a PID entry.

The only agencies that do not have to are those not subject to the IPPs, like intelligence agencies and the Parliamentary Departments. (See Appendix 2 at the end of this document.)

Some agencies are subject to the IPPs only in relation to some of their records of personal information. For example, the Federal Court is subject to the IPPs only in relation to 'matters of an administrative nature'. Such an agency need only include descriptions of classes of records in relation to which it is subject to the IPPs. (See Appendix 2 at the end of this document.)

Strictly speaking each individual agency should prepare and lodge its own PID entry. However, in practice, several small agencies have their PID entries prepared for them by the portfolio Department. For example, the War Graves Commission is technically a stand-alone agency but in practice it operates as a unit within the Department of Veterans' Affairs and DVA includes the WGC's PID entry within its own.

If you are not sure whether you should prepare a PID entry, ask yourself these questions. 'Are we an agency in terms of the Privacy Act?' If not, no need. If so: 'Did we do one last year?' Check the 2004 PID on the Commissioner's website at www.privacy.gov.au (in the Publications/Public Sector section) to see whether your agency did one last year. If so, you need to do one this year. If not: 'Did someone do it for us?' Call the Privacy Contact Officer for your portfolio Department and check whether the Department prepares an entry for your agency. If so, no problems. If not, you may have to prepare an entry. Use this document or contact privacy@privacy.gov.au for further advice.

What you need to do

Each agency should provide a PID entry to the Privacy Commissioner each year. As a rule, an agency's holding of personal information do not change much from year to year, although if there has been a major restructuring, or if the agency has gained or lost functions in the past year, there will be significant changes to the PID entry. Generally agencies just review last year's entry and update it as necessary.

Date for submitting entries to the Privacy Commissioner

Each agency is required to provide the Privacy Commissioner with its PID entry in June of each year. In practice, it makes sense for the information in the entry to reflect the agency's holdings of personal information as at 30 June.

The entry should be provided to the Privacy Commissioner as early as possible in July. The anticipated date for publication of the Digest is end September. Agencies that have not provided entries by that time will not be included.

Standard format for PID entries

Entries should be presented so far as possible in standard form. A pro forma is available on www.privacy.gov.au.

It makes publication easier if agencies provide their PID entries as Word documents. Please use the following naming convention: 'Generic Standards Board PID 2005.doc'.

Please email to privacy@privacy.gov.au.

Standard content for PID entries

There is a standard format for these entries, which includes all the items necessary to fulfil agencies' responsibilities under IPP 5. Agencies are required to set out, for each type of record, the following things.

Name of the class of records

This should be the full name, not an in-house abbreviation. Each class of record represents a separate file, database or type of record as defined by the agency itself. Some agencies choose to describe their personal information holdings in considerable detail. Others choose to group together similar records under a single more inclusive description.

Required by IPP 5.3(a).

Purpose of the records

This should say what the records are actually used for, not simply that they are used to administer a particular Act. It is however usually desirable to name relevant legislation. If there is more than one use, they should all be listed. An example would be: 'The purpose of these records is to maintain application details and decisions made under the *Generic Decisions Act 1999*. The records are also used to compile statistics in relation to decisions under the Act.'

Required by IPP 5.3(b).

General content

For example, “name” or “date of birth” or “employment history” or “educational qualifications” or “complaint details”. Preface with “Content may include: ...”.

Required to indicate the nature of the records – IPP 5.3(a).

Sensitive content

Examples include “mental health”, “disabilities”, “racial or ethnic origin”, “criminal convictions”, “religious affiliations” “political affiliations”, and “tax file numbers”. Preface with “Sensitive content may include: ...”.

Required to indicate the nature of the records – IPP 5.3(a).

Classes of people whose personal information is included in the records (IPP 5.3(c))

For example, “voters” or “recipients of benefit X” or “temporary employees” or “unsuccessful applicants for licence Y”. If the records relate to more than one class of people, list them all. Preface with “The personal information on these records relates to:”.

Required by IPP 5.3(c).

Internal access

Describes which of the agency’s staff, by position or function, are entitled to have access to personal information in this class of records. The description should be as specific as possible: words like “staff in relevant areas’ are not sufficient. Preface with: ‘The following Agency staff have access to this personal information:’. An example would be “...Regional departmental clerical staff, up to the level of Determining Officer, involved in making decisions under the *Generic Decisions Act 1999*; Regional Managers and appeals staff if a review of a decision is sought”.

Required by IPP 5.3(e).

Period of retention

This should outline for how long the records are kept. For instance, “the records are kept indefinitely” or “the records are destroyed x years after action is completed” or “the records are kept for y years, then transferred to Australian Archives under Records Disposal Authority xyz”. Agencies should avoid vague forms of words like “the records are retained in line with the Archives Act”.

Required by IPP 5.3(d).

Disclosure

Describes other people or organisations to whom personal information from this class of records is usually disclosed. Preface with “Some of this information is disclosed to:” or, if there are no usual disclosures, put “This information is not usually disclosed to other persons or organisations.”

Required by IPP 5.3(e).

Access for people to whom the records relate

Describes how the subjects of the personal information held on this class of records can get access to the information about them. This should give the position (preferably the title of the position or the section in which it is located) and phone number, but not the name, of a contact person able to deal with requests for access to personal information held in the class of records. Sometimes there may be a different contact officer for each State or for different sub classes of information.

Agencies should follow this form of words: “Individuals can obtain information regarding access to their personal information by contacting the [position] on [phone number], or by writing to [position and postal address].

Required by IPP 5.3(f).

Number of individuals about whom information is kept

It is recommended that the agency include an indication of how many individuals the personal information relates to. Clearly exact figures will not usually be available. As much information as possible should be given. For example, ‘The records relate to around 12,000 individuals’; or ‘The records relate to around 1,500 complainants and an unknown number of other individuals’.

This is not a requirement of IPP 5.3 but it does give the reader a better idea of the nature of the record holdings.

Optional: not strictly required by IPP 5.3.

Medium in which the information is kept

It is recommended that the agency include an indication of the medium in which the information is kept. For example, ‘The records are kept on paper files’ or ‘The records are kept on electronic media’ or ‘The records are kept on microfiche’. This is not a requirement of IPP 5.3 but it does give the reader a better idea of the nature of the record holdings.

Often agencies combine these last two items into the one sentence: ‘The records relate to around 4,500 individuals and are kept on electronic media’. This is quite acceptable.

Optional: not strictly required by IPP 5.3.

Example of an IPP 5.3 statement

The following is an example of a full IPP 5.3 statement for a particular class of records.

X. COMPLAINT AND INVESTIGATION FILES

The purpose of these records is to record details of complaints, relevant investigation and agency action.

Content may include: name, address, date of birth, occupation, gender, marital status, names and status of partners or relatives and any other type of information dependent on the individual case.

Sensitive content may include: physical or mental health, disabilities, sexual life, racial or ethnic origin, criminal convictions, criminal intelligence, religious affiliations, political affiliations, tax file numbers, relationship details and any other type of information dependent on the individual case.

The personal information on these records relates to complainants, respondents, witnesses and authorised agents.

The following staff have access to this personal information: Senior Executives, Complaints Officers and Records Manager.

The records are kept between three years and permanently, depending on the nature of the case.

This information is not usually disclosed to other persons or organisations.

Individuals can obtain information regarding access to their personal information by contacting the Privacy Contact Officer on phone (02) 6200 0000 or by writing to ...

The records relate to around 100,000 individuals and are kept on electronic media.

Only 'records' are covered

Note that the statement is required to cover only "records" containing personal information. So information that is not in a record - for example, information in a generally available publication or the collections of a library or museum - need not be covered by the statement. (See the definition of "record" in s.6 of the Privacy Act.)

Personnel records

As personnel records are common to most agencies, a generic description of personnel records has been developed in order to reduce duplication in the Personal Information Digest. It appears as Appendix 1 of the published Digest. Agencies are free to refer to it in their IPP 5.3 statement. There is no need to reproduce the description unless variations to the standard description need to be included.

APPENDIX 1

PERSONNEL RECORDS

Due to the commonality of these classes of records between agencies, they have been grouped in one entry. This necessarily reduces the amount of detail provided. Current and former employees can obtain details of specific agency record handling practices by contacting personnel staff in that agency.

It should not be assumed that all records described are kept in a common storage facility. Separate security arrangements will typically apply, depending on the sensitivity of the information.

The purpose of these records is to maintain employment history and payroll and administrative information relating to all permanent, contract and temporary staff members and employees of an agency.

Personnel and payroll

The records may include any one or more of the following:

- (1) records relating to attendance and overtime;
- (2) leave applications and approvals;
- (3) medical and dental records;
- (4) payroll and pay related records, including banking details;
- (5) tax file number declaration forms;
- (6) declarations of pecuniary interests;
- (7) personal history files;
- (8) performance appraisals, etc;

- (9) records relating to personal development and training;
- (10) trade, skill and aptitude test records;
- (11) completed questionnaires and personnel survey forms;
- (12) records relating to removals;
- (13) travel documentation;
- (14) records relating to personal welfare matters; and
- (15) contracts and conditions of employment.
- (16) EEO Data
- (17) next of kin details

Recruitment

The records may include any one or more of the following:

- (1) recruitment records and dossiers;
- (2) records relating to relocation of staff and removals of personal effects; and
- (3) records relating to character checks and security clearances.

Other

The records may include any one or more of the following:

- (1) records of accidents and injuries;
- (2) compensation case files;
- (3) rehabilitation case files;
- (4) records relating to counselling and discipline matters, including disciplinary, investigation and action files, legal action files, records of criminal convictions, and any other staff and establishment records as appropriate;
- (5) complaints and grievances; and
- (6) recommendations for honours and awards.

Contents of personnel records may include: name, address, date of birth, occupation, AGS number, gender, qualifications, equal employment opportunity group designation, next of kin, details of pay and allowances, leave details, work reports, security clearance details and employment history.

Sensitive contents of personnel records may include: physical and mental health, disabilities, racial or ethnic origin, disciplinary investigation and action, criminal convictions, adverse performance and security assessments, tax file numbers, relationship details and personal financial information.

Personal information on personnel records relates to current and former staff members and employees including contract and temporary staff.

The following agency staff have access to personnel records: executive and senior personnel management staff, supervisors and members of selection committees (if appropriate), the individual to whom the record relates and, as is appropriate, personnel staff, security officers and case managers.

Personnel records are kept according to the applicable provisions of the General Disposal Authority for staff and establishment records issued by Australian Archives.

Information held in personnel records may be disclosed, as appropriate, to: Comcare, Commonwealth Medical Officers, Attorney-General's Department, Australian Public Service Commission, ComSuper and other superannuation administrators, Australian Taxation Office, and the receiving agency following movement or re-engagement of an employee.

Individuals can obtain information regarding access to their personal information by contacting the personnel section of the employing agency.

Records relate to all current and former employees of an agency and are stored on paper, microfiche and electronic media.

Location: the appropriate Central, State, regional office of the employing agency.

APPENDIX 2

GUIDE TO COMMONWEALTH AGENCIES, ACTIVITIES OR RECORDS NOT SUBJECT TO THE INFORMATION PRIVACY PRINCIPLES OF THE *PRIVACY ACT 1988*

The Privacy Act excludes from its operation - so far as the Information Privacy Principles are concerned - agencies, activities or records either by identifying them specifically or because they fall within a general category. The following tables provide a guide to the scope of these exclusions.

Table 1: EXCLUSIONS UNDER THE PRIVACY ACT

Excluded under section 6 - definition of agency:

- an incorporated company, society or association;
- an organisation within the meaning of the Conciliation and Arbitration Act 1904 or a branch of such an organisation; or
- a body corporate constituted under subsection 6(1) of the Legal Practitioners Ordinance 1970 of the Australian Capital Territory.

Excluded under section 6 - definition of record:

- a generally available publication - collection Principles still apply;
- anything kept in a library, art gallery or museum for the purposes of reference, study or exhibition; or
- Commonwealth records ... that are in the open access period - *Archives Act 1983*.

Excluded under section 7 - defining acts or practices subject to the Act:

- an agency specified in Schedule 1 or 2 of the Freedom of Information Act 1982; **Note:** the agencies specified in Schedule 1 and 2 to the Freedom of Information Act are listed in Table 2.
- a federal court or a court of the Australian Capital Territory;

- a Minister;
- the National Crime Authority (Australian Crime Commission); or
- a Royal Commission.

A record that has originated with, or has been received from:

- the Defence Signals Directorate or the Joint Intelligence Organisation of the Department of Defence; or
- the National Crime Authority (Australian Crime Commission).
- an intelligence agency;

An "intelligence agency" is defined as:

- the Australian Security Intelligence Organisation;
- the Australian Secret Intelligence Service; or
- the Office of National Assessments.

Table 2 – EXCLUSIONS UNDER THE *FREEDOM OF INFORMATION ACT 1982*

Schedule 1

- Courts and tribunals exempt in respect of non-administrative matters

Australian Industrial Relations Commission
Industrial Registrar and Deputy Industrial Registrars

Schedule 2 Part I - exempt agencies

Aboriginal Land Councils and Land Trusts
Auditor-General
Australian Government Solicitor
Australian Industry Development Corporation
Australian Secret Intelligence Service
Australian Security Intelligence Organisation
Inspector-General of Intelligence and Security
National Workplace Relations Consultative Council
Office of National Assessments

Schedule 2 Part II - agencies exempt in respect of particular documents

Division 1

Albury-Wodonga Development Corporation, in relation to documents in respect of its commercial activities

Attorney-General's Department, in relation to documents in respect of commercial activities it undertakes and in relation to documents in respect of commercial activities undertaken by the Australian Government Solicitor

Australian Broadcasting Authority, in relation to exempt Internet-content documents concerning the performance of a function, or the exercise of a power, under Schedule 5 to the *Broadcasting Services Act 1992*

Australian Broadcasting Corporation, in relation to its program material and its datacasting content

Australian Postal Corporation, in relation to documents in respect of its commercial activities

“Australian Trade Commission”, in relation to documents concerning the carrying out, in whole or in part, of overseas development projects

Classification Board, in relation to exempt Internet-content documents concerning the performance of a function, or the exercise of a power, under Schedule 5 to the *Broadcasting Services Act 1992*

Classification Review Board, in relation to exempt Internet-content documents concerning the performance of a function, or the exercise of a power, under Schedule 5 to the *Broadcasting Services Act 1992*

Comcare, in relation to documents in respect of its commercial activities

Commonwealth Scientific and Industrial Research Organisation, in relation to documents in respect of its commercial activities

Department of Defence, in relation to documents in respect of activities of the Defence Intelligence Organisation and the Defence Signals Directorate

Department of the Treasury, in relation to documents in respect of activities of the Australian Loan Council and in respect of the commercial activities of the Royal Australian Mint

Export Finance and Insurance Corporation, in relation to documents concerning anything done by it under part 4 or 5 of the *Export Finance and Insurance Corporation Act 1991*

Federal Airports Corporation, in relation to documents in respect of its commercial activities and in respect of determinations of aeronautical charges under the *Federal Airports Corporation Act 1986*

Health Insurance Commission, in relation to documents in respect of its commercial activities

Indigenous Business Australia, in relation to documents in respect of its commercial activities

“National Health and Medical Research Council”, in relation to documents in the possession of members of the National Health and Medical Research Council who are not persons appointed or engaged under the *Public Service Act 1999*

Office of Film and Literature Classification, in relation to exempt Internet-content documents concerning the performance of a function, or the exercise of a power, under Schedule 5 to the *Broadcasting Services Act 1992*

Reserve Bank of Australia, in relation to documents in respect of its banking operations (including individual open market operations and foreign exchange dealings) and in respect of exchange control matters

Special Broadcasting Service Corporation, in relation to its program material and its datacasting content

Telstra Corporation Limited in relation to documents in respect of its commercial activities.

Division 2

Australian Statistician, in relation to documents containing information collected under the *Census and Statistics Act 1905*.