

Privacy information sheet 2 Information privacy obligations

A summary of information privacy obligations

This information sheet provides a summary of an organisation's minimum obligations under the *Privacy Act 1988 (Commonwealth)*.

For a complete list of information privacy obligations, please refer to [the National Privacy Principles \(NPPs\)](#) contained within Schedule 3 of the *Privacy Act 1988 (Commonwealth)*.

Collecting personal information

When collecting personal information, you must:

1. allow people to interact anonymously with you if it is lawful and practicable to do so
2. only collect personal information that is necessary for your organisation's activities
3. only collect personal information in fair and lawful ways
4. only collect personal information if it is reasonable and practicable to do so
5. obtain consent to collect sensitive information unless specific exemptions apply
6. when their personal information is collected, or as soon as practicable afterwards, take reasonable steps to inform people about why their personal information is being collected
7. when their personal information is collected, or as soon as practicable afterwards, take reasonable steps to inform people about who their personal information is likely to be given to
8. if personal information is collected by someone else and passed on to you, take reasonable steps to inform the person about this.

Securing personal information

When securing personal information, you must:

1. take reasonable steps to ensure that personal information is stored securely and protected from, loss, misuse, and/or unauthorised access
2. take reasonable steps to destroy or permanently de-identify personal information no longer needed.

Using and disclosing personal information

Using personal information. This term refers to how personal information is used *within* your organisation.

Disclosing personal information. This term refers to the release of personal information to a third party *outside* your organisation.

When using and/or disclosing personal information, you must:

1. unless a legitimate exception applies, only use and/or disclose personal information for the primary purpose it was collected and as outlined in [NPP 2.1](#).
(Legitimate exceptions for the use and/or disclosure of sensitive information are more limited and are outlined in [NPP 10](#).)

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2. take reasonable steps to ensure that personal information is accurate, complete and up-to-date
3. only adopt, use, or disclose Commonwealth Government Identifiers if relevant circumstances apply and as outlined in [NPP 7](#)
4. only disclose personal information to an overseas location after ensuring the requirements of [NPP9](#) are met.

Open information privacy practices

To comply with open information privacy practices, you must:

1. unless a specific exception applies, give a person access to their personal information if they request it as outlined in [NPP 6](#)
2. provide an individual with the opportunity to correct his or her personal information, if he or she can prove that the personal information is not accurate, complete, or up-to-date
3. provide reasons for denying an individual access to his or her personal information, or refusing to correct his or her personal information
4. make a short document available to anyone who asks for it, which clearly expresses your organisation's policies on how personal information is handled
5. upon request, take reasonable steps to inform an individual:
 - what types of personal information are held by the organisation
 - why personal information is held
 - how personal information is collected, used, and disclosed.

For more information on open information privacy practices, please refer to Privacy Information Sheet 3: Access and Correction to Personal Information, and the disclaimer on page 3. If any of the NPP obligations conflict with other privacy provisions in legislation that applies to your organisation (eg. the Adoption of Children Act 1964, the Child Protection Act 1999, etc.), the NPPs are overruled.

Additional information

More information is available from:

1. the Office of the Federal Privacy Commissioner www.privacy.gov.au
2. the Privacy Hotline 1300 363 992 (local call charge)
3. the department's Privacy Contact Officer (07 3224 5850).

Disclaimer

This information sheet is intended as a reference to privacy legislation. It offers general discussion and explanation on a range of privacy issues. However, it does not cover all circumstances faced by the diverse range of organisations in the non-government sector. This information sheet is advisory only and does *not* represent legal advice. If advice of a legal nature is required, independent legal advice must be sought and the content of this information sheet cannot be relied upon.