



Fact Sheet for Agencies

Contact us

Ombudsman
Tasmania

1800 001 170

Level 6
86 Collins St
Hobart

How to manage other people's personal information

The *Personal Information Protection Act 2004* (the Act) gives people the right to complain to the Ombudsman about an alleged breach of a personal information protection principle (PIPP).

What is personal information?

Personal information means any information or opinion in any recorded format about an individual whose identity is apparent or is reasonably ascertainable from the information or opinion and who is alive or has not been dead for more than 25 years.

Examples of personal information include a person's name, gender, date of birth, address, financial details, marital status, education and employment history.

Some personal information is classified as 'sensitive information'. This is information about a person'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 or trade union;
- sexual preferences or practices;
- criminal record; and
- health information about an individual.

Generally, an agency needs to obtain consent from an individual to collect sensitive information.

Personal information custodians must comply with the PIPP's.



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What are Personal Information Protection Principles?

Complaints can only be made about an alleged breach of one or more of the ten Personal Information Protection Principles (PIPP) in the Act.

1. Collection – an organisation can only collect your personal information if it is necessary to fulfil one or more of its functions or activities. It must take reasonable steps to notify you of its contact details, your rights of access and the main consequences if you do not provide the information.
2. Use and Disclosure – generally your personal information can only be used and disclosed for the purpose for which it was collected, for a secondary purpose that you would reasonably expect or if you have consented to the use or disclosure. The law allows some uses without consent, such as to protect public health or law enforcement purposes.
3. Data Quality – organisations must take reasonable steps to ensure your personal information is accurate, complete, up to date and relevant to its functions.
4. Data Security – organisations must take reasonable steps to protect personal information from misuse, loss, unauthorised access, modification or disclosure. An organisation must take reasonable steps to destroy or permanently de-identify your personal information when it is no longer needed.
5. Openness – organisations must have clear policies on the way they manage personal information. You may ask a personal information custodian, in general terms, what information it holds, how it collects it and for what purpose is the information used.
6. Access and correction – you have a right to access your personal information and seek corrections if the information is incorrect, incomplete, out of date or misleading.
7. Unique identifiers – a personal information custodian must not assign a unique identifier to an individual unless it is necessary to carry out its functions efficiently.
8. Anonymity – where it is lawful and practicable you should have the option of not identifying yourself when transacting with a personal information custodian.
9. Disclosure of information outside Tasmania – a custodian may disclose personal information about an individual to a body outside of Tasmania if the action is required by law or necessary for the performance of a legal contract.
10. Sensitive information – this includes your racial or ethnic origin, political opinions and membership of political associations, religious or philosophical beliefs, membership of professional or trade associations or trade unions, sexual preferences, health information and criminal record. The Act puts special restrictions on the collection of sensitive information.

Good practice principles for the management of personal information

1. Have a publicly available policy that tells people how it will handle personal information.
2. Take reasonable steps to notify people of the organisation's contact details, their rights of access and the main consequences if the personal information is not provided.
3. Generally custodians should not use personal information for a secondary purpose unrelated to the main purpose for which it collected the information.
4. Think before disclosing personal information and get consent from the individual if there is a reason for disclosing personal information that is different from the reason for which it was collected.
5. If people ask, give them access to the personal information held about them.
6. Keep personal information secure and safe from unauthorised access, misuse or disclosure.
7. Do not keep information that is no longer needed or that is no longer required to be retained.
8. Take reasonable steps to keep personal information accurate and up to date.

What happens when the Ombudsman receives a complaint?

The Ombudsman will conduct a preliminary assessment of the complaint to decide whether to 'deal with it'.

This generally involves considering if the Ombudsman has jurisdiction and seeking further information from the complainant or the custodian.

The Ombudsman may decide not to deal with a complaint if it is frivolous, vexatious, lacking in substance, trivial or if the alleged breach is permitted under law.

What happens when the Ombudsman decides to investigate a complaint?

An Ombudsman Tasmania investigation officer will be assigned to handle the complaint. As the first step in the process, the complaint will be outlined to the custodian and a response will be sought.

If the matter proceeds to an investigation, it is conducted in accordance with Division 3 of the *Ombudsman Act 1978*. The investigation will generally be on the papers but interviews or inspection of premises may be required.

What can be done to resolve a complaint?

If the Ombudsman is of the opinion that a personal information custodian has contravened a PIPP, the Ombudsman is to advise the complainant and the agency involved and may make any recommendations considered appropriate. The Ombudsman is to provide a copy of the advice and any recommendation to the relevant Minister for tabling in Parliament.

Do you need more information?

- You can contact Ombudsman Tasmania on 1800 001 170 or email ombudsman@ombudsman.tas.gov.au
- Check the Ombudsman website www.ombudsman.tas.gov.au
- You can visit us at level 6, 86 Collins Street, Hobart

If you wish to visit, we prefer you to make an appointment. Please call first to make sure your complaint is within our jurisdiction and our staff are available to see you.

Contact us

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