

Torres Strait Regional Authority Privacy Policy

This Privacy Policy sets out how the Torres Strait Regional Authority (TSRA) manages personal information.

The Policy is divided into 3 sections. **Part 1** outlines our functions and powers in relation to our legislative responsibilities and corporate service functions. **Part 2** describes how we collect information including via the TSRA website. **Part 3** contains information about how you can access, or ask us to correct, personal information we hold about you, along with some important privacy definitions, and how to contact us for further information or to raise a privacy concern.

Part 1

WHAT WE DO

Functions

The functions of the TSRA, as outlined in Section 142A of the *Aboriginal and Torres Strait Islander Act 2005* (ATSI Act 2005), are:

- (a) to recognise and maintain the special and unique Ailan Kastom of Torres Strait Islanders living in the Torres Strait area;
- (b) to formulate and implement programs for Torres Strait Islanders, and Aboriginal persons, living in the Torres Strait area;
- (c) to monitor the effectiveness of programs for Torres Strait Islanders, and Aboriginal persons, living in the Torres Strait area, including programs conducted by other bodies;
- (d) to develop policy proposals to meet national, State and regional needs and priorities of Torres Strait Islanders, and Aboriginal persons, living in the Torres Strait area;
- (e) to assist, advise and co-operate with Torres Strait Islander and Aboriginal communities, organisations and individuals at national, State, Territory and regional levels;
- (f) to advise the Minister on:
 - (i) matters relating to Torres Strait Islander affairs, and Aboriginal affairs in the Torres Strait area, including the administration of legislation;
 - (ii) the co-ordination of the activities of other Commonwealth bodies that affect Torres Strait Islanders or Aboriginal persons, living in the Torres Strait area;
- (g) when requested by the Minister, to provide information or advice to the Minister on any matter specified by the Minister;
- (h) to take such reasonable action as it considers necessary to protect Torres Strait Islander and Aboriginal cultural material and information relating to the Torres Strait area if the material or

information is considered sacred or otherwise significant by Torres Strait Islanders or Aboriginal persons;

(i) at the request of, or with the agreement of, the Australian Bureau of Statistics but not otherwise, to collect and publish statistical information relating to Torres Strait Islanders, and Aboriginal persons, living in the Torres Strait area;

(j) such other functions as are conferred on the TSRA by this Act or any other Act;

(k) such other functions as are expressly conferred on the TSRA by a law of a State or of an internal Territory and in respect of which there is in force written approval by the Minister under section 142B;

(l) to undertake such research as is necessary to enable the TSRA to perform any of its other functions; and

(m) to do anything else that is incidental or conducive to the performance of any of the preceding functions.

Powers

The powers of the TSRA, as outlined in section 142C of the ATSI Act 2005, are the following:

(1) The TSRA has power to do all things that are necessary or convenient to be done for or in connection with the performance of its functions.

(2) The powers of the TSRA include, but are not limited to, the following powers:

(a) to accept gifts, grants, bequests and devises made to it;

(b) to act as trustee of money and other property vested in it on trust;

(c) to negotiate and co-operate with other Commonwealth bodies and with State, Territory and local government bodies;

(d) to enter into an agreement for making a grant or loan under section 142GA to the State of Queensland or an authority of that State (including a local government body); and

(e) to enter into an agreement (other than an agreement referred to in paragraph (d) with a State or a Territory.

(3) Despite anything in this Act, any money or other property held by the TSRA on trust must be dealt with in accordance with the powers and duties of the TSRA as trustee.

(4) The powers of the TSRA may be exercised in or out of Australia.

Corporate Services Functions

TSRA also undertakes Corporate Services functions in support of our functions and powers including Human Resource Management services (e.g employment); Information Technology Services (e.g operating TSRA's website); Facilities and Financial Management.

Part 2

THE KINDS OF PERSONAL INFORMATION THAT WE COLLECT AND HOLD

Organisation Specific

Our functions under the ATSI Act require us to collect and hold a range of information, some of which is personal information. For example, if you are applying for a grant or a loan, we will collect and hold a variety of information including your contact details, if you identify as an Aboriginal or Torres Strait Islander person, qualifications and employment, and potentially some financial details. If you have made a complaint to TSRA, we will hold personal information that was contained in the complaint, or which it is necessary to collect in order to deal with the complaint. If you are investigated in relation to, or prosecuted for, an offence relating to and involving TSRA e.g. grant or loan funding, we may hold personal information relevant to that investigation or prosecution.

Corporate responsibilities

We will also collect information, such as contact, qualifications and employment history details, if you apply for a job with us, are employed or contracted by us for employment service, human resource management or other corporate service functions.

Other collections

We may collect information such as your email or mailing address, if you ask to be on an email or mailing list so that we can send you publications or updates about our activities. If you telephone, email or send a letter to us (or directly to a staff member) we may collect or hold information such as your contact details.

COLLECTION REQUIRED BY LAW

We may collect information about you because we are required or authorised by law to deal with you only if you disclose your identity. For example, if you seek information about a grant or loan application that is not publicly available information, you will need to identify yourself and provide proof of your identity, so that we can determine whether you have the right to access the information you seek. The amount and type of evidence required to prove your identity will depend on who you are and the nature of the information you are seeking.

CONSEQUENCES OF NOT PROVIDING YOUR PERSONAL INFORMATION

You can choose to deal with us anonymously or by using a pseudonym. However if you don't provide your personal information to us, we may not be able to: provide you with the product or service you want; manage or administer your product or service; or verify your identity or protect against fraud.

WHY AND HOW WE COLLECT AND HOLD PERSONAL INFORMATION

We only collect and hold personal information that is reasonably necessary for, or directly related to, TSRA functions or activities. Generally we will collect personal information directly from you. In some circumstances we may collect personal information from other sources. We may collect personal information from another source if you consent to the collection from another source, or if it is unreasonable or impractical to collect the personal information from you.

We may also collect personal information from another source if authorised to do so by an Australian law, including the *Privacy Act 1988*, or a court order.

We only collect sensitive information (see *Privacy Definitions* below) if it is reasonably necessary for, or directly related to, TSRA functions or activities and you consent to that collection. However, we may also collect sensitive information if we are permitted to collect the information by an Australian law or court/tribunal order; if we believe the collection is reasonably necessary for, or directly related to, our functions or activities; or if a permitted general situation exists (see *Privacy Definitions* below).

We hold personal information in different mediums, including paper and electronic. We take steps to protect personal information we hold from misuse, interference, loss and from unauthorised access, modification or disclosure. These steps include password protection for accessing our IT systems, secure filing cabinets for paper documents, physical access restrictions to our premises and staff training in appropriate procedures regarding personal information. When no longer required, personal information is destroyed in a secure manner, or deleted in accordance with our obligations under the *Archives Act 1983*.

WHY WE USE AND DISCLOSE PERSONAL INFORMATION

We use and disclose personal information in order to fulfil our functions and responsibilities under the legislation referred to above in *What We Do*.

If we collect personal information for one purpose, generally we will not disclose or use it for another purpose unless you have consented. We may also disclose or use it for another purpose which is related (or directly related if it is sensitive information) to the purpose for which the personal information was collected and you would reasonably expect that we would do so e.g such as sharing with another government agency who has provided funding in relation to grants or other services.

We may also disclose or use information for another purpose if a permitted general situation exists (see *Privacy Definitions* below), or if it is required or authorised by law.

DISCLOSURE TO OVERSEAS RECIPIENTS

With your prior consent, we may exhibit an image of you in government and cultural institutions and tourism outlets overseas, in foreign television broadcasts and newspaper publications, or on the internet (for example, on our Facebook page and in our annual reports, which are accessible on our website).

As part of its role in representing the interests of the Torres Strait community, the TSRA sends its staff and Board members overseas to participate in events organised by foreign governments and international organisations. These overseas events generally take place in Papua New Guinea, New Zealand or the Solomon Islands. With your prior consent, we may display an image of you in our presentations to attendees at these events.

If you are a TSRA employee or Board member and have agreed to be part of a TSRA delegation to one of these events, we may, with your prior consent, disclose your name, age, gender and basic biographical information to the event organiser, for the purposes of arranging your attendance at the event. Recipients of this information are likely to be located in Papua New Guinea, the Solomon Islands or New Zealand.

INFORMATION COLLECTED VIA THE TSRA WEBSITE

When you visit the TSRA website, our server logs the following information which is provided by your browser:

- the type of browser and operating system you are using;
- your top level domain name (for example .com, .gov, .au, .uk etc);
- the address of the referring site (for example, the previous site that you visited); and
- your server's IP address;
- the date and time of your visit; and
- the address of the pages accessed and the documents downloaded from the TSRA Web Site.

This information is used only for statistical analysis or systems administration purposes. We will not attempt to identify your activities except where we are required to do so by law and/or in response to a court order, such as a warrant or subpoena.

Cookies

A cookie is an electronic token that is passed to your browser and your browser passes it back to the server whenever a page is sent to you. Our server generates one cookie which is used to keep track of the pages you have accessed while using our server. The cookie allows you to navigate back and forwards through the web site and return to pages you have already visited. The cookie exists only for the time you are accessing our server. Cookies are not used for any other purpose.

Part3

HOW YOU CAN ACCESS, AND SEEK TO CORRECT, PERSONAL INFORMATION WE HOLD ABOUT YOU

If you would like access to personal information we hold about you, or to request that we correct that personal information, please contact us via our Contact details (see below). In response to a request, we will provide access to, or amend or annotate, the information unless we consider there is a sound reason under the Privacy Act, *Freedom of Information Act 1982*, or other relevant law to withhold the information or refrain from amending it.

If we refuse access to personal information or to amend or annotate the personal information we hold about you, you may be entitled to seek a review of the decision under the Freedom of Information Act.

COMPLAINTS

If you have a query regarding privacy or wish to lodge a complaint regarding a breach of the Australian Privacy Principles please contact us via our Contact details (see below). Please mark written correspondence "*Attention: Privacy Contact Officer*". Your issue or complaint will be referred to our Privacy Contact Officer, who will provide you with a considered response. Additionally you may also choose to make use of the TSRA Complaint form that is available from the following web link:

http://www.tsra.gov.au/__data/assets/pdf_file/0006/6198/TSRA-Complaint-Form.pdf

If you are not satisfied with our response, you may contact the Federal Privacy Commissioner by:

Telephone 1300 363 992

Email privacy@privacy.gov.au

Post The Privacy Commissioner Office of the Australian Information Commissioner

GPO Box 2999

Canberra ACT 2601

You may make a complaint to the Privacy Commissioner without contacting us, but it is likely the Privacy Commissioner will suggest you contact us in the first instance.

AVAILABILITY OF AND CHANGES TO THIS PRIVACY POLICY

Our Privacy Policy is available from the Privacy page of the TSRA website. Upon request, we will send you a free copy of our privacy policy.

We may from time to time vary our Privacy Policy. If any substantial changes are made, we will publish an announcement on the TSRA website homepage.

PRIVACY DEFINITIONS

Personal information is generally any information or opinion about an identified individual (or an individual who is reasonably identifiable). An individual in this sense means a natural person and referred to as "you" in our Privacy Policy.

Sensitive information is a subset of personal information, which includes information or opinions regarding your racial or ethnic origin, your religious beliefs or affiliations, political opinions, membership of a trade union and your sexual preferences or practices.

Permitted general situations include situations in which collection, use or disclosure of personal information may occur because:

- it is unreasonable or impractical to obtain your consent and we believe it is necessary to lessen or prevent a serious threat to life, health or safety of an individual;
- we have reason to suspect that unlawful activity or misconduct of a serious nature relating to our functions has occurred or may be occurring and reasonably believe it is necessary in order to take appropriate action;
- we reasonably believe it is necessary to assist in locating a person who has been reported as missing; or
- it is reasonably necessary to establish or defend a legal or equitable claim for the purposes of a confidential alternative dispute resolution process.

Contact

Queries regarding privacy should be directed to the TSRA Privacy Officer:

Email: privacy@tsra.gov.au

Phone: Toll free 1800 079 093 or (07) 4069 0700

Post: PO Box 261
Thursday Island
Queensland 4875
Australia

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