

This policy was last updated on 1 April 2014.

LANDCORP PRIVACY POLICY

The Western Australian Land Authority (LandCorp) is committed to protecting your privacy and the confidentiality of your personal information and sensitive information in accordance with the *Australian Privacy Principles* contained in the *Privacy Act 1988* (Cth) (**Privacy Act**).

This extended edition of the LandCorp Privacy Policy explains in further detail the types of personal information we collect, how we collect and use this information, who we may disclose it to, how you can access and change your personal information and how you can make a privacy complaint.

1. What kinds of information do we hold and/or collect?

What kinds of information do we collect?

- 1 The types of personal information that LandCorp may collect and hold includes the following:
 - (a) full name, postal address, e-mail address, telephone and fax numbers;
 - (b) occupation; company name;
 - (c) date of birth, gender and marital status;
 - (d) the kinds of property and/or developments and the areas in Western Australia you are interested in; and
 - (e) any other information you provide to us by any means.
- 2 Generally, the kinds of information that LandCorp will collect and/or hold will depend on the kind of project or development we are concerned with – **essentially, the purpose of the activity we are conducting**. Accordingly, the kinds of information we record will usually simply extend to your name, applicable contact details and minimal financial details (such as your tax file number).
- 3 On occasion we may collect and/or hold other kinds of information – such as when we run a promotional event or a competition. When we do this, we will disclose our intention to do so to you.
- 4 Further, the kinds of information we collect and/or hold may extend to the other things, such as the composition of your family, marital status and/or your specific needs or interests. For example, with respect to a housing development, this may include the number of rooms you require, the location of the house with respect to educational facilities and the availability of parking.
- 5 At all times, LandCorp will take reasonable steps to inform you of the kinds of personal information it collects and holds when you are engaged with it, and how this may vary from project to project.

What kinds of information can we hold?

- 6 We are permitted to collect and/or hold, with your consent, the following kinds of information:
- (a) *Personal information*, being information or an opinion about an identified individual, or an individual who is reasonable identifiable.
 - (b) *Sensitive information*, being information or an opinion about an individual's personal preferences or characteristics (such as race, ethnicity, political views, memberships, religious or philosophical beliefs and sexual preference), health information and/or biometric information.
- 7 Sensitive information is afforded a higher level of protection than other kinds of information under the *Privacy Act*. We collect and hold sensitive information only when you knowingly and voluntarily submit it. We will rarely collect and hold this kind of information.

2. How do we collect your personal information and how do we hold it?

How do we collect your personal information?

- 8 LandCorp may collect personal information from or about you in a number of circumstances, including:
- (a) from publicly available sources of information;
 - (b) when you use our services or contact us directly;
 - (c) when you sign up to receive information from us;
 - (d) when you take part in one of our competitions and/or promotions;
 - (e) when you use our website;
 - (f) when you provide or offer services to us;
 - (g) from third parties;
 - (h) from our own records at LandCorp; and
 - (i) when legally required to do so.

Means of collection

- 9 We will only collect your **personal information** when the information is *reasonably necessary for*, or *directly related to*, one or more of LandCorp's functions or activities.
- 10 We will only collect your **sensitive information** when you *consent* to the collection of the information and the information is *reasonably necessary for*, or *directly related to*, one or more of the entity's functions or activities.
- 11 LandCorp will, at all times, take reasonable steps to collect your personal information **directly from you**, unless:
- (a) it is unreasonable or impracticable for us to do so; or

- (b) you consent to the collection of the information from someone other than you; or
- (c) we are required or authorised by or under an Australian law, or a court/tribunal order, to collect the information from someone other than you.

12 In the event we receive your personal information from a third party, via referral and/or via a purchase list, we will take reasonable steps to inform you of that and seek your consent to our collection of that information. Should you refuse to consent to that collection, we will take reasonable steps to destroy or de-identify that information.

Cookies

13 Cookies are data that a website transfers to an individual's hard drive for record-keeping purposes. Cookies can facilitate a user's ongoing access to and use of a site. They allow us to track usage patterns and to compile data that can help us improve our content and target advertising.

14 If you **do not want information** collected through the use of Cookies, there is a simple procedure in most browsers that allows you to deny or accept the Cookie feature. You should note that Cookies may be necessary to provide you with features on this site.

15 LandCorp may record your visit through the use of cookies and may log the following information for **purely statistical purposes**:

- your server address;
- your top-level domain name (eg. .com, .gov, .uk, etc);
- the date and time of the visit to the site;
- the pages accessed and documents downloaded;
- the previous site visited; and
- the type of browser used.

Notification of collection

16 When LandCorp collects personal information about you, it will take reasonable steps to notify you or to otherwise ensure you are aware of certain matters. These matters include our identity as an organisation and contact details, the context of the collection, whether the collection is required or authorised by law, the purposes of the collection, LandCorp's usual disclosure of personal information, information about our Privacy Policy and whether LandCorp is likely to disclose your personal information to overseas recipients.

17 LandCorp will take reasonable steps to provide this notification before, or at the time it collects your personal information. If it is not possible for it to do so, LandCorp will take reasonable steps to provide notification as soon as practicable after collection.

18 If you choose not to provide certain personal information to us, we may not be able to provide you with access to parts of the LandCorp website or to certain content,

products and services available on the LandCorp website or generally from LandCorp. For example, when accessing Expression of Interest documentation.

How do we hold and store your information?

- 19 All of the personal and sensitive information we collect is stored locally on our network storage and a locally based cloud system. All information is backed up daily to tape which is held onsite in a safe environment. Information storage is maintained by our Information Systems Branch.
- 20 At this stage in time, LandCorp does store personal or sensitive information through a third party local data storage cloud based system and a New Zealand based local cloud system.
- 21 LandCorp also maintains a number of hardcopy collections of records and electronic databases for use by staff, these include:
- (a) Project files (e.g. land acquisition, land planning, land development, land disposal);
 - (b) Administration files (e.g. finance, strategic planning, information technology);
 - (c) Human resource management files; and
 - (d) a library collection.
- 22 Current files are held on site or with project managers, whilst non-current files are archived to an offsite commercial storage facility.
- 23 The library collection consists of books, journals and reports produced by or for LandCorp in relation to its projects. The collection is maintained onsite with non-current documents archived in a similar manner to files. Access to the library collection is on a similar basis to that for files.

Security

- 24 LandCorp strives to ensure the security, integrity and privacy of the personal and sensitive information of its clients. LandCorp takes reasonable steps to protect the security of all personal information.
- 25 LandCorp personnel are required to respect the confidentiality of personal information and the privacy of individuals.
- 26 We use a variety of physical and electronic security measures, including restricting physical access to our offices and firewalls and secure databases to keep personal information secure from misuse, loss or unauthorised use or disclosure.
- 27 LandCorp continually reviews its various security measures in order to ensure that they are up to date and fit for purpose.

Information retention and destruction practices or obligations

- 28 LandCorp will only retain your personal and/or sensitive information as long as it is necessary for it do so (for example, this may be until the end of a given project or the

end of a period of time for expressing interest in a development) or where and when it is required to do so by legislation or a court or tribunal order.

- 29 LandCorp has an internal system that is used to identify information that is no longer necessary for it to retain and periodically reviews its data in accordance with this system.
- 30 Once the purpose for which that information was collected expires and/or upon periodic review, LandCorp will take reasonable steps to destroy that information or to de-identify that information, so that it can be retained for statistical purposes.
- 31 Information which is retained for statistical purposes may be used to improve our services and to make them more responsive to the needs of our customers. This statistical compilation and analysis of information may also be used by us or provided to others as a summary report for marketing, advertising or research purposes.

Do we retain a record of personal information about all individuals with whom we deal?

- 32 We will only collect and/or hold personal information about you when you have consented to us doing so. This information will only be retained for the purpose for which it was collected and will, at the expiry of that purpose, be destroyed or de-identified, in line with Government record keeping.

Unsolicited personal information

- 33 LandCorp may receive your personal or sensitive information as **unsolicited personal information**.
- 34 Unsolicited personal information is received by an organisation, such as LandCorp, where it took no active steps to collect that information.
- 35 When and where LandCorp receives unsolicited information, LandCorp will determine whether it could have collected the information under *Australian Privacy Principle 3* [<http://www.oaic.gov.au/privacy/privacy-resources/privacy-fact-sheets/other/privacy-fact-sheet-17-australian-privacy-principles>] (which governs the collection of solicited personal information). Where LandCorp could not have collected the information consistent with *Australian Privacy Principle 3*, LandCorp will destroy or de-identify the information as soon as practicable, so long as it is lawful and reasonable for it to do so.

Dealing with us via pseudonym or anonymously

- 36 In most circumstances, it will not be possible or practicable for LandCorp, in the course of conducting its activities, to deal with individuals who have not identified themselves or who have used a pseudonym.
- 37 LandCorp is required and/or authorised under Australian law, in certain circumstances, to deal only with individuals who have identified themselves.
- 38 However, on the expiry of the purpose for which certain information was collected and/or on the request of the individual the subject of the information, LandCorp will take reasonable steps to de-identify that information through the use of pseudonyms and/or to make the applicable personal details anonymous.

3. The purpose of our collection, holding of, use or disclosure of personal information

How and in what circumstances will LandCorp use or disclose my personal information?

39 LandCorp may, in certain circumstances, collect, hold, use and/or disclose your personal and/or sensitive information.

By way of a guide, these terms are defined as follows in section 6 of the *Privacy Act* and in the *Australian Privacy Principles Guidelines*:

An entity “**holds**” personal information “*if the entity has possession or control of a record that contains personal information*”.

An entity “**uses**” personal information “*where personal information is handled, or an activity is undertaken with the information, within the entity*”.

An entity “**discloses**” personal information “*when it permits that information to become known outside the entity and releases it from its effective control*”.

40 **LandCorp will use and disclose your personal information to provide our services to you or to fulfill administrative functions associated with these services.** In general, we will use and disclose your personal information for the following purposes:

- (a) to notify you about a project/development you may wish to be involved in;
- (b) to communicate with you with respect to an existing project/development;
- (c) to provide and market our services;
- (d) to help us manage and enhance our services;
- (e) to purchase from you;
- (f) to allow individuals such as real estate agents to contact with respect to projects/developments in which you have expressed an interest;
- (g) for any purpose for which the information was provided; or
- (h) any other purpose related to any of the above.

41 LandCorp will **disclose** personal information when it permits that information to become known outside LandCorp and where it releases it from its effective control. For example, LandCorp would be said to have disclosed your personal information where:

- (a) it shares your personal information with another entity;
- (b) it publishes your personal information on the internet so it is accessible by others;
- (c) where one of its staff reveals your personal information in the course of a conversation with a person who does not work for LandCorp; or

- (d) where one of its staff members sends a document containing your personal information to someone who is not you.

Primary purpose and secondary purposes

- 42 Your personal and/or sensitive information will only be used and disclosed for the **primary purpose** for which it was submitted or for such other **secondary purposes** that are related to that purpose, unless we disclose other uses in this Privacy Policy or at the time of the collection of that information.

Definition pursuant to *Australian Privacy Principles Guidelines*:

Primary purpose refers to the particular purpose for which the information in question was collected.

Secondary purpose is any purpose other than the primary purpose for which we have collected your personal information.

- 43 We will only make use of or disclose your personal information for a **secondary purpose** if:
- (a) you have consented to the use or disclosure of that information; or
 - (b) you would reasonably expect LandCorp to use or disclose the information for the secondary purpose; or
 - (c) the use or disclosure of that information is required or authorised by or under legislation or court/tribunal order; or
 - (d) a “permitted general situation” exists in relation to the use or disclosure of the information by LandCorp; or
 - (e) LandCorp reasonably believes that the use or disclosure of the information is reasonably necessary for one or more enforcement related activities conducted by, or on behalf of, an enforcement body.
- 44 In the event LandCorp discloses information pursuant to clause 41(e), LandCorp will make a written record of the use or disclosure.
- 45 When collecting your information we will inform you of the primary purpose of our collection and/or any anticipated secondary purpose that may arise. The purpose of our collection will vary from project to project, depending on the nature of the project and the nature of your involvement and/or interest in the project.

Who can access my personal information and what conditions apply to their use of my personal information?

- 46 As a general rule, your personal and sensitive information will only be accessed and/or viewed by LandCorp staff and officers, as and when it is appropriate or necessary. However, your personal information may also be accessed, from time to time, by:
- (a) LandCorp contractors, including LandCorp contracted real estate agents;
 - (b) LandCorp project partners; or
 - (c) LandCorp suppliers.

- 47 Where a party, other than an employee or officer of LandCorp, has access to the personal information of individuals, they will be required to comply with the applicable Australian privacy legislation and, where appropriate or necessary, to enter into Privacy Agreements with LandCorp.
- 48 The access and use of your personal or sensitive information by a third party will be restricted to the purpose for which it was first collected and/or to a closely related secondary purpose.

Direct marketing

Definition pursuant to the *Australian Privacy Principles Guidelines*:

Direct marketing involves the use and/or disclosure of personal information to communicate directly with an individual to promote goods and services. A direct marketer may communicate with an individual through a variety of channels, including telephone, SMS, postal mail, e-mail and online advertising.

- 49 LandCorp will not use or disclose your **personal information** for the purpose of direct marketing, unless:
- (a) we collected the information from you;
 - (b) we obtained your consent to the use or disclosure of the information for that purpose (except where it was impracticable to do so); and
 - (c) you would reasonably expect LandCorp to use or disclose the information for that purpose; and
 - (d) we provide you with an easy to use means of opting out of receiving any further direct marketing communications; and
 - (e) you have not requested that we cease sending you direct marketing communications.
- 50 LandCorp will only make use of your **sensitive information** for direct marketing purposes if you have consented to the use or disclosure of that information for that purpose.
- 51 If you receive direct marketing communications from LandCorp or from an associated entity, you are entitled to:
- (a) request that you receive no further direct marketing communications from LandCorp
 - (b) and/or the associated entity; and
 - (c) request that LandCorp disclose the source of the information.

Opting-out

- 52 LandCorp will take reasonable steps to facilitate a request by you to opt-out of receiving direct marketing communications. This may be a request to opt-out of receiving certain communications or to opt-out altogether.
- 53 LandCorp will not charge you for making such a request or for giving effect to such a request.

- 54 LandCorp will take reasonable steps to give effect to such request within a reasonable period of time after the request is made and will reply to a request for the source of the information in a reasonable period of time (unless it is unreasonable or impracticable for us to do so).

E-mails

- 55 We may use your e-mail address to send you LandCorp publications, newsletters, seminars or events. We may also contact you by e-mail to seek your opinion or comment on our website and our service offerings.
- 56 LandCorp, at all times, aims to comply with the terms of the *Spam Act 2003* (Cth) and will not send unsolicited commercial electronic messages or “spam”.
- 57 All commercial electronic messages sent by LandCorp include information about the individual or organisation who authorised the sending of the message.
- 58 You can unsubscribe from our e-mails at any time. You can also contact us if you would prefer not to receive this information and we will comply with your request.

4. How can you access your personal information and/or seek the correction of your personal information?

- 59 You have a right to access the personal information we hold about you and to request the correction of any personal information we hold about you.
- 60 LandCorp will take reasonable steps to ensure that the personal information it collects and discloses is accurate, up to date, complete and relevant.

Requests for access to personal information

- 61 You can make a request for access to your personal information informally in writing or pursuant to the terms of the *Freedom of Information Act 1992* (WA) (**FOI Act**). LandCorp aims to, whenever possible; facilitate informal requests for personal and/or sensitive information.
- 62 Applications and enquiries should:
- (a) made in writing;
 - (b) give enough information so that the documents requested can be identified;
 - (c) give an Australian address to which notices can be sent; and
 - (d) be lodged at LandCorp with any application fee payable.

Determination process

- 63 LandCorp is not required to give you access to personal information to the extent that:
- (a) LandCorp reasonable believes that giving access would pose a serious threat to the life, health or safety of an individual, or to public health or public safety; or

- (b) giving access would have an unreasonable impact on the privacy of other individuals; or
- (c) the request is frivolous or vexatious; or
- (d) the information relates to existing or anticipated legal proceedings between the entity and the individual, and would not be accessible by the process of discovery in those proceedings; or
- (e) giving access would reveal the intentions of LandCorp in relation to negotiations with you in such a way as to prejudice those negotiations; or
- (f) giving access would be unlawful; or
- (g) denying access is required or authorised by or under legislation or a court/tribunal order; or
- (h) giving access would be likely to prejudice one or more enforcement related activities conducted by, or on behalf of, an enforcement body; or
- (i) giving access would reveal evaluative information generated within LandCorp in connection with a commercially sensitive decision making process.

Providing access

- 64 Should you experience difficulty in determining the correct route through which to request access to your personal information, please contact our Freedom of Information and Privacy Officer and they will provide you with assistance.
- 65 LandCorp will take reasonable steps to respond to a request for access within a reasonable period of time after the request is made (within 45 days) and to give access to the information in the manner requested by the individual, if it is reasonable and practicable to do so.
- 66 LandCorp reserves the right to charge you a minimal fee for providing you with your personal information.
- 67 In the event that LandCorp refuses to give you access to the personal information requested by you, we will give you a written notice which sets out the reasons for the refusal (except to the extent that it would be unreasonable to do so) and the mechanisms available to you to complain about the refusal.

Request for correction of personal information

- 68 You can make a request for the correction and/or amendment of your personal information informally in writing or pursuant to the terms of the *Freedom of Information Act*.
- 69 Applications to have personal information held by LandCorp corrected or amended should:
- (a) be made in writing to LandCorp@landcorp.com.au;
 - (b) provide enough information to determine what changes are required; and

(c) provide your current contact details.

70 In the event LandCorp refuses to correct your personal information, LandCorp will give you a written notice which sets out the reasons for the refusal (except to the extent it would be unreasonable to do so) and the mechanisms available to you to complain about the refusal.

71 LandCorp will take reasonable steps to correct or amend your personal information within a reasonable period of time after the request is made (within 30 days) and will not charge you for the making of the request or for the correction of the personal information.

Freedom of Information Charges

72 A scale of fees and charges are set under the *Freedom of Information Act Regulations*. Apart from the application fee for non-personal information all charges are discretionary. The charges are as follows:

- Type of fee:
 - Personal information about the applicant: no fee
 - Application fee (for non-personal information): \$30
- Type of charge:
 - Charge for time dealing with the application (per hour, or pro rata): \$30
 - Access time supervised by staff (per hour, or pro rata): \$30
 - Photocopying staff time (per hour, or pro rata): \$30
 - Per photocopy: 20 cents
 - Transcribing from tape, film or computer (per hour, or pro rata): \$30
 - Duplicating a tape, film or computer information: Actual cost
 - Deliver, packaging and postage: Actual cost
- Deposits
 - Advance deposit may be required for the estimated charges: 25%
 - Further advance deposit may be required to meet the charges for dealing with the application: 75%
 - For financially disadvantaged applicants or those issues with prescribed pensioner concession cards, the charge payable is reduced by 25%.

Freedom of Information and Privacy Officer

73 Applications and enquiries should be addressed to our Freedom of Information and Privacy Officer, Janelle Shinner:

Address: LandCorp, Locked Bag 5, Perth Business Centre WA 6849

Telephone: (08) 9482 7499

Fax: (08) 9481 0861

E-mail: foi@landcorp.com.au

5. How can I complain about a breach or give feedback on how LandCorp deals with my personal information?

74 Should you wish to provide LandCorp with feedback with respect to its management of your personal information, to complain about a breach of LandCorp's privacy obligations or the *Freedom of Information Act* or to appeal a decision with respect to a request for access to or the correction of personal information, **please in the first instance contact our Freedom of Information and Privacy Officer.**

75 Our Freedom of Information and Privacy Officer will take reasonable steps to respond to your complaint and/or feedback within 45 days.

76 In the event that you wish to have a decision refusing access to your personal information and/or refusing to correct your personal information reviewed or to lodge a complaint with respect to the management of your personal information, please contact our Freedom of Information and Privacy Officer.

77 In the event you are dissatisfied with the decision and/or wish to lodge a general complaint with respect to our management of your personal and/or sensitive information, please contact:

(a) the State Ombudsman at <http://www.ombudsman.wa.gov.au/>; or

(b) if the decision in question or complaint in question relates to the *Freedom of Information Act*, please contact the Office of the Information Commissioner at <http://www.foi.wa.gov.au/dnn/home.aspx>.

78 Please note, should you wish to make a further complaint to the Office of the Information Commissioner, you must do this within 60 days of receiving LandCorp's notice of decision. If you are a third party affected by the decision you have 30 days to lodge a complaint.

6. Disclosure of personal information to overseas recipients

79 Generally, LandCorp does not disclose the personal and/or sensitive information of its customers to overseas recipients.

80 However, there is a possibility that, on occasion, your personal information may be disclosed to an overseas recipient. The location of any recipients will vary depending on the project or purpose concerned.

81 In the event that a particular project or development will or may involve the disclosure of personal or sensitive information to an overseas recipient, LandCorp will take

reasonable steps to inform you of that potential use or disclosure as soon as possible. As part of our notification process, LandCorp will inform you of the location and/or identity of that recipient.

- 82 Similarly with other third party recipients and/or partners of LandCorp, we will take reasonable steps to ensure that any overseas recipients comply with privacy policies and regulations which are similar to or more strenuous than those required by the applicable Australian legislation.
- 83 Should you have any queries about the potential disclosure of your personal information to an overseas recipient, please contact our Freedom of Information and Privacy Officer.