



Privacy Policy

September 2021

Introduction

The [Privacy Act 1988](#) (Privacy Act) requires entities bound by the Australian Privacy Principles (APPs) to have a privacy policy.

The National Faster Rail Agency (NFRA) is an APP entity and this privacy policy outlines the agency's personal information handling practices.

The NFRA is committed to respecting your right to privacy and protecting your personal information in accordance with the Privacy Act and our policies and procedures.

This privacy policy will be reviewed and updated periodically to take into account any new laws or technology, or when our information handling practices change. Updates will be published on our website (nfra.gov.au).

In this policy, **personal information** has the same meaning as defined in section 6 of the Privacy Act:

personal information means information or an opinion about an identified individual, or an individual who is reasonably identifiable:

- (a) *whether the information or opinion is true or not; and*
- (b) *whether the information or opinion is recorded in a material form or not.*

Sensitive information is a subset of personal information with additional requirements under the Privacy Act and is defined as:

'information or an opinion about an individual's racial or ethnic origin, political opinions, membership of a political association, religious beliefs or affiliations, philosophical beliefs, membership of a professional or trade association, membership of a trade union, sexual orientation or practices, or criminal record that is also personal information; health information about an individual, genetic information about an individual, biometric information that is to be used for the purpose of automated biometric verification/identification and biometric templates'.

What kinds of personal information are collected and held?

We collect **personal information** about you where it is reasonably necessary for, or directly related to, one or more of our functions or activities, including:

- Personnel records
- Work health and safety
- Contractor and consultancy details
- Mailing lists
- Freedom of Information requests
- Complaint and feedback information
- Contract, tender and submission documents
- Representations to the agency and minister and any written responses
- Correspondence initiated and related to the activities of the Agency
- Security clearance records
- Stakeholder and supplier information

Sensitive information is afforded a high level of protection under the Privacy Act, including limited circumstances in which it can be collected.

The NFRA does not normally have a need to collect the majority of the sensitive information referred to in the definition in the Privacy Act. The exception is information collected about you in relation to recruitment processes and employment with the NFRA, including:

- criminal records
- health records (including information about your medical history and ongoing medical information) where relevant to assessing an application, making reasonable adjustments in a recruitment process or the management of your health and safety or the health and safety of all employees, or
- information relevant to a work health and safety assessment, incident or investigation.

How do we collect your personal information?

Where possible, we will collect your personal information directly from you or your authorised representative. In limited circumstances we may collect personal information about you from a third party (for example, another Australian Government department or a publicly available source). For example, if:

- it is not practicable to collect personal information from you
- you have consented to the personal information being collected from someone else, or
- the NFRA is authorised or required by law to collect your personal information from someone else.

We also obtain personal information from third parties such as referees if you are seeking employment with the NFRA. If we collect personal information about you we will take reasonable steps to inform you of that collection including whether it will involve a third party, the reasons for collection and what usual uses and disclosures may occur. Where sensitive personal information is concerned we will also seek your express consent for that collection unless a legal exception under the Privacy Act applies.

How we store personal information

We take all reasonable steps to protect the personal information we hold from misuse, interference and loss, and from unauthorised access, modification or disclosure. Your personal information will only be stored on a password protected ICT system which complies with the Australian Government Protective Security Policy Framework. This includes ensuring that information we store is only accessed by authorised officers that require access to undertake their official functions and roles and safeguarding the accuracy and completeness of information provided to us.

When information is no longer required, it is securely destroyed in accordance with the [Archives Act 1983](#) and relevant disposal authorities or forwarded to National Archives.

How we use and disclose personal information

We only use and/or disclose information for the purposes for which it was collected (the primary purpose), unless an individual has consented to another use.

There are certain limited circumstances in which we may use or disclose information for a different purpose, known as a secondary purpose, where that purpose is:

- directly related to the primary purpose for which the information was collected
- required or authorised under an Australian law or has been ordered by a court or tribunal
- necessary to lessen or prevent a serious threat to the life, health or safety of any individual, or public health or safety
- a permitted general situation or health situation, as defined by the Privacy Act, or
- an enforcement related activity and the use or disclosure of the information is reasonably necessary.

If we use or disclose information for a purpose other than what it was originally collected for, we will keep a written notice of that use or disclosure as required by the APPs.

Disclosure of personal information overseas

We do not ordinarily disclose personal information overseas. Certain activities, including surveys may utilise services based overseas. The Privacy Collection Notice which accompanies each activity will identify these services.

How to access and seek correction of your personal information

You have a right to request access to personal information that we hold about you and to request its correction under the Privacy Act. Please note that we are not required to grant access in certain circumstances such as where access would have an unreasonable impact on the privacy of other individuals. If we refuse to grant you access to your personal information, we will provide you with reasons for that decision within 30 days, as well as the avenues available for you to complain about the refusal.

You may also request changes to your personal information if it is inaccurate, out of date, incomplete, irrelevant or misleading. There is no charge associated with making a request and we will process the request and provide access to the information within 30 days.

Before we disclose personal information to you, we will take reasonable steps to verify your identity.

To access personal information, a written request should be sent to our Privacy Officer:

by email - corporate@nfra.gov.au, or

by post:

Privacy Officer
National Faster Rail Agency
GPO Box 594
CANBERRA ACT 2601

Contacting us anonymously

For some interactions with us, you may be able to remain anonymous or use a pseudonym. If you contact us anonymously, we may require other kinds of non-identifying information to help us accurately understand or verify the subject of your enquiry.

Making a privacy complaint

You may submit a complaint about the way we have handled your personal information. Complaints should be in writing and sent to the Privacy Officer using the contact details above.

We will respond in writing within 30 days of receiving your complaint. If you are dissatisfied with the response you receive you can contact the Office of the Australian Information Commissioner (OAIC). Further information about making privacy complaints through the OAIC can be found by visiting <https://www.oaic.gov.au/privacy/privacy-complaints>.

Further Information

For information on Privacy and Information Policy refer to the Office of the Australian Information Commissioner (OAIC) at www.oaic.gov.au or by telephone on 1300 363 992.