



Biodiversity  
Conservation  
Trust

# Privacy Management Plan

June 2024

## NSW Biodiversity Conservation Trust

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# 1. Purpose

The NSW Biodiversity Conservation Trust (BCT) takes the privacy of our employees, agreement holders and other stakeholders seriously, and we will protect privacy with the use of the Privacy Management Plan as a reference and guidance tool.

The *Privacy and Personal Information Protection Act 1998 (NSW)* (PPIP Act) requires each public sector agency to prepare and implement a Privacy Management Plan (the Plan). Under s33 of the PPIP Act, the Plan must include:

- policies and practices to ensure compliance with the requirements of the PPIP Act or the *Health Records and Information Privacy Act 2002 (NSW)* (HRIP Act)
- dissemination of those policies and practices to persons within the agency
- internal review procedures
- other matters considered relevant by the agency to privacy and the protection of personal information held by the agency.

The purpose of this plan is to explain:

- how the BCT upholds and respects the privacy of our customers, our employees and anyone from whom we collect personal information
- who to contact about the information collected and held by the BCT
- how to access and amend personal information
- what to do if it is thought that the BCT may have breached its privacy obligations under the PPIP Act or the HRIP Act
- how it acts as a reference tool for all BCT employees to explain how we can best meet our privacy obligations under the PPIP and HRIP Acts
- how BCT employees are required to comply with the PPIP and HRIP Acts.

Companies and corporations are not subject to the controls and provisions of the PPIP Act.

S6(1) of the Privacy and Personal Information Regulation provides the BCT with an exemption from s33 of the PPIP Act meaning that we are not required to have our own Privacy Management Plan, however, this plan provides additional guidance for BCT's customers and stakeholders in the context of our strategic goals and objectives. This plan is aligned with and complements the Department's Privacy Management Plan.

The Plan is designed to advise BCT customers and staff with business specific privacy issues such as managing requests to access records that contain personal information and the BCT public register of Private Land Conservation Agreements. It also aims to clarify and enable appropriate and consistent practice by BCT employees where the PPIP Act and other statutory requirements intersect – especially, but not limited to the *Biodiversity Conservation Act 2016*.

## 2. Introduction

### 2.1 Summary

This Plan was prepared by the NSW Biodiversity Conservation Trust and has been made available to all employees and stakeholders. The Plan applies to all BCT employees, whether ongoing, temporary or contingent, members of the BCT Board or Committees, and third parties instructed and contracted to perform work on behalf of the BCT.

The Plan sets out how the NSW Biodiversity Conservation Trust achieves compliance with the *Privacy and Personal Information Protection Act 1998* (PIIP Act) and the *Health Records and Information Privacy Act 2022* (HRIP Act) in the context of its compliance with the *Biodiversity Conservation Act 2016*, NSW *Grants Administration Guide*, *Government Information (Public Access) Act 2009* (GIPA Act) and other key statutory instruments.

This plan has been prepared and implemented as required by Part 3 (33) of the PIIP Act. The NSW Biodiversity Conservation Trust will review and update the plan from time to time, as required by changes in legislation, procedures or other events.

### 2.2 Objectives

The PIIP Act and HRIP Act contain principles on how to collect, store, access, amend, use and disclose personal and health information. The PIIP Act covers personal information other than health information and requires us to comply with 12 information protection principles (IPPs). Health information includes information about a person's health and/or disability. There are 15 Health Privacy Principles (HPPs) with which we must also comply.

The objectives of the Plan are to:

- detail the BCT's commitment to protecting the privacy of our stakeholders, landholders, agreement holders, employees and others about whom we hold personal or health information
- inform our employees about how to manage and protect personal and health information
- describe how to request access to and/or amendment of personal or health information, held by us
- integrate the IPPs and HPPs into existing and future BCT policies, guidelines and procedures that address information issues
- advise on complaint handling and internal review procedures
- inform people on how to request a privacy internal review
- explain the right to apply to the NSW Civil and Administrative Tribunal, in cases where a complainant remains dissatisfied with internal review findings.

### 2.3 About the NSW Biodiversity Conservation Trust

The NSW Biodiversity Conservation Trust was established in 2017 under Part 10 of the Biodiversity Conservation Act 2016. Under the Act, the affairs of the BCT are managed by a Board and led by a Chief Executive Officer and executive leadership team.

The BCT's core business is private land conservation. Landholders can apply to enter wildlife refuge agreements or conservation agreements through a range of programs and delivery mechanisms offered by the BCT.

The BCT's purpose is partnering with landholders to enhance and conserve biodiversity across NSW. Our vision is vibrant private land conservation areas protecting our unique and diverse plants and animals.

The BCT's functions are specified in Part 10 of the BC Act. They include:

- to negotiate, enter into and administer private land conservation agreements,
- to provide assistance to planning authorities in connection with applications for the biodiversity certification of land under Part 8 (including the provision in accordance with the regulations of loans and other financial assistance),
- to manage and control the Biodiversity Conservation Fund,
- to establish and maintain the Biodiversity Conservation Trust Public Fund,
- to raise money from organisations and the general public to help fund its activities,
- to use any gifts, devises, bequests or contributions received by the Trust for the protection and enhancement of biodiversity,
- to assist and educate landholders who propose to enter into agreements with the Trust,
- to provide technical, financial and other assistance to landholders generally, when the Trust considers it appropriate to do so, for the purpose of facilitating the achievement of conservation goals,
- to provide education to the public on issues of conservation, land management and ecological sustainability,
- fund Manager of the Biodiversity Stewardship Payment Fund.

For more information about the NSW Biodiversity Conservation Trust and to view this policy and others, visit the [BCT Website](#).

For NSW Biodiversity Conservation Trust employees

Mycelium (the BCT Intranet) is an internal resource that houses our strategies, policies, procedures and other useful resources, including this Plan. BCT staff can find other useful privacy resources on the [Information Governance page](#).

### 2.4 Private information the BCT deals with

In carrying out our functions, we collect and hold private information within our systems, or are provided with access to private information collected and held by others.

Private information is primarily collected and held for the purpose of carrying out prescribed functions under the BC Act. For example, we may collect private information when processing applications for private land conservation agreements, applications to pay into the Biodiversity Conservation Fund, responding to enquiries, handling complaints or processing annual management payments. We also collect and hold private information when recruiting and managing BCT staff.

Some of the private information that we collect and hold includes:

- Names of individuals
- Contact information including phone numbers and postal and/or residential addresses
- Email addresses
- Information about a private property including lot and Deposited Plan (DP) numbers

- Financial information including payment details, bank account details and trust information

## 2.5 Application and employee's responsibilities

This plan applies to all employees engaged by the NSW Biodiversity Conservation Trust, whether by permanent appointment (ongoing), temporary appointment, seconded from another agency, on work experience, internship, volunteer work or as contractors.

All BCT employees, contractors and volunteers are required to comply with the PPIP Act and HRIP Act. Both Acts contain criminal offence provisions applicable to employees, agents and contractors who use or disclose personal information or health information without authority.

It is an offence to:

- intentionally disclose or use personal or health information accessed in doing our jobs for an unauthorised purpose
- offer to supply personal or health information for an unauthorised purpose
- attempt by threat, intimidation etc. to dissuade a person from making or pursuing a request for health information, a complaint to the NSW Privacy Commissioner about health information, or an internal review under the HRIP Act, or
- hinder the Privacy Commissioner or its' employees from doing their job.

It is a criminal offence, punishable by up to two years' imprisonment, an \$11,000 fine, or both, for any person employed or engaged by the BCT (including former employees and contractors) to intentionally use or disclose any personal information or health information about another person, to which the employee or contractor has or had access in the exercise of their official functions, except in connection with the lawful exercise of their official functions.

## 2.6 Definitions

Personal information is defined in [section 4 of the PPIP Act](#) as:

"Information or an opinion about an individual whose identity is apparent or can be reasonably ascertained from the information or opinion".

Personal information can include a person's name, address, information about a person's sexual preferences, financial information and photos.

**Personal information** is information that identifies an individual and could be:

- a written record which may include someone's name, address and other details about them
- electronic records, photographs, images, video or audio footage and maps
- biometric information such as fingerprints, blood, and records of genetic material.

Certain types of information are exempt from the scope of the PPIP Act. The most significant exemptions are:

- information contained in publicly available publications
- information about a person's suitability for public sector employment
- information about people who have been deceased for more than 30 years
- a number of exemptions relating to law enforcement investigations
- matters arising out of a Royal Commission or Special Commission of Inquiry
- matters contained in Cabinet documents.



## Health information

Section 6 of the HRIP Act defines 'health information' as:

- i) personal information that is information or an opinion about
  - a. the physical or mental health or a disability (at any time) of an individual
  - b. an individual's express wishes about the future provision of health services to him or her
  - c. a health service provided, or to be provided, to an individual.or
- ii) other personal information collected
  - a. relating to provision of a health service
  - b. in connection with the donation of an individual's body parts, organs or body substances
  - c. about genetic information pertaining to an individual arising from health service provisions that could potentially predict the health of the individual or his/her relative.

This Plan refers to 'personal information', which in all applicable instances includes health information, unless otherwise specified.

**Agreement holder** – any individual, group of individuals or entity (corporation or otherwise) that holds an agreement that is administered by the BCT

**Collection** – (of personal information) the way in which the BCT acquires personal or health information, which can include a written or online format, a verbal conversation, a voice recording, or a digital image or digital image.

**Corporation** – see Section 57A Corporations Act 2001 (Cth)

**Doxing** – deliberately searching for and publishing personal information about an individual on the internet without consent, typically with malicious intent.

**Disclosure** – (of personal information) occurs when the BCT makes known to an individual or entity personal or health information not previously known by that individual or entity, who then uses the personal or health information for their own purposes.

**Eligible data breach** – when there is unauthorised access to, or unauthorised disclosure of, personal information held by an agency, and it would be likely to result in seriously harm to an individual to whom the information relates.

**Employee** – any person working in a permanent, casual or temporary capacity in the BCT, including consultants, contractors and Board and Committee members.

**Landholder** – any individual or entity that owns a parcel or parcels of land in New South Wales

**Public register** – a register of personal information that is required by law to be, or is made, publicly available or open to public inspection, whether or not upon payment of a fee.

**Privacy obligations** – the information privacy principles or the health privacy principles and any exemptions to those principles that apply to the BCT, which is a public sector agency.

**Stakeholder** – any individual or group that has a vested interest in the BCT including landcare groups, local government agencies, Aboriginal Land Councils, individuals that do not have a PLC agreement, the Ministers’ office or other government bodies.

**Use** – (of personal information) occurs when the BCT applies the personal information for its own purposes. This may include sharing the personal information with a contractor who uses it for the BCT’s purposes.

### 3. Applying the principles

The 12 Information Protection Principles (IPPs) are found in sections [8-19 of the PPIP Act](#), while the 15 Health Privacy Principles (HPPs) are found in [Schedule 1 of the HRIP Act](#). Failure to comply with these principles attracts offences under both the PPIP and HRIP Acts. This section explains these principles and how we will comply with the legislation. If an exemption applies, the way we comply with these principles may differ (see 4 Other provisions and exemptions).

The privacy principles provide detail about the collection, storage, access, amendment, use and disclosure of personal information. The principles clarify the legal obligations and standards for collecting and dealing with personal information, to minimise the risk of misuse of that information. They also give people the right to request access to their personal information or to ask for amendments to that information to ensure its accuracy.

#### For NSW Biodiversity Conservation Trust employees

BCT employees should be familiar with the privacy principles and be:

- aware of what personal information is
- aware of what personal information is involved in your work
- aware of the rules about what you can and cannot do with personal information
- cautious when dealing with personal information.

In the first instance, you should always seek advice from your manager or the Manager Planning and Performance when unsure or when starting a new project that involves personal or health information. The Department’s Privacy and Information Access Unit is available to answer questions that cannot otherwise be resolved.

#### 3.1 Collection of personal information

The collection of information is covered by IPPs 1-4 and HPPs 1-4. Where possible, we collect personal information directly from our agreement holders, landholders or stakeholders. We limit what we collect to what is necessary, and only for a lawful purpose. For example, we will only ask for an email address if we need to make contact via email.

When collecting health information, we will only ask for information that is relevant and not excessive or an unreasonable intrusion. For example, we may ask to see health information of BCT staff as evidence of illness for sick leave requests.

When we collect information, we will explain why it is being collected, what we will use it for, who is likely to receive it, and the right to access and/or modify any personal information we hold.

There may be consequences if an agreement holder, a landholder or stakeholder does not provide the personal information requested. For example, we will not be able to contact an agreement holder, a landholder or stakeholder if they do not provide an email address or phone number. Where there are consequences for failing to provide any requested information for the purposes of managing an agreement, this will also be explained when the information is requested.

BCT employees (including contractors and consultants) are responsible for meeting these requirements by including BCT Personal Information Protection Statement & Collection Notice or a standalone Privacy Notice. This could be on our forms, surveys or questionnaires, in web-based transactions and other instruments.

We will validate some personal information in certain circumstances. For example, before entering a new private land conservation agreement with a landholder, the BCT will validate the information provided by the applicant to confirm that it matches information held by NSW Land Registry Services.

Where appropriate, we may collect personal and health information from third parties. An example of personal information could be that submitted by an Accredited Assessor on behalf of an applicant for a Biodiversity Stewardship Agreement. An example of health information could be that provided by qualified health practitioners about a member of BCT staff.

You will be informed when the BCT has asked a third party to collect information on our behalf. You will be informed of this via a privacy and collection notice provided by the third party prior to collecting your information. An example of this could be registering your attendance at a BCT education event facilitated by a BCT partner such as Landcare.

The BCT does not collect sensitive personal information defined under IPP 12. See [Section 19 of the PPIP Act](#) for more detail.

### 3.1.1 How the NSW Biodiversity Conservation Trust collects information

The NSW Biodiversity Conservation Trust will only collect personal information for a lawful purpose that relates directly to our functions and/or for obtaining feedback about the effectiveness of our services. The BCT will not collect any more information than is necessary for it to fulfil these functions, nor will it disclose personal information to anyone without consent unless legally required to do so.

Personal information may be collected from:

- members of the public
- Employees of NSW public sector agencies (directly)
- NSW public sector agencies about employees (indirectly)
- Private sector or state-owned corporations
- non-government organisations
- BCT employees

Anyone acting on the BCT's behalf may also collect personal information. The BCT includes clauses in its contracts that require contractors to comply with relevant privacy obligations.

#### For NSW Biodiversity Conservation Trust employees

When planning to collect information, you should consider whether you need to collect personal and health information to do your job. If this information is not necessary for you to complete your project, then do not collect the personal information.

If you are unsure if the information that you are collecting is private, then consider whether the information you seek can be combined with other information held by the BCT to reidentify an individual. If you can do this, then the information you are collecting is likely to be private.

### 3.1.2 Privacy and Personal Information Protection Notices and Privacy Notices

Under [section 10 of the PPIP Act](#), when the NSW Biodiversity Conservation Trust collects personal information from someone, we will make them aware of:

- the purposes for which the information is being collected
- the intended recipients of the information
- whether the supply of the information is required by law or is voluntary
- any consequences for the individual if the information (or any part of it) is not provided
- ways the individual can access and correct their personal information
- how to contact the area of the BCT requesting the information.

The NSW Biodiversity Conservation Trust engages in marketing, surveys and research. We will notify people about ‘reasonable sharing’ of their information to support these activities when collecting information and will ask them to ‘opt-in’ to be contacted about certain things.

From time to time, the BCT will share our case studies and stories with third parties. We retain the right to approve the use of this information through provisions in our partnership or service level agreements.

#### For NSW Biodiversity Conservation Trust employees

The NSW Biodiversity Conservation Trust has built in privacy considerations about the collection of personal information into our processes. When an applicant submits an application form for a private land conservation agreement, we require their explicit consent to include their personal information when we publish the agreement.

If you are developing any BCT resources to capture personal information, then you are responsible for meeting the requirements of this Plan and must include a current Privacy and Personal Information Protection Notice – see template at Appendix 3. For example, you would include a Privacy and Personal Information Protection Notice when developing an online form for a survey, web-based transaction or an application for an agreement or grant.

## 3.2 Storage of information

IPP 5 and HPP 5 refers to the storage and security of personal information. The BCT applies appropriate security to protect personal information. We comply with the Department of Climate Change, Energy, the Environment and Water (DCCEEW) Information and Communication Technology (ICT) policy, use passwords and, where possible, encrypt information to ensure it is protected and kept secure. All employees must comply with the [DCCEEW Code of Ethics and Conduct](#) and are provided with training on privacy.

We do not keep personal information any longer than is necessary. Personal information will be stored, used, retained and disposed of in accordance with the following:

- [State Records Act 1998](#)

- [NSW Government Information Management Framework](#)
- [DCCEEW Records and Information Management Policy](#)
- [DCS-2020-02 NSW Cyber Security Policy](#)
- [Premiers Memorandum M2007-08 Efficient and Cost-Effective Management of Records](#)
- [NSW State Records' Standard on records management.](#)

Personal information managed by the BCT is stored electronically and in physical files. The following applies to information we hold:

- only authorised employees can access personal information
- authorised employees will make every effort to ensure personal information is accurate before using it
- authorised employees will use personal information only for the purpose for which it was collected
- authorised employees will not disclose personal information about a person to anyone without the consent of the person it concerns unless they are required or permitted to by law.

The NSW Biodiversity Conservation Trust uses the following measures to ensure we appropriately manage personal information we hold, including:

- written guidelines and advice
- referrals for advice to the Department's Privacy and Information Access Unit
- employee's awareness through webinars and training to ensure our employees understand their privacy obligations when handling personal information
- administrative and ICT controls to restrict access to personal information to only those people who need access
- ICT security measures supported by the Digital Information Office (DIO), including fire walls, encryption and anti-virus software in line with the [NSW Government Cybersecurity Policy](#)
- adopting best practice in electronic and paper records management and complying with our obligations under the [State Records Act 1998](#) (NSW)
- keeping information for only as long as necessary and disposing of information securely
- physical security measures, such as employees securing their building access passes and portable information storage devices (e.g. laptops, mobile phones, tablets) at all times.

#### For NSW Biodiversity Conservation Trust employees

Cybersecurity is a significant risk for the NSW Government and is a rapidly evolving challenge. It is the responsibility of all BCT employees to take the following steps to protect our systems and information:

- Never share or reuse your passwords.
- Securely store your devices if travelling for work.
- Never use public Wi-Fi.

- Never use USB sticks or portable hard drives to store work information
- Consider whether it is safe to open an email attachment or link.
- Report suspicious emails using the Outlook 'phish alert' button.
- Consult with the DIO prior to purchasing or using any new ICT services or devices to ensure they meet cybersecurity requirements now and into the future.
- Report cybersecurity incidents to the DIO service centre immediately.
- Use dissemination limiting markers (DLMs) and access controls to label and restrict any sensitive information. Information about DLMs can be found on the [Data.NSW Government Information Classification, Labelling and Handling Guidelines page](#).
- Complete cybersecurity training available on MyCareer.

For BCT people leaders:

- consider what access to ICT products your employees, contractors or third parties require to complete their work
- ensure the appropriate level of access to these products is provided
- ensure the timely restriction of, or amendment to, access is applied when an employ leaves the agency or their role changes.

BCT employees should also be aware of the risks of doxing. Doxing is a constant cybersecurity risk and could affect BCT employees or our agreement holders.

### **3.3 Access and amending personal information**

IPPs 6-8 and HPPs 6-8 provide for access and amendment of personal information and health information. Stakeholders that wish to know whether the BCT holds their personal information or the nature of personal information or health information and the purpose for which it was collected can contact us directly to enquire. Anyone that believes their personal information held by us is inaccurate, irrelevant, not up to date, incomplete and/or misleading, can request that it be amended.

For anyone that wants to access their information, we must grant that access without cost or unreasonable delay. Note that we may require proof of identity before granting any request to access or amend personal information.

To make an access or amendment request, contact us at [info@bct.nsw.gov.au](mailto:info@bct.nsw.gov.au)

### **3.4 Using personal information**

IPP 9 and HPP 9 require that the BCT ensures that personal information is accurate, up-to-date, relevant, complete and not misleading before we use it. This means that if some time has passed since the information was collected, or there is any other reason to have concerns about the adequacy of the information, we will take reasonable steps to check that it is still accurate, up-to-date, relevant, complete and not misleading. This may include us asking you to validate your identity through authorised forms of identification.

IPP 10 and HPP 10 set the rules for how we use personal information. We only use personal information for the purposes for which it was collected, or a directly related purpose. If there is a need to use the information for another purpose, we will ask for consent, unless the information is used to prevent an immediate danger to someone's life or health.

There may also be specific other uses outlined in the BCT Personal Information Protection and Collection Notice for specific transactions people undertake with us. For example, if someone has

engaged with us for a particular program, we will advise them that we may use their information to evaluate and review the program in question.

There are several exemptions to the provisions about use of information set out in the PPIP and HRIP Acts. Details of those exemptions are in part 4 of this Plan.

### **3.5 Disclosing personal information**

Disclosure of personal information, that is, providing information to another agency, organisation or individual, is restricted by IPPs 11 and 12 and HPPs 11 and 14.

We only disclose information to other parties if one of the following applies:

- We have consent to disclose the information
- We have made the agreement holder, landholder or stakeholder aware that this sort of information is usually disclosed
- we need to disclose the information to fulfil the purpose for which it was first collected
- information is supplied by us to prevent danger to someone's life or health and we are legally required to disclose the information.

#### **3.5.1 Some exemptions in the PPIP Act or the HRIP Act**

Information about ethnic or racial origin, political opinions, religious or philosophical beliefs or trade union membership, except to prevent death or injury, is never disclosed unless:

- we have consent to disclose the information
- the disclosure is necessary for an investigative function
- information is supplied by us to prevent danger to someone's life or health.

The NSW Biodiversity Conservation Trust does not give personal information to anyone outside NSW unless there are similar privacy laws in that person's state or country, or the disclosure is allowed under a privacy code of practice or is authorised or required under legislation. Any exemptions to this are set out in Part 4 of this Plan.

We risk disclosing personal information when we send that information by post, email or social media. We consider the possibility of third parties intercepting correspondence and using that information for identity fraud. To reduce this risk, we keep personal information included in any correspondence to a minimum.

Information made digitally available to conform with open government principles or otherwise will be de-identified, anonymised or redacted to remove any personal information of individuals. Part 4 explains exemptions in the application of these principles.

#### **For NSW Biodiversity Conservation Trust employees**

The BCT can be instructed to provide information in a number of ways:

- formal applications under the *Government Information (Public Access) Act 2009* (GIPA Act), including hearing notices for the NSW Civil and Administrative Tribunal – these requests are facilitated by the Department's Privacy and Information Access Unit
- Litigation and alternative dispute resolution processes

- Parliamentary Standing Order 52
- Notices to Produce from any agency that has an enforcement function such as the NSW Independent Commission Against Corruption, NSW Ombudsman or Audit Office of NSW

The NSW Biodiversity Conservation Trust may also receive informal requests for information.

### **3.6 Special provisions for health information**

There are some special provisions that only apply to health information, which are contained in HPPs 12, 13 and 15. We may only assign identifiers (e.g. a number) to an individual's health information if it is reasonably necessary for us to carry out our functions. We must not include health information in a health records linkage system without consent.

The Department's People, Performance and Culture branch may collect health information in order to manage cases of injured employees and to investigate workplace incidents. Where health information has been gathered to case manage an injured employee's member, it is not given a separate identifier but kept against the relevant employee's injury management record. Where the information has been gathered as part of an investigation of a workplace incident, the information is held against the investigation file, and not given any separate identifier. The People, Performance and Culture does not use any other health records systems.

### **3.7 How the privacy principles and the Government Information (Public Access) Act 2009 (GIPA Act) interact**

Access to personal information and the accuracy of personal information that are covered by IPPs 6 to 8 and HPPs 6 to 9 also interact with our obligations under the GIPA Act.

The GIPA Act establishes a proactive, open approach to gaining access to government information in NSW by:

- authorising and encouraging the proactive release of information by NSW public sector agencies, including the BCT
- giving the NSW public a legally enforceable right to access government information
- ensuring that access to government information is restricted only when there is an overriding public interest against releasing that information.

The guiding principle of the GIPA Act is public interest. It is generally presumed that we will disclose or release information unless there is an overriding public interest against doing so.

Of all categories of information held by government agencies, the type most often requested is personal information. People may request access to their own personal information, either in its own right, or in combination with other government information, or they may seek access to the personal information of other people.

This presents the following challenges:

- there are two options when applying to access personal information—under the GIPA Act and under the PPIP Act
- personal information is defined differently in the [GIPA Act](#) and the [PPIP Act](#). [Part 1 \(4\) of the PPIP Act](#) includes additional clauses that identify what is not included in the definition of personal information.
- under the GIPA Act, personal information can be a public interest consideration both for and against disclosure, depending on the circumstances.



An access application under the GIPA Act should only need to be lodged as a last resort. Where access applications are needed, the GIPA Act outlines the process that applicants and agencies should follow, as well as the options for reviewing decisions about an access application

For NSW Biodiversity Conservation Trust employees

NSW Biodiversity Conservation Trust employees should be familiar with the key aspects of the GIPA Act and be aware that the authority to release or withhold information held by the BCT under a formal access application lies with the Department's Privacy and Information Access Unit only. The BCT has no delegation to assess or make a determination about formal information access requests.

The Information and Privacy Commission has published information about [personal information as a public interest consideration under the GIPA Act](#). The guidelines are designed to assist agencies such as the BCT to respond to informal requests from people for their own information or the personal information of a third party.

Anyone can access government information that is held by the BCT in accordance with the GIPA Act. Sometimes the information requested can include personal and health information of the individual or of other people. Certain considerations are taken into account before any information is released and the Department's Privacy and Information Access Unit may decide to withhold the personal and health information of another person. For more information about the GIPA Act or [making an access application](#), please visit the [DCCEEW website](#).

## 4. Other provisions and exemptions

### 4.1 Public Registers

A public register is a register of information that is publicly available or open to public inspection. Under [Part 9 the Biodiversity Conservation Act 2016](#), the BCT is required (under a delegation from the Environment Agency Head) to maintain a public register of private land conservation agreements. This includes wildlife refuge agreements, funded and partnership conservation agreements, biodiversity stewardship agreements (and equivalent past agreements) and any variation to, or termination of, these agreements. For example, when entering a private land conservation agreement, some details will be publicly available through the [public register of private land conservation agreements](#).

[Part 6 of the PPIP Act](#) governs how the BCT should manage personal information contained in public registers. In this Part, a reference to personal information is also a reference to health information.

The public register of private land conservation agreements is exempt from the operation of the IPPs and HPPs by [Part 6 \(57\) of the PPIP Act](#). [Part 2 \(25\) of the PPIP Act](#) also provides agencies with an exemption where non-compliance is lawful and permits publication of personal information. However, under [Part 9 of the Biodiversity Conservation Act 2016](#), the Environment Agency Head (EAH) may restrict access to information in a public register.

The Public Register of Private Land Conservation agreements includes the following fields:

- whether the agreement is a biodiversity stewardship agreement, a conservation agreement or a wildlife refuge agreement,
- Unique agreement identifier
- The duration of the agreement
- The BCT Region in which the land to which the agreement relates is situated

- Funding status
- Date of registration on title
- Size of the agreement (hectares)
- Whether the agreement is an offset
- the local government area in which the land to which the agreement relates is situated,
- any Interim Biogeographic Regionalisation of Australia

The NSW Biodiversity Conservation Trust will consider providing copies of documents related to a private land conservation agreement with consent from the agreement holder. Even with agreement holder consent, some information will likely be redacted to protect privacy.

#### For NSW Biodiversity Conservation Trust employees

A company or corporation is not subject to the controls or provisions of the PPIP Act. While the BCT requests consent from individuals to publish personal information, it is not required to do so for companies or corporations.

When the BCT is establishing an agreement with a company, we will inform the signatories that agreements signed by a company are not subject to restrictions under the PPIP Act. The personal information of individuals identified in agreements with companies or corporations will however be redacted from copies of those agreements that we publish in our registers.

[Schedule 1](#) and [Schedule 2](#) of the GIPA Act explain how agencies may consider how the disclosure of some types of information may be against the public interest. This can be due to other legislation or the limitations including but not limited to Cabinet, Executive Council, legal privilege, public safety, child protection and aboriginal environmental heritage.

#### 4.1.1 NSW Office of the Registrar General - Torrens title Register

The Registrar General has statutory obligations to make certain information available from the public registers it maintains. The following public registers maintained by NSW Land Registry Services on behalf of the Registrar General are exempt from the public register provisions of [Part 6 of the PPIP Act](#):

- The [Torrens Title Register](#), kept under the [Real Property Act 1900](#).
- Any index kept in accordance with the Torrens Register.
- The [Water Access Licence Register](#) kept under the [Water Management Act 2000](#) on behalf of the Department of Natural Resources.
- The [General Register of Deeds](#) kept under the [Conveyancing Act 1919](#).
- Any index kept under section 198 of the [Conveyancing Act 1919](#).
- The Central Register of Restrictions kept under [Part 24 of the Conveyancing Act 1919](#).

#### 4.1.2 NSW Biodiversity Conservation Trust and the NSW Grants Administration Guide

The NSW Biodiversity Conservation Trust is subject to the requirements of the [NSW Grants Administration Guide](#) as described in [this Premier's Memorandum](#).

The Guide provides an overview of the grants administration process, overarching principles that apply to all NSW Government grants, and mandatory requirements that must be complied with when administering grants. NSW Biodiversity Conservation Trust compliance with the guide is a legislative requirement under [Part 4 of the Government Sector Finance Act 2018](#).

In addition to information the BCT is required to publish under part 4 of this plan, the BCT is also required to publish information about grants awarded to agreement holders through the Conservation Partners Grants program to the [NSW Grants and Funding Finder](#).

#### For NSW Biodiversity Conservation Trust employees

The NSW Biodiversity Conservation Trust is required by the NSW Grants Administration Guide to publish the following details to the [NSW Grants and Funding Finder](#):

- Recipient location (Local Government Area)
- Program delivery location
- Funding amount (dollars)
- Program term (Duration of the Grant)
- Program benefit–cost ratio (where cost–benefit analysis (CBA) is required)
- Number of applicants
- Number of recipients
- Source agency (BCT)
- Decision-maker

All information must be published to the finder within 45 calendar days from when the grant takes effect.

## 4.2 Directions of the Privacy Commissioner and Codes of Practice

Under [Part 4 \(41\) of the PPIP Act](#) and [Part 7 \(62\) of the HRIP Act](#), the Privacy Commissioner may make a direction to waive or modify the requirement for the BCT to comply with an information protection principle, a health privacy principle or a privacy code of practice.

Agencies can approach the Privacy Commissioner to request a Direction. The general intent is for the Directions to apply temporarily. If a longer-term waiver of the application of an IPP or HPP is needed, then a Code of Practice may be required.

[Part 3 of the PPIP Act](#) and [Part 5 of the HRIP Act](#) provide for the making of a privacy Code of Practice. Any such Code is reviewed by the Privacy Commissioner and approved by the Minister. A Code can regulate an agency’s collection, storage, use or disclosure of personal information, or modify the operation of the IPPs and HPPs when applied in specific circumstances.

[Directions](#) and [Codes of Practice](#) currently in operation are listed on the Information and Privacy Commission website.

The following Direction/s and or Code/s of Practice may be relevant to the BCT:

- [Direction relating to the Process and Technology Harmonisation \(“PaTH”\) Programs](#)

### **4.3 Some exemptions in the PPIP Act or the HRIP Act**

The NSW Biodiversity Conservation Trust may provide information in some circumstances. Both the PPIP Act and the HRIP Act provide some specific exemptions from the IPPs and the HPPs. Some of the exemptions in the PPIP ACT are listed in [Part 2 \(s22-28\) of the PPIP Act](#) and include:

- law enforcement and related matters
- investigative agencies
- where lawfully authorised or required
- when it would benefit the individual concerned
- specific exemptions for ICAC, NSW Police Force, Police Integrity Commission, and the NSW Crime Commission
- certain exchanges between public sector agencies
- research
- credit information

The NSW Biodiversity Conservation Trust may refer agreement holder compliance matters to a regulatory authority for investigation. The BCT has recently established a new Agreements Assurance Team to support landholder compliance and has scope to develop procedures for referral of these matters.

### **4.4 Data sharing**

The NSW Biodiversity Conservation Trust may also use de-identified and aggregated information to support its analysis, research, reporting and promotional purposes.

The [Data Sharing \(Government Sector\) Act 2015](#) enables data and information to be shared efficiently between NSW Government agencies and with the NSW Data Analytics Centre. It also protects data subject to sharing arrangements and supports agencies' compliance with the requirements of the PPIP Act and the HRIP Act. Before responding to a request for information from the Data Analytics Centre, we consult internally to obtain relevant advice and may also seek advice from the Department's Privacy and Information Access Unit or the Privacy Commissioner.

When sharing or receiving data and information with or from third parties, the BCT establishes written agreements that control the management of personal information that might otherwise be able to be reidentified, for example when linking datasets.

### **4.5 Privacy impact assessments (PIA)**

The NSW Biodiversity Conservation Trust may be required to complete a PIA to assess any actual or potential effects that an activity, project or proposal may have on personal information that we hold. A PIA can also outline in which any identified risks can be mitigated, and any positive impacts can be enhanced.

It may not be possible to eliminate or mitigate every risk, but ultimately the BCT will make a judgement as to whether the public benefit delivered from the project will outweigh the risk posed to privacy.

For NSW Biodiversity Conservation Trust employees

To understand if a privacy impact assessment is required for your project, you should answer the questions at Appendix 4 - Privacy Impact Assessment (PIA) Checklist.

If the answer to one of these questions is 'yes', then advice should be sought from the Manager Planning and Performance and a privacy impact assessment should be considered.

As part of DCCEEW, we are supported by the Privacy and Information Access team. You can find contact information for the [Privacy and Information Access Unit on the DCCEEW Intranet](#).

You can find information about privacy impact assessments on the [Information and Privacy Commission website](#).

## 5. Promoting the NSW Biodiversity Conservation Trust Privacy Management Plan

The BCT Executive Committee promotes this Plan and the following activities to ensure ongoing compliance with privacy legislation:

- employees are regularly reminded of their responsibilities under the PPIP Act and HRIP Act and these obligations are reinforced in the [DCCEEW Code of Ethics and Conduct](#)
- new employees are provided with a copy of this Plan as part of their induction
- at induction and biannual performance development planning
- periodical privacy refresher training for BCT employees
- cyber security training every two years
- [Mycelium \(the BCT Intranet\)](#), contains a dedicated privacy page with information, resources and links to learning material
- The Plan is published to the BCT website and will be reviewed 18 months after approval of this plan.

## 6. Privacy complaints, breaches and internal reviews

### 6.1 Privacy complaints and internal reviews

Anyone that believes the NSW Biodiversity Conservation Trust has breached their privacy, or has not complied with a request for access or amendment, can make a complaint directly with us, or with the Department (see Appendix 1 – Contact Information).

Complainants may also choose to submit an application for internal review of conduct with the Department's Privacy and Information Access Unit.

To make a complaint directly with the BCT, please contact [info@bct.nsw.gov.au](mailto:info@bct.nsw.gov.au).

Complaints raised with us may be referred to the Department for a review to be carried out under Part 5 of the PPIP Act, if it is considered that a serious breach has occurred, or that it is more appropriate to deal with a complaint on a more formal basis. This is known as an internal review.

Under the HRIP Act and PPIP Act, complaints or applications for internal review must:

- be lodged to Department's Privacy and Information Access Unit within six months of becoming aware of the alleged conduct
- be in writing
- have a return address in Australia.

If unsatisfied, the complainant can seek for the decision to be reviewed by the Administrative and Equal Opportunity Division of the NSW Civil and Administrative Tribunal.

An internal review is conducted by a senior Departmental officer who was not substantially involved in the matter being complained about.

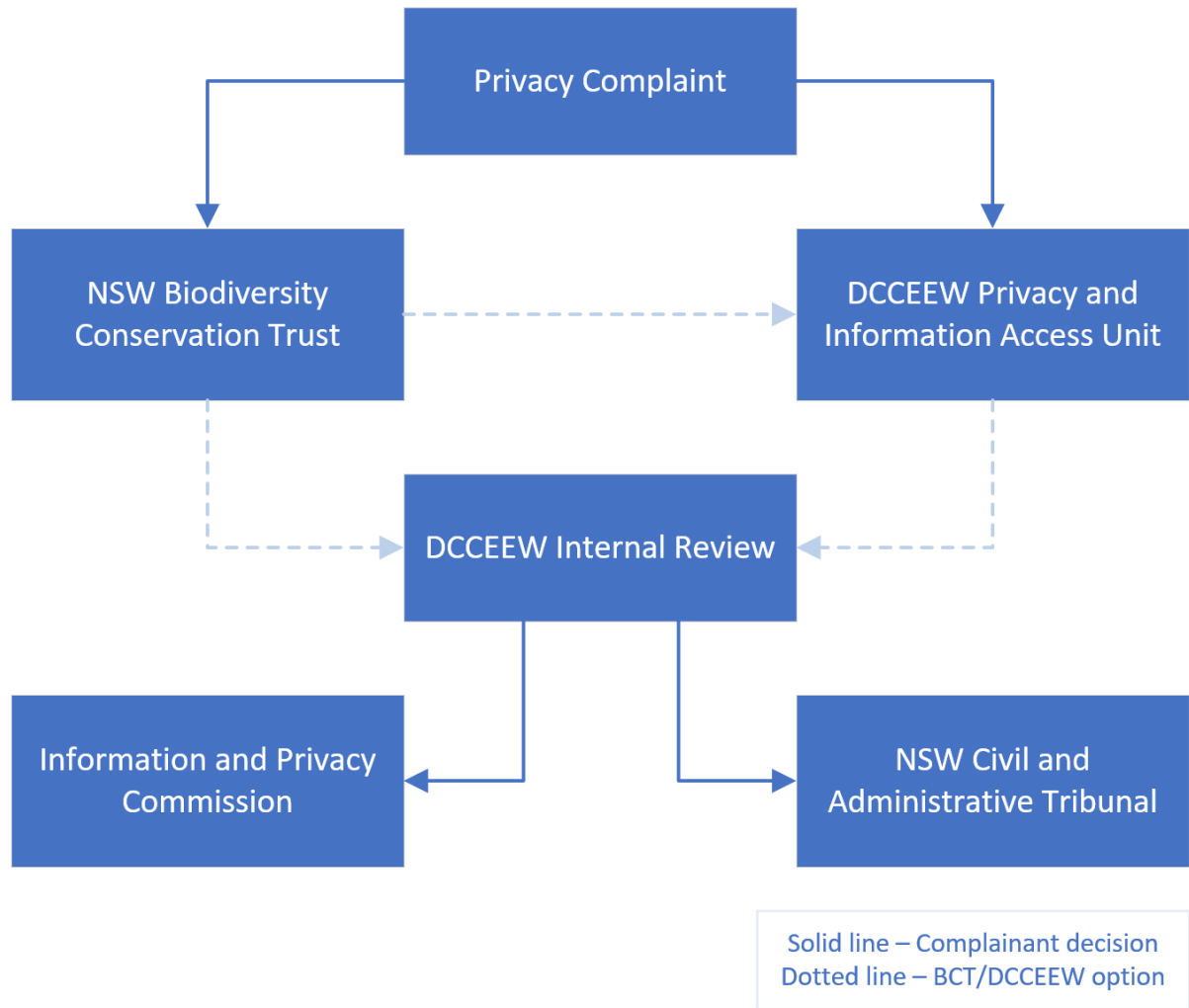
This officer is responsible for reviewing the action or decision and deciding if there has been a breach of privacy. There is no cost incurred by you to lodge a complaint or request an internal review. Reviews must be completed by the Department within 60 days. The NSW Privacy Commissioner must be advised by the Department of receipt of a privacy internal review request and be provided with the reviewing officer's final report.

The report should:

- detail the review findings about the facts of the matter, the law and the reviewer's interpretation of the law
- set out a determination as to whether a breach has occurred, with one of the following findings:
  - insufficient evidence to suggest alleged conduct occurred
  - alleged conduct occurred but complied with the privacy/health privacy principles and/or public register provisions
  - alleged conduct occurred, but the non-compliance was authorised by an exemption, Code or Direction (section 41 of PPIP Act / section 62 of HRIP Act)
  - alleged conducted occurred: conduct did not comply with principles or public register provisions and was not authorised, so constitutes a "breach" of the legislation
- making recommendations on appropriate action by way of response or remedy (this may include an apology, changing agency processes, providing training to relevant staff, etc.).

See Appendix 7 for information about the Department's internal review process.

A complaint can also be lodged with the Information and Privacy Commission.  
(<https://www.ipc.nsw.gov.au/>)



For NSW Biodiversity Conservation Trust employees

BCT employees should refer to the [BCT Complaints and Consumer Response Standard Operating Procedure](#) for details on how to manage complaints internally.

## 6.2 Breach of privacy/data breach notification

The NSW Biodiversity Conservation Trust might become aware of a breach of privacy either because a complaint is made about a privacy breach, or a public sector employee identifies that something has happened that may have exposed a person’s privacy. If this occurs, the matter will be forwarded to Department’s Privacy and Information Access Unit immediately. The Manager Planning and Performance, Manager Governance and BCT CEO must be immediately notified of the matter. We will also do our best to contain the breach and mitigate any damage.

Department’s Privacy and Information Access Unit will assist us to assess the seriousness of the breach and may make recommendations such as:

- notifying anyone affected by the breach
- notifying the NSW Privacy Commissioner
- any changes to processes or procedures that would help to mitigate the risk of a future breach.



### 6.2.1 Notifications for a privacy breach

If an eligible data breach is identified, affected individuals will be notified, unless an exemption applies under [Part 6A \(59S-59X\) of the PPIP Act](#). Under [Part 6A \(59O\) of the PPIP Act](#), this notification will include:

- the date the breach occurred
- a description of the breach
- how the breach occurred
- the type of breach e.g. unauthorised disclosure, unauthorised access, loss of information
- the personal information that was subject to the breach
- the amount of time for which the personal information was disclosed
- actions that have been taken or are planned to ensure the personal information is secure, or to control or mitigate the harm done
- recommendations about the steps affected individuals should take in response to the data breach
- information about making a complaint or requesting an internal review
- details about the agencies involved in the breach.

In November 2023, the [Mandatory Notification of Data Breach \(MNDB\) Scheme](#) came into effect after the NSW Parliament passed amendments to Part 6A of the PPIP Act. The amendments to the PPIP Act strengthen privacy legislation in NSW by:

- creating a MNDB Scheme which requires departments to notify the NSW Privacy Commissioner and affected individuals of data breaches involving personal or health information likely to result in serious harm
- applying the PPIP Act to all NSW state-owned corporations that are not regulated by the [Privacy Act 1988 \(Cth\)](#)
- repealing [section 117C of the Fines Act 1996](#) to ensure that all NSW public sector agencies are regulated by the same mandatory notification scheme.

For NSW Biodiversity Conservation Trust employees

The Information and Privacy Commission NSW has developed [guidelines, learning modules and other resources](#) to support agencies.

## 7. NSW Biodiversity Conservation Trust's strategies for compliance and best practice

### 7.1 Monitoring

Computer and other workplace surveillance is undertaken as a preventative measure for both internal and external threats. In general, the Department may carry out a wide range of surveillance if employees are properly notified. This is called 'overt surveillance', or surveillance of which everyone is aware. The Digital Solutions Group continuously surveils BCT workplace systems and equipment in line with the [Workplace Surveillance Act 2005](#). This may include reviewing email accounts, electronic files and internet usage on work computers and mobile devices, such as tablets and smartphones. Recording of private conversations is covered by the [Surveillance Devices Act 2007](#). Legal advice can be sought internally or externally by employees regarding both workplace surveillance and the recording of private conversations. If overt surveillance is in place, employees must be given written notice that includes the following items:

- the kind of surveillance used—for example, by camera, computer or tracking
- how the surveillance will be carried out
- when it will start
- whether it will be continuous or intermittent
- whether the surveillance will be ongoing or for a specified limited period.

Information or the results collected through overt surveillance cannot be used or disclosed unless the use or disclosure is:

- related to the employment of BCT employees
- related to BCT business activities or functions
- given to a law enforcement agency in relation to an offence
- related to civil or criminal proceedings
- reasonably believed necessary to stop an imminent threat of serious violence to person(s) or substantial damage to property.

A breach of the above restrictions incurs a fine. Note that access to the information can be requested by an employee or a person who was captured by the surveillance. Such requests can be made under the PPIP Act or the GIPA Act. Surveillance about which employees are not properly notified is automatically regarded as 'covert surveillance' and is generally prohibited by legislation, except for the purpose of establishing whether employees are involved in unlawful activity while at work. Covert surveillance of employees can only be done with the authority of a magistrate.

#### For NSW Biodiversity Conservation Trust employees

BCT employees may access the Department's ICT network including the internet and email facilities for personal use. This is subject to personal use being infrequent and brief, and not involving activities that may be questionable, controversial or offensive. DCCEEW undertakes continuous and ongoing computer surveillance. This is to:

- ensure compliance with the departmental policies including the [Acceptable Use Policy](#)

- identify conduct that may be illegal or adversely affect the BCT, DCCEEW or our employees
- identify inappropriate or excessive personal use
- protect BCT assets, property and finances.

**For NSW Biodiversity Conservation Trust employees**

NSW Biodiversity Conservation Trust employees should always consider that the records (both physical and digital) they create are subject to discovery and potential release. Every time a BCT employee creates a new record (including work emails, texts and posts), they should keep in mind that it could be released at some point in the future. Any records that describe the way the BCT makes decisions and delivers programs or services must be made available to the public as mandatory open access information. These may include:

- Guidelines
- Charters
- Business plans
- Annual reports

**For NSW Biodiversity Conservation Trust employees**

As a BCT employee, please be aware that your manager will be provided access to your DCCEEW OneDrive account when you leave the organisation. Any personal information stored there that you do not want to share should be deleted or moved prior to you leaving.

## **8. Review of the Privacy Management Plan**

Under *Section 33 of the Privacy and Personal Information Protection Act 1998*, the BCT is required to submit this plan to the Information and Privacy Commissioner for review at the commencement of the plan and each time it is amended.

In conjunction with the review of this Plan, the BCT will also review privacy content for consistency on the following resources:

- NSW Biodiversity Conservation Trust Website
- Mycelium (BCT Intranet)
- Content Manager (Appendices 2-5 of this Plan)

## Appendix 1 – Contact Information

### NSW Biodiversity Conservation Trust

For further information about this plan or any other concerns about privacy, including:

- how the BCT manages personal and health information
- requests for access to and amendment of personal or health information
- guidance on broad privacy issues and compliance
- requests to conduct internal reviews about possible breaches of the PPIP Act and HRIP Act.

#### NSW Biodiversity Conservation Trust

Planning and Performance Team

Email: [planning-performance@bct.nsw.gov.au](mailto:planning-performance@bct.nsw.gov.au)

Phone: 1300 922 688

Post: Locked Bag 5022, Parramatta NSW 2124

### Department of Climate Change, Energy, the Environment and Water

Privacy and Information Access Unit

Email: [paitunit@planning.nsw.gov.au](mailto:paitunit@planning.nsw.gov.au)

Phone: 02 9860 1440

Post: 4 Parramatta Square, Locked Bag 5022, Parramatta NSW 2124

### Information and Privacy Commission

<https://www.ipc.nsw.gov.au/>

Email: [ipcinfo@ipc.nsw.gov.au](mailto:ipcinfo@ipc.nsw.gov.au)

Phone: 1800 472 679

Post: GPO Box 7011, Sydney NSW 2001

### NSW Civil and Administrative Tribunal (NCAT)

<https://www.ncat.nsw.gov.au/>

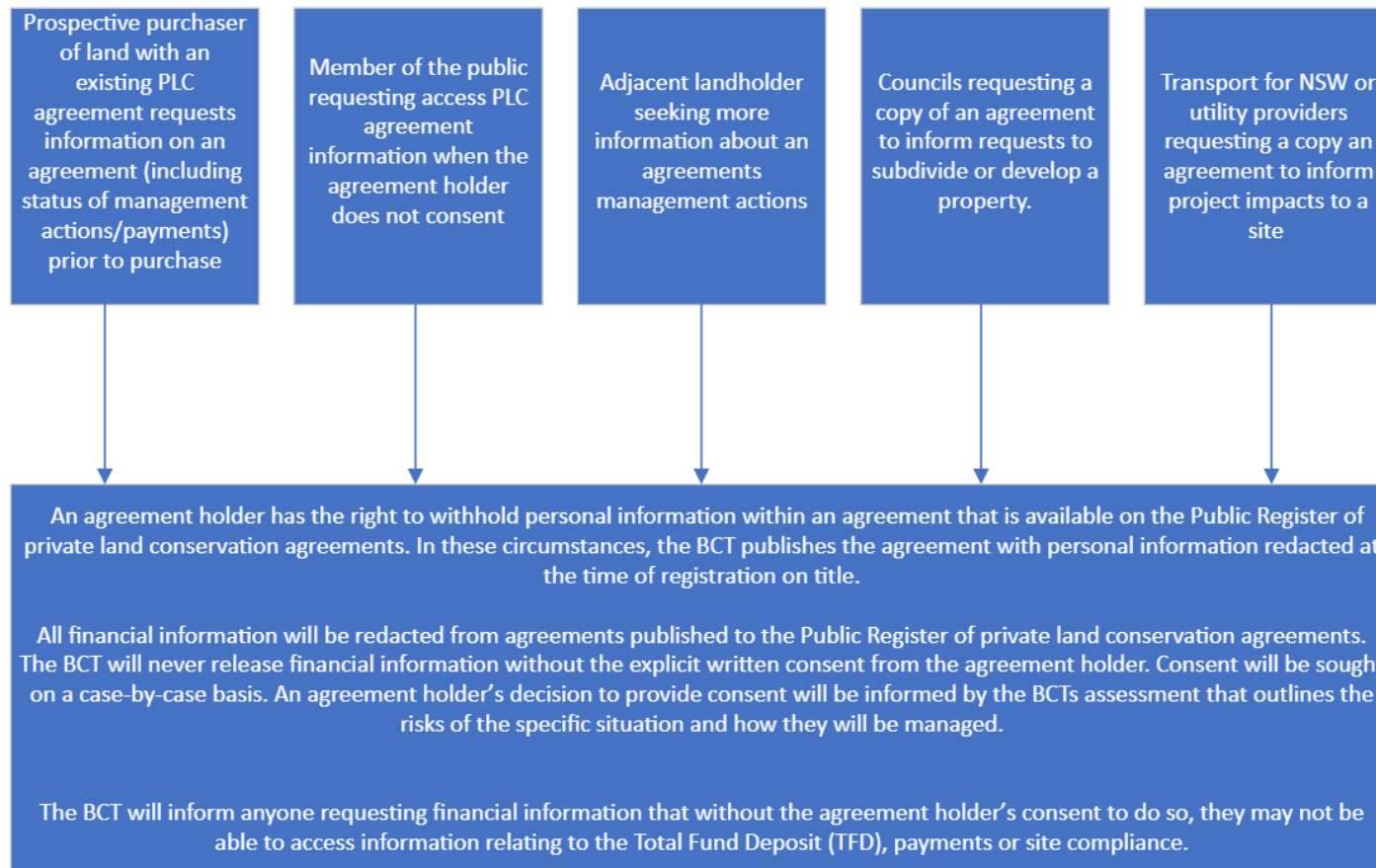
Email: [aeod@ncat.nsw.gov.au](mailto:aeod@ncat.nsw.gov.au)

Phone: 1300 00 NCAT or 1300 006 228 and follow the prompts

Post: PO Box K1026, Haymarket NSW 1240 | DX 11539 Sydney Downtown

## Appendix 2 – Privacy Scenarios

The NSW Biodiversity Conservation Trust manages many enquiries about access to private land conservation agreements. The diagram below covers some of these scenarios and our approach.



## Appendix 3- BCT Personal Information Protection Statement & Collection Notice Template

The Privacy Notification and Consent Form should be fit for purpose and if necessary, amended to be relevant to your situation. The template must be approved by Manager Planning and Performance before use and recorded in Content Manager.

If you are applying for a private land conservation agreement with the BCT then refer to Appendix 4 - Agreement Application Privacy Notices.



**Biodiversity  
Conservation  
Trust**

### BCT Personal Information Protection Statement & Collection Notice

Information from this form is collected by the NSW Biodiversity Conservation Trust (BCT) for the purpose of the **xxxx project/initiative**. The supply of this information is voluntary. However, if you do not provide the information, we will not be able to **process your request**.

The *Government Information (Public Access) Act 2009* may require the BCT to publicly disclose information you have provided in this form – for example, in response to an access application made under that Act.

Information from this form may be disclosed to the Department of Climate Change, Energy, the Environment and Water to assist with administering any program or initiative with the BCT as a result of the information you provide for the **xxxx project/initiative**.

Your details will be stored in accordance with the requirements of the *State Records Act 1998* and securely destroyed once it is no longer needed. Information will be stored and managed in accordance with provisions under the *Privacy and Personal Information Protection Act 1998* and the [BCT's Privacy Statement](#). It will not be used for any other purpose and will not be given to any other third party except where required or authorised by law.

As part of providing services to you, we may also collect personal information from other sources (such as information that is publicly available). The types of personal information we collect or be provided may include, but are not limited to:

- name
- email address
- phone numbers
- social media identifiers

- physical and postal address
- date of birth
- financial records.

You may access or correct your personal information, by contacting [info@bct.nsw.gov.au](mailto:info@bct.nsw.gov.au) or the Department of Climate Change, Energy, the Environment and Water's Information Access & Privacy unit on 02 9860 1440 or [privacy@dpie.nsw.gov.au](mailto:privacy@dpie.nsw.gov.au).

**Declaration by participant:**

I consent to the BCT's collection of my personal information and its use for the purposes of the **xxxx project/initiative**. I understand that I have a right to access my personal information at any time. I understand I can withdraw this consent at any time.

I also consent to the BCT sharing my personal information with its partners (**xxxx**) for the purposes of delivering (**xxxx**) and no other purpose. I understand that those business partners will delete, (where appropriate) any personal information that is no longer required for these purposes.

Name:	
Signature: *	
Date:	

*\*Please note that digital signatures are valid here. If you would like advice about how to create a digital signature, please contact us. Alternatively, we will also accept an email from you acknowledging consent per this form.*

**More information**

For more information on privacy, please visit the Information and Privacy Commission (NSW IPC) website at <https://www.ipc.nsw.gov.au/> or call them on 1800 472 679.

**OFFICIAL – SENSITIVE: Personal**

## Appendix 4 - Agreement Application Privacy Notices

The following Privacy Notices have are to be included in all BCT Expression of Interest or Application forms. A specific 'Publication of information' and 'Privacy notice' has been developed for:

- Conservation Partners Program Landholder Interest Form
- Fixed Price Offer and Conservation Tender Expression of Interest Form
- Conservation Partners Grant application form

### Landholder Interest Form for a BCT Conservation Agreement or Wildlife refuge Agreement

#### Publication of information

##### What information gets published?

If you enter into a conservation agreement or a wildlife refuge agreement with the BCT, the following information (including information you have provided in this form) will be disclosed on the [public register of private land conservation agreements](#):

- whether the agreement is a biodiversity stewardship agreement, a conservation agreement or a wildlife refuge agreement,
- Unique agreement identifier
- The duration of the agreement
- The BCT Region in which the land to which the agreement relates is situated
- Funding status
- Date of registration on title
- Size of the agreement (hectares)
- Whether the agreement is an offset
- the local government area in which the land to which the agreement relates is situated,
- any Interim Biogeographic Regionalisation of Australia

#### Privacy notice

Information from this form is collected by the BCT for the purpose of processing the conservation agreement or wildlife refuge agreement application, preparing a conservation agreement or wildlife refuge agreement and administering the *Biodiversity Conservation Act 2016*, including administering the conservation agreement or wildlife refuge agreement and maintaining information on the public registers kept and made available under Part 9, Division 2 of that Act. The supply of this information is voluntary. However, if you do not provide the information, we will not be able to consider your application.



The *Government Information (Public Access) Act 2009* may require the BCT to publicly disclose information you have provided in this form or information about any conservation agreement or wildlife refuge agreement – for example, in response to an access application made under that Act.

Information from this form may be disclosed to the Department of Climate Change, Energy, the Environment and Water to assist with administering any conservation agreement or wildlife refuge agreement you enter into with the BCT as a result of this application and maintaining public registers.

Your details will be stored in accordance with the requirements of the *State Records Act 1998* and securely destroyed once it is no longer needed. Information will be stored and managed in accordance with provisions under the *Privacy and Personal Information Protection Act 1998* and the [BCT's Privacy Statement](#). It will not be used for any other purpose and will not be given to any other third party except where required or authorised by law.

You may access or correct your personal information by contacting [info@bct.nsw.gov.au](mailto:info@bct.nsw.gov.au) or the Department of Climate Change, Energy, the Environment and Water's Information Access & Privacy unit on 02 9860 1440 or [privacy@dpie.nsw.gov.au](mailto:privacy@dpie.nsw.gov.au).

### Conservation Management Program application forms

#### Publication of information

#### What information gets published?

If you enter into a conservation agreement with the BCT as part of this fixed price offer, the following information (including information you have provided in this form) will be disclosed on the [public register of private land conservation agreements](#):

- whether the agreement is a biodiversity stewardship agreement, a conservation agreement or a wildlife refuge agreement,
- Unique agreement identifier
- The duration of the agreement
- The BCT Region in which the land to which the agreement relates is situated
- Funding status
- Date of registration on title
- Size of the agreement (hectares)
- Whether the agreement is an offset
- the local government area in which the land to which the agreement relates is situated,
- any Interim Biogeographic Regionalisation of Australia

#### Privacy notice

Information from this form is collected for the purpose of administering the BCT's Conservation Management Program, and consideration of your eligibility for the BCT's other programs and future opportunities. The BCT may use information provided on this form to contact you about those programs and opportunities.

The supply of this information is voluntary. However, if you do not provide the information, we will not be able to consider your application.

The Government Information (Public Access) Act 2009 may require the BCT to publicly disclose information you have provided in this form – for example, in response to an access application made under that Act.

Information from this form may be disclosed to the Department of Climate Change, Energy, the Environment and Water to assist with administering any agreement you enter into with the BCT as a result of this application and maintaining public registers.

Your details will be stored in accordance with the requirements of the *State Records Act 1998* and securely destroyed once it is no longer needed. Information will be stored and managed in accordance with provisions under the *Privacy and Personal Information Protection Act 1998* and the [BCT's Privacy Statement](#). It will not be used for any other purpose and will not be given to any other third party except where required or authorised by law.

You may access or correct your personal information by contacting [info@bct.nsw.gov.au](mailto:info@bct.nsw.gov.au) or the Department of Climate Change, Energy, the Environment and Water's Information Access & Privacy unit on 02 9860 1440 or [privacy@dpie.nsw.gov.au](mailto:privacy@dpie.nsw.gov.au).

### Conservation Partners Grant application form

#### Privacy notice

Information from this form is collected for the purpose of administering the BCT's Conservation Partners grant program, and consideration of your eligibility for the BCT's other programs and future opportunities. The BCT may use information provided on this form to contact you about those programs and opportunities.

If the application is successful, information from this form may be publicly disclosed on the [NSW Government Grants and Funding Finder](#) in accordance with the [NSW Grants Administration Guidelines](#), including the program name and function, date of the grant, recipient local government area, funding amount and program term (length of grant).

The supply of this information is voluntary. However, if you do not provide the information, we will not be able to consider your application.

The *Government Information (Public Access) Act 2009* may require the BCT to publicly disclose information you have provided in this form – for example, in response to an access application made under that Act.

Information from this form may be disclosed to the Department of Climate Change, Energy, the Environment and Water to assist with administering any agreement you enter into with the BCT as a result of this application and maintaining public registers.

Your details will be stored in accordance with the requirements of the *State Records Act 1998* and securely destroyed once it is no longer needed. Information will be stored and managed in accordance with provisions under the *Privacy and Personal Information Protection Act 1998* and the [BCT's Privacy Statement](#). It will not be used for any other purpose and will not be given to any other third party except where required or authorised by law.

You may access or correct your personal information by contacting [info@bct.nsw.gov.au](mailto:info@bct.nsw.gov.au) or the Department of Climate Change, Energy, the Environment and Water's Information Access & Privacy unit on 02 9860 1440 or [privacy@dpie.nsw.gov.au](mailto:privacy@dpie.nsw.gov.au).

## Appendix 5 - Privacy Impact Assessment (PIA) Checklist

Table – Checklist for whether a Privacy Impact Assessment is needed

Will the project involve?		Yes	No
1	The collection of personal information, compulsory or otherwise?		
2	A new use of personal information that is already held?		
3	A new or changed system of regular disclosure of personal information, whether to another agency, another State, the private sector or to the public?		
4	Restricting access by individuals to their own personal information?		
5	New or changed confidentiality provisions relating to personal information?		
6	A new or amended requirement to store, secure or retain particular personal information?		
7	A new requirement to sight, collect or use existing ID, such as an individual's driver's license?		
8	The creation of a new identification system, e.g. using a number, or a biometric?		
9	Linking or matching personal information outside NSW?		
10	Exchanging or transferring personal information outside NSW?		
11	Handling personal information for research or statistics, de-identified or otherwise?		
12	Powers of entry, search or seize, or other reasons to touch another individual (e.g. taking a blood or saliva sample)?		
13	Surveillance, tracking or monitoring of individuals' movements, behaviour or communications?		
14	Moving or altering premises which include private spaces?		
15	Any other measure that may affect privacy?		

## Appendix 6

The following procedure outlines the department's internal review process. Any complaint or request for an internal review about a privacy matter is to be forwarded to the department's Information Access and Privacy Unit (see Appendix 1 – Contact Information).

A senior departmental reviewing officer will be allocated and will:

**Step 1 - Assess the application** to confirm that:

- it is about personal information regarding conduct that occurred after 1 July 2000, or
- it is about health information regarding conduct which occurred after 1 September 2004, and
- it has been lodged within 6 months of the applicant becoming aware of the alleged conduct.

If the application does not meet these criteria, it may be referred to relevant managers for handling under relevant complaint handling procedures instead.

A late application may be accepted and the reviewing officer should make a decision about whether to accept it or not. Reasons for not accepting a late application must be communicated to the applicant and the applicant advised how their complaint will be handled instead, as well as their right to complain to the Privacy Commissioner.

If the criteria are met, the reviewing officer will proceed with the following steps.

**Step 2 - Write to the applicant within 5 days** (see template at attachment 1) of receiving the application stating:

- the officer's understanding of the conduct complained about
- the officer's understanding of the privacy principle/s at issue
- that an internal review under the *NSW Privacy and Personal Information Protection Act 1998* and/or the *NSW Health Records and Information Privacy Act 2002*, as appropriate, is being conducted
- the reviewing officer's name, title and contact details
- how, or just that, the reviewing officer is independent of the person(s) responsible for the alleged conduct (more detail can be provided in the review report)
- the estimated completion date for the review process
- that if the review is not completed within 60 days of the date the application for review was received, the applicant can go to the Administrative and Equal Opportunity Division of the NSW Civil and Administrative Tribunal (NCAT) for an external review of the alleged conduct
- that a copy of the letter will be provided to the Privacy Commissioner who has an oversight role.

**Step 3 - Write to the Privacy Commissioner** (see template at attachment 2) advising of receipt of the privacy internal review request and providing a copy of your letter to the applicant.

**Step 4 - Review the situation** to determine whether the conduct occurred, and if so whether it constituted an unauthorised breach of the relevant privacy legislation. The review should use any or all of the following methods:

- review any documentation, such as emails, involved in the alleged conduct
- review any procedures, policies or guidelines that guide the relevant business unit's processes, and what information is provided to members of the public whose personal information is collected
- speak to the officer(s) involved in the alleged conduct
- speak to the applicant to obtain further information
- confer with the director/manager of the area to determine if processes can be amended in order to mitigate future risk of a privacy breach (whether a breach has occurred or not)

**Step 5** - Should the review not be finalised within four weeks of the issuing of the letters at steps 2 and 3 above, **send a progress report** to the applicant, copied to the Privacy Commissioner:

- detailing progress to date
- advising of any anticipated delays, the reasons for these, and a revised estimated completion date for the review process
- a reminder that if the review is not completed by this new date (which is likely later than 60 days of the date the application for review was received), the applicant can go to NCAT for an external review of the alleged conduct.

**Step 6** - On completion of the review, **write a draft report**:

- detailing the review findings about the facts of the matter, the law and the reviewer's interpretation of the law
- setting out a determination as to whether a breach has occurred, with one of the following findings:
  - insufficient evidence to suggest alleged conduct occurred
  - alleged conduct occurred but complied with the privacy/health privacy principles and/or public register provisions
  - alleged conduct occurred, but the non-compliance was authorised by an exemption, Code or Direction ([s.41 of PPIP Act](#) / [s.62 of HRIP Act](#))
  - alleged conducted occurred: conduct did not comply with principles or public register provisions and was not authorised, so constitutes a 'breach' of the legislation
- making recommendations on appropriate action by way of response or remedy. This may include an apology, changing agency processes, providing training to relevant staff, etc.

Note: even if a 'breach' has not occurred, processes can be changed or additional training provided if this would assist to mitigate risk of a breach or the perception of a breach.

**Step 7** - **Provide a copy of the draft report to the Privacy Commissioner** for comment, and check whether the Commissioner wishes to make a submission

**Step 8** - **Finalise the report**, taking into consideration any comments or recommendations provided by the Privacy Commissioner, and submit for endorsement by the relevant senior officer (Chief Executive, Secretary, Chief Executive Officer, for example).

**Step 9 - Notify the complainant and the Privacy Commissioner** in writing, within 14 days of completing the report (s.53(8) of the PPIP Act):

- that the review is finished
- of the review findings (and the reasons and legislative basis for those findings), and any action proposed to be taken
- of the right to apply within 28 days to the Administrative and Equal Opportunity Division of the NSW Civil and Administrative Tribunal (NCAT) for a further review, providing contact details for the NCAT.

#### **Attachment 1 – template for notification to applicant**

Notes for completing this template:

1. the text in green is instructional and should be deleted. Text within square brackets should be amended or deleted as needed.
2. The text below should be pasted into an email, or into a “general letter” template if being sent by post.

Date:[date]

Our Ref:

Dear [Name]

I refer to your request of [date] to the Department of Climate Change, Energy, the Environment and Water for an internal review per section 53 of the *Privacy and Personal Information Protection Act 1998* (PPIP Act) of conduct which led to alleged breaches of the Information Protection Principles (IPPs) under the PPIP Act {and the Health Protection Principles (HPPs) under the *Health Records Information Privacy Act 2002* (HRIPA Act)} *delete the reference to HRIPA if it is irrelevant.*

In your request for a privacy internal review, you state that [brief outline of what is alleged]. You raise concerns that your personal [and health] *delete if irrelevant* information has not been [stored correctly, has not been protected from unauthorised access, use, disclosure or modification, and that you have been unable to access your personal and health information without excessive delay] *amend as necessary.*

#### **Relevant Information Protection and Health Privacy Principles**

I understand the relevant IPPs and HPPs in this matter to be: *Delete those that do not apply*

*IPP 1 (PPIP Act s8) and HPP 1 – Collection: Lawful*

*An agency must only collect personal information for a lawful purpose. It must be directly related to the agency’s function or activities and necessary for that purpose.*

*IPP 2 (PPIP Act s9) and HPP 3 – Collection: Direct*

*An agency must only collect personal information directly from you, unless you have authorised collection from someone else, or if you are under the age of 16 and the information has been provided by a parent or guardian.*

*IPP 3 (PPIP Act s10) and HPP 4 – Collection: Open*

*An agency must inform you that the information is being collected, why it is being collected, and who will be storing and using it. You must also be told how you can access and correct your personal information, if the information is required by law or is voluntary, and any consequences that may apply if you decide not to provide it.*

*IPP 4 (PPIP Act s11) and HPP 2 – Collection: Relevant*

*An agency must ensure that your personal information is relevant, accurate, complete, up-to-date and not excessive. The collection should not unreasonably intrude into your personal affairs.*

*IPP 5 (PPIP Act s12) and HPP 5 – Storage: Secure*

*An agency must store personal information securely, keep it no longer than necessary and dispose of it appropriately. It should also be protected from unauthorised access, use, modification or disclosure.*

*IPP 6 (PPIP Act s13) and HPP 6 – Transparent*

**Attachment 2 - template for notification to the Privacy Commissioner**

Notes for completing this template:

1. the text within square brackets should be amended as needed.
2. the text below should be pasted into an email and sent to [info@ipc.nsw.gov.au](mailto:info@ipc.nsw.gov.au).
3. make sure to attach a copy of your notification to the applicant.

Dear IPC

Please be advised that the Department of Climate Change, Energy, the Environment and Water received a request for a privacy internal review under section 53 of the *Privacy and Personal Information Protection Act 1998* on [date] from [applicant].

I have attached a copy of her/his application. Attached also is our acknowledgement of her/his application, notifying of the investigating officer (myself) and the due date for completion of the investigation.

Please do not hesitate to contact me if you have any queries about this matter.

Regard