

**SUBURBAN LAND AGENCY
LAND BALLOT
INFORMATION PRIVACY POLICY**

Contents

1. About this policy	2
2. Overview	2
3. Remaining anonymous	3
4. Collection of your personal information	3
5. How do we collect personal information	3
6. Sensitive Information	3
7. Types of information we collect and hold	4
8. Notice of collection	4
9. Email lists	5
10. Social Networking Services	5
11. Collecting through our websites	5
12. Use and disclosure of personal information	5
13. Disclosing information to service providers	6
14. Disclosure of personal information overseas	7
15. Quality of personal information	7
16. Storage and security of personal information	7
17. Accessing your personal information	8
18. Correcting your personal information	8
19. How to make a complaint	9
20. Review	9
21. How to contact us	9

1. About this policy

One of the functions of the Suburban Land Agency is to facilitate the sale of new land releases by way of a ballot system (**Land Ballot**). To participate in a Land Ballot, you must register your details using the online system during the advertised registration period.

This Information Privacy Policy sets out how the Suburban Land Agency manages personal information in relation to land ballots in the Australian Capital Territory (**ACT**). The Suburban Land Agency, as part of the Environment, Planning and Sustainable Development (EPSDD) portfolio, will in all other functions comply with the EPSDD Privacy Policy, available at: <https://www.environment.act.gov.au/about/privacy>.

The specific legal obligations of the Suburban Land Agency when collecting and handling your personal information are outlined in the [Information Privacy Act 2014](#) and in particular, in the Territory Privacy Principles (**TPPs**) found in the Act.

This statement is made in accordance with TPP 1.3 of the [Information Privacy Act 2014](#).

You can access the [Information Privacy Act 2014](#) at the [ACT Legislation Register](#) website.

We will update this Information Privacy Policy when our personal information handling practices change. Updates will be available on our website. Please contact us if you would like to request a printed copy of this Policy.

You can access our [Website Information Privacy](#) statement on our website.

2. Overview

The Suburban Land Agency collects, holds, uses and discloses personal information to effectively carry out functions or activities, including Land Ballots, under the:

- (a) *Public Sector Management Act 1994*;
- (b) *Territory Records Act 2002*;
- (c) *Freedom of Information Act 1989*;
- (d) *Planning and Development Act 2007*;
- (e) *Suburban Land Agency Act 2017*;
- (f) *Land Rent Act 2008*;
- (g) [Information Privacy Act 2014](#); and
- (h) a number of other pieces of legislation relating to our functions.

For the purposes of the *Information Privacy Act 2014* and this policy, 'Personal Information':

- (a) means information or an opinion about an identified individual, or an individual who is reasonably identifiable:
 - (i) whether the information or opinion is true or not; and
 - (ii) whether the information or opinion is recorded in a material form or not; but
- (b) does not include personal health information about the individual.

A smaller subset of 'personal information' is also considered to be 'sensitive information'. For a more detailed explanation of what sensitive information includes for the purposes of the *Information Privacy Act 2014* and this policy, please refer to section 6.

Please note, the *Information Privacy Act 2014* does not extend to personal health information. If the Suburban Land Agency were to hold any health records, they are protected and managed in accordance with the [Health Records \(Privacy and Access\) Act 1997](#).

3. Remaining anonymous

Wherever possible when dealing with the Suburban Land Agency (for example, when calling on the phone to make an enquiry) you will have the option of remaining anonymous or using a pseudonym (a made up name).

It is not practical for us to deal with you anonymously when you choose to participate in a Land Ballot. If you do not provide the information we request, we may not be able to facilitate your participation in the Land Ballot. If you have used a pseudonym, your entry in the Land Ballot will not be valid, and your participation will be deemed void.

4. Collection of your personal information

At all times, the Suburban Land Agency tries to only collect personal information where that information is reasonably necessary for, or directly related to, facilitating the Land Ballot.

We may collect personal information about you from third parties where it is unreasonable or impracticable to collect it directly from you, or when it is required or authorised by a law, a court or tribunal order, or if it is necessary to prevent a threat to the life, health or safety of one or more individuals, or to public health or safety. We may also collect personal information from third parties to verify the information you have collected and assess whether you meet any criteria for the Land Ballot, including a related party check.

5. How do we collect personal information

The Suburban Land Agency collects personal information when you enquire about, or participate in, Land Ballots. The Suburban Land Agency will only collect personal information by lawful and fair means. The main way the Suburban Land Agency collects personal information about you is when you give it to us.

Personal information may be collected in a variety of ways, including through paper or online forms, in correspondence to and from you as well as email, over the telephone and by fax. We also collect personal information from publicly available sources or other government agencies or bodies, where that is reasonably necessary for, or directly related to, us being able to conduct the Land Ballot effectively.

6. Sensitive Information

Sensitive information is handled with additional protections under the [Information Privacy Act 2014](#) and includes information about your: 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; criminal record; and genetic and biometric data.

The Suburban Land Agency does not generally collect sensitive information. If we do it will only be with your consent and when the information is reasonably necessary and directly related to facilitating the Land Ballot and will only be used or disclosed for that purpose.

However, the Suburban Land Agency may collect, use or disclose sensitive information without your consent if it is required or authorised by or under an Australian law, or court or tribunal order.

Additional protections provided for sensitive information may include, for example, more thorough steps to ensure the quality of information at the time of collection, use or disclosure, and more rigorous steps to destroy or de-identify information.

7. Types of information we collect and hold

At all times, the Suburban Land Agency tries to collect the minimum amount of personal information that is required to perform, or directly related to, conducting the Land Ballot.

The personal information we collect and hold may include:

- (a) your name, address and contact details (e.g. phone, email, address and fax);
- (b) information about your identity and personal circumstances (e.g. date of birth, country of birth, passport details, gender, marital status, details of family members, relationship details, occupation, citizenship or immigration status, racial or ethnic origin, passport details and drivers licence or other government issued identification details and public utility records);
- (c) information about your financial details (e.g. payment details, bank account details, taxation details and information about business and financial interests);
- (d) your solicitor's details;
- (e) your nominated Buyer Agent details (if any);
- (f) the type of lease you wish to enter into; and
- (g) information about assistance provided to you under our assistance arrangements.

The Suburban Land Agency also collects personal information when we are required or authorised by law or a court or tribunal order to collect the information. The Suburban Land Agency may collect personal information from publicly available sources where that may enable us to perform our functions effectively.

8. Notice of collection

When the Suburban Land Agency collects personal information from you, we will take all reasonable steps to notify you about:

- (a) who we are and how you can contact us;
- (b) if we have collected personal information from someone other than you, or if you may or may not be aware that we have collected your personal information, the circumstances in which we may or have collected personal information;
- (c) the purposes for which we collect the personal information;
- (d) the name of the law that requires us to collect the personal information (if any);

- (e) how you may be affected if we cannot collect all or some of the personal information we need;
- (f) the details of any agencies, entities, or types of agencies or entities to whom we normally disclose personal information. We will also notify you if we are likely to disclose your personal information to a recipient overseas, and the countries those recipients are located in;
- (g) that we have an Information Privacy Policy explaining how you can make a complaint about a breach of the TPPs by us, and how we will deal with that complaint;
- (h) that we have an Information Privacy Policy explaining how you can access your personal information and how you can seek a correction of that information; and
- (h) how you can access our Information Privacy Policy.

We usually provide this information by including privacy notices on our forms, the Suburban Land Agency website and online portals.

9. Email lists

The Suburban Land Agency manages subscriber email lists to provide up to date information, such as newsletters, information on land releases and details of sales events to community members and stakeholders. These services are voluntary and require your consent to subscribe. If you subscribe, your details will be collected for the purposes of that subscription list, and we will tell you how to unsubscribe if you wish to do so. The information collected is not disclosed outside of the Suburban Land Agency without your consent.

10. Social Networking Services

The Suburban Land Agency uses social media to engage with the community. As a general principle the Suburban Land Agency does not collect personal information via social media platforms for the purpose of Land Ballots. For more information, please see the ACT Government Information Privacy Policy. You may also access information on Facebook and Twitter's Privacy Policies at: <https://www.facebook.com/about/privacy> and <https://twitter.com/en/privacy>.

11. Collecting through our websites

Personal information may be collected through your use of the Suburban Land Agency website and in accordance with the ACT Government Web privacy policy, available at <https://www.act.gov.au/privacy>.

12. Use and disclosure of personal information

The Suburban Land Agency will not use your personal information for a secondary purpose or disclose your personal information to private sector organisations or anyone else without your consent, unless an exception applies.

Exceptions are available under a number of circumstances including when:

- You would reasonably expect us to use the information for the secondary purpose that is related (or directly related – in the case of sensitive information) to the original purpose for which the information was collected.

- The use or disclosure of information is legally required or authorised by a law, or court or tribunal order.
- The use or disclosure is reasonably necessary for a law enforcement related activity.
- It is unreasonable or impracticable to obtain your consent, and we reasonably believe that use or disclosure is necessary to lessen or prevent a serious threat to the life, health or safety of any individual, or to public health or safety.
- We have reason to suspect unlawful activity, or misconduct of a serious nature, that relates to the Land Ballot or our functions and we reasonably believe that the use or disclosure of the information is necessary in order for us to take appropriate action.
- We reasonably believe that the use or disclosure is necessary to help locate a person who has been reported as missing.

The Suburban Land Agency may also disclose personal information, including sensitive information, to Commonwealth intelligence agencies where that is authorised by the head of the intelligence agency and the agency certifies that the collection of the personal information from the Suburban Land Agency is necessary for its functions.

Referring information to another ACT Government Directorate or agency

The Suburban Land Agency will share information with other ACT agencies in situations where you would reasonably expect us to use the information for a secondary purpose that is related (or directly related, in the case of sensitive information) to the original primary purpose for which the information was collected.

For example, we may disclose information you provide to us to another ACT Government Directorate, Unit, or Sub-unit if you make a complaint about our service delivery. We may also as part of our internal process disclose personal information to the investigating agency, such as the Information Privacy Commissioner, to enable them to understand the circumstances of your complaint. If the Commissioner receives a complaint that we have interfered in an individual's privacy, they are required to give us a copy of the complaint.

Disclosure of sensitive information

The Suburban Land Agency will only disclose your sensitive information for the purposes for which you gave it to us or for directly related purposes you would reasonably expect, or if you agree. However, if the Suburban Land Agency has this information, it is also allowed to disclose your biometric information (such as your fingerprints or photograph) or your biometric templates (digital representations of your distinct characteristics) for a secondary purpose to an enforcement body (like the Australian Federal Police or the Australian Government Department of Home Affairs) if we comply with any guidelines made by the Information Privacy Commissioner.

13. Disclosing information to service providers

The Suburban Land Agency contracts service providers to support it in carrying out specific activities and functions. In some circumstances it may be necessary for the Suburban Land Agency to disclose personal information to these service providers to enable them to perform their functions efficiently and effectively.

In these situations, we protect personal information by only entering into contracts with service providers who agree to comply with the TPPs and any applicable TPP Codes.

14. Disclosure of personal information overseas

The Suburban Land Agency is not likely to disclose or store information with overseas recipients.

If overseas disclosure is necessary we will take reasonable steps before disclosing the information to ensure that the recipient treats the personal information in a manner consistent with the TPPs.

In some cases, the information will already be protected under the law governing the overseas recipient in a manner that is similar to the way the TPPs protect that information, and you can access mechanisms to enforce these protections.

If it is practical and reasonable to do so, we will obtain your consent to overseas disclosure. However, there may be situations where we are unable to do so, for example where we disclose personal information as part of a law enforcement activity.

15. Quality of personal information

The Suburban Land Agency is required to take reasonable steps to ensure that the personal information we collect is accurate, up to date and complete. Personal information we use or disclose must be accurate, up to date, complete and relevant for the purpose for which we use or disclose it.

In some circumstances and if it is appropriate, we can assist you to correct your personal information held by us if it is no longer accurate, up to date or complete (see section 17 below).

16. Storage and security of personal information

The Suburban Land Agency is required to take reasonable steps to ensure that personal information it holds is safe and secure. Every reasonable effort is taken to protect your personal information from misuse, interference or loss and from unauthorised access, use, modification or disclosure in accordance with the [Information Privacy Act 2014](#).

The [Territory Records Act 2002](#) establishes frameworks for the management of your personal information if it is held within the files or data systems of the Suburban Land Agency. The Suburban Land Agency will also handle your personal information in accordance with any requirements specified by the legislation under which it was collected.

Our Information Technology systems use comprehensive protections to guard against unauthorised access. Paper based files are stored securely.

As part of our general practice, personal information is only made available to staff who have a need to access it in order to perform their role. Additionally, further legislative compliance is necessary when dealing with specific information such as Tax File Numbers.

Subject to any time restrictions for which the Suburban Land Agency must retain personal information, when personal information is no longer required by the Suburban Land Agency we will take reasonable steps to destroy the information or ensure that it is de-identified, consistent with our obligations under the *Information Privacy Act 2014* and *Territory Records Act 2002*.

17. Accessing your personal information

In accordance with the [Information Privacy Act 2014](#) (TPP 12 and 13), you have the right to ask for access to personal information that the Suburban Land Agency holds about you.

If you contact us to request access to your personal information, we must provide you with access to information in the way you requested, if it is reasonable and practical to do so. We must also respond to your request in writing within 30 days telling you whether we are able to provide you with access to that information.

We will not charge you any fees for making the request or providing you with access unless a fee has been specifically determined for the information in question.

You also have the right under the [Freedom of Information Act 2016](#) to request access to documents that we might hold. Further information on the Suburban Land Agency's Freedom of Information (FOI) arrangements, including how you can apply for access, can be found on the Suburban Land Agency website at <http://suburbanland.act.gov.au/en/foi-and-privacy>.

18. Correcting your personal information

Under the [Information Privacy Act 2014](#) (TPP 13) you may also request that we correct any of your personal information that we might hold, if you believe it is incomplete, incorrect, out of date or misleading.

If you ask the Suburban Land Agency to correct your personal information, we must take reasonable steps to correct and satisfy ourselves that the information is accurate, up to date, complete, relevant and not misleading in relation to the purpose it is held for.

If we agree to correct personal information and that personal information has previously been disclosed to another agency, you may request that we notify the other agency of the possible need for them to correct that personal information.

There may be reasons why we refuse to correct your personal information, for example, if we are required or authorised by law not to correct the information, or for the purpose of conducting the Land Ballot, subject to the Land Ballot Conditions.

If you have requested the Suburban Land Agency to correct the personal information we hold about you, we must respond within 30 days of your request having been made.

If we refuse to correct your personal information, you can ask us to attach or link a statement to your personal information, reflecting that you believe the information is incorrect.

We will not charge you any fees for making a request for correction, correcting the information or attaching a statement to the personal information.

19. How to make a complaint

Complaints about the Suburban Land Agency's handling of your personal information should be made in writing where possible, to the contact details below. We are able to assist you to lodge your complaint if required.

We will consider your complaint to work out how we can resolve your issue satisfactorily. We will try to acknowledge receipt of your complaint within five working days and respond to the complaint within 21 working days.

If you are not satisfied with our response, you may ask for a review by a more senior officer or you can make a formal privacy complaint to the Information Privacy Commissioner under section 34 of the [Information Privacy Act 2014](#).

The Australian Privacy Commission is an independent body that will assess your complaint and can make a determination that our actions are an interference with your privacy. If your complaint is upheld by the Commissioner you may be able seek a remedy in the Magistrates Court.

Complaints made to the Information Privacy Commissioner must be in writing and include your name, address and telephone number, and provide details of the subject of your complaint. The Information Privacy Commissioner can be contacted on 1300 363 992 or via the [OAIC website](#).

20. Review

This policy will be reviewed on an ongoing basis, with a formal review to be completed every two years, or as required.

21. How to contact us

You can contact us by:

Email: EPDCorporate@act.gov.au

Web: [Access Canberra Feedback and Complaints](#)

Mail: Information Officer
Environment, Planning and Sustainable Development Directorate
GPO Box 158
CANBERRA ACT 2601

Telephone: Information and FOI Officer
Environment, Planning and Sustainable Development Directorate
13 22 81.

Assisted Contact:

National Relay Service

National Relay Service users: access the [National Relay Service](#) website at <http://relayservice.gov.au/making-a-call/>. Choose the 'Making a call' option that suits your needs to contact one of the **Telephone** numbers listed above.

Translating and Interpreting Service

Call the Telephone Interpreter Service on:

13 14 50 (within Australia) or +613 9203 4027 (outside Australia).

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