

QSNTS Privacy Policy

Endorsed by Executive: 27 August 2014

Queensland South Native Title Services Limited (**QSNTS**) delivers services associated with its statutory functions set out in the *Native Title Act 1993* (Cth). For more information about QSNTS visit: <http://www.qsnts.com.au>

1. Purpose

QSNTS complies with the [Privacy Act 1988](#) (Cth) (**Privacy Act**) and the Australian Privacy Principles (**APPs**) set out in a Schedule to the Privacy Act.

The purpose of this Privacy Policy is to tell you about QSNTS' personal information handling practices. This Privacy Policy explains:

- how QSNTS handles the personal information it collects;
- who we collect personal information from and how;
- how we use, disclose, store and correct personal information;
- how individuals can gain access to, and can correct, the personal information we hold about them; and
- our procedure for handling privacy complaints and contact details.

We may amend this Privacy Policy in accordance with any changes to the law or QSNTS' business requirements.

If you request a copy of our Privacy Policy in a particular form, we will take reasonable steps to provide it to you in the requested manner.

2. Who should read this Privacy Policy?

You should read this policy if you are:

- a consumer of services provided by QSNTS;
- an individual whose personal information may be given to, or held by, QSNTS;
- a contractor, consultant, supplier or vendor of goods or services to QSNTS; or
- an employee of QSNTS.

3. Relevant Legislation, Policies and Procedures

- *Privacy Act 1998* (Cth)
- The Australian Privacy Principles, set out in Schedule 1 of the *Privacy Amendment (Enhancing Privacy Protection) Act 2012* (Cth), which supersede the National Privacy Principles.
- *QSNTS Privacy Policy Disclosure Statement* (D14/9180)
- *QSNTS Personnel File Guidelines* (D13/13456)

4. Definitions

'Personal information' means information or an opinion about an identified individual, or an individual who is reasonably identifiable, whether that information is true or not and whether it is recorded in a material form or not.

'Sensitive information' is a category of 'personal information', and includes information relating to your health, membership of a professional association, religious affiliations/beliefs, criminal record (police checks), and race or ethnic origin.

5. The purposes for which we collect personal information

We collect certain personal information in order to properly undertake our statutory functions and activities, provide services, and support our day-to-day operations as a native title service provider. We also collect personal information through the research undertaken as part of our statutory functions.

Personal information is collected about our staff in order to perform employment and payroll functions and to comply with relevant employment law. This may include sensitive information as required. We place great emphasis on protecting the personal information of our existing and prospective staff, including contractors.

6. Anonymity and pseudonymity

The APPs give you the option of not identifying yourself, or using a pseudonym (alias) when dealing with us, unless:

- we are required or authorised by law to deal only with individuals who have identified themselves; and/or
- it is impracticable to deal with individuals on an anonymous basis or who are using an alias.

If you contact us on an anonymous basis, or by using an alias (for instance, to make a general enquiry or to make a complaint) we will only be able to provide general information to you. In order to give you specific and targeted advice, we will need to establish your identity and your specific circumstances. We may be unable to progress or resolve your specific issue if you choose not to identify yourself.

We will not be able to provide you with specific information about a native title claim unless we can be sure that you are a member of that claim group, or are otherwise authorised by the group to receive that information.

Where a complaint is made about an employee's conduct or performance, the person making the complaint may be required to identify themselves in the interest of natural justice.

So that we can effectively deliver services to you, we will need to know who you are.

7. The personal information that we collect and hold

The type of personal information that we collect about you will depend on our relationship with you and the circumstances of collection. We will not collect personal or sensitive information about you unless it is necessary to do so. Types of personal information collected may include:

- your name, date of birth, address, email address, telephone, mobile or other contact number;
- your gender, occupation, marital status, parentage details, details of dependents;

- details of your relatives including names, addresses and contact details;
- your cultural heritage;
- your racial or ethnic origin, traditional associations, and any other Indigenous identifier to help us provide better services to clients constituents in culturally appropriate ways;
- details of your connection with the land;
- photographs of country and people;
- information you provide for witness statements, for research or any claim prosecution purposes;
- consent for the collection, use or disclosure of your personal information;
- any information you provide to us in the course of making a complaint or compliment about services provided by us for the purposes of complaint resolution and service improvement;
- information you provide for studies or surveys;
- information you provide via our website or social media pages; and
- information you provide about your criminal history (if applicable).

If you are an employee of QSNTS, we may also collect information about your role, your employment type, equal opportunity data, salary information, attendance records, work history, performance appraisals, criminal history (if applicable) and contact details.

8. Sensitive information

The APPs impose additional obligations on QSNTS when collecting, using or disclosing sensitive information.

We will only collect sensitive information where:

- you consent to the collection;
- the collection is required or authorised by law or a court/tribunal order; or
- the information relates to the activities of QSNTS and you are an individual who has regular contact with QSNTS in connection with its activities.

By supplying sensitive information about yourself, you will be taken to have given your consent to our collection of that information. We collect sensitive information for the purposes of researching and prosecuting native title determination applications, or to provide advice to third parties arising out of our statutory functions including providing support to prescribed bodies corporate. Sensitive information may also be used for our employment functions, such as providing for staff with disabilities.

9. How we collect and hold your personal information

QSNTS will only collect personal information by lawful and fair means. We collect personal information through a variety of channels, including:

- paper forms or notices;
- face-to-face meetings;
- any correspondence with us;
- publicly available sources;
- use of our website or social media presence; and

- over the phone.

We receive and collect personal information from third parties (such as your family, researchers or persons acting on your behalf) where necessary. If your personal information is collected from someone other than you, or the personal information is unsolicited, we will take steps to inform you of this.

10. Use of personal information

Your personal information will be used and disclosed for the primary purpose of assisting us to deliver our statutory services.

Your personal information may be used in connection with:

- delivering QSNTS' services, including work in relation to a native title claim, Future Acts and/or an Indigenous Land Use Agreement;
- the submission of evidence in support of a native title claim;
- to provide you with information about meetings, functions or events in which QSNTS is involved;
- conducting research;
- for statistical analysis, which may include responding to requests for statistical (de-identified, i.e. your personal details will be removed) data;
- with your consent, to assist in the assessment, development and identification of service strategies including those to assist Traditional Owner groups;
- the administration and delivery of payments such as travel allowance;
- verifying your identity and corresponding with you;
- providing services in culturally appropriate ways;
- providing information to QSNTS' constituents; and
- for recruitment or employment-related activities, including:
 - to determine eligibility and suitability for employment or contracting, including reference checks;
 - to administer and manage your employment;
 - with your consent, to conduct criminal history checks;
 - to investigate possible staff fraud, including unauthorised access to property and/or information;
 - to obtain and maintain security clearances; and
 - for emergency management purposes.

Your personal information will not be used for any secondary purpose unless:

- you have consented to the disclosure for a secondary purpose;
- the secondary use of your personal information is authorised or required by law; or
- one of the exceptions in the APPs applies.

11. Disclosure of your personal information

It may be necessary to disclose your personal information to:

- third party agents, contractors or external advisors who we engage to assist in the provision of our statutory functions. For example, we may engage third party advisors to provide specialist legal services,

anthropological and historical research, or other specialist services. We will prohibit the third party from using personal information about you except for the specific purpose for which we supply it;

- consultants with whom we have arrangements or agreements for the purpose of undertaking our functions;
- government agencies and authorities with whom we share research results as required or authorised by law; and
- other parties to whom we are authorised or required by law or a court/tribunal order to disclose personal information.

We do not disclose personal information we collect to third parties for the purpose of allowing them to direct market their products and services.

Personal information collected and held in relation to QSNTS employees may be disclosed to:

- previous employers, educational organisations and other agencies or persons as part of a pre-employment check (including reference checks);
- the Australian Taxation Office in accordance with our obligations to advise of salary and taxation payments;
- the Fair Work Commission, and/or our funding body, the Department of the Prime Minister and Cabinet, for purposes including the settling of disputes or complaints; and
- emergency services, for emergency management purposes.

12. Disclosures to overseas recipients

We generally have no need to disclose your personal information to an overseas recipient.

13. Electronic messaging services (SMS and email)

From time to time, we may send you an SMS alert or an email reminder. You may receive electronic messages by SMS or email from us if you have provided a mobile phone number or an email address. The purpose of these alerts is to provide you with information about our services or remind you of a meeting.

SMS or email reminders from us will not contain personal information such as your name or contact details. You will not be asked to respond via SMS or email to any of these communications. Where appropriate, we may send you an SMS or email instead of a letter.

Messages you may receive include:

- requests and reminders to provide documents;
- requests and reminders to provide up to date information;
- confirmation of changes to your details; and
- information about our services.

We consider that a message has been received by you once it has been sent to the service provider and has been forwarded to your account.

You should ensure personal safeguards are in place to protect yourself, your computer, and your mobile phone against security threats.

You are able to withdraw from this service at any time.

14. Website 'cookies' policy

Each time you visit our website, Google Analytics collects statistical data from our site using 'cookies' – a small piece of data sent from our website, and stored in your web browser while you're viewing the site. Your browser returns the cookie to notify us of website browsing activity. These cookies do not capture any information that can personally identify you, and will only be used for improving website functions, administration and security. Statistical data about our website is used for internal purposes only, and contains no personal information.

15. Storage and data security

We take all reasonable steps to protect the personal information we hold against misuse, interference, loss and from unauthorised access, modification or disclosure. These steps include:

- holding paper records securely;
- limiting access to personal information to on a need-to-know basis and only by authorised personnel;
- our premises have secure access; and
- regular audits of our storage and data security systems and protections.

When no longer required, personal information is destroyed in a secure manner, or archived or deleted in accordance with our obligations under the Privacy Act and *Archives Act 1983* (Cth).

16. Quality of personal information

We take reasonable steps to ensure that the personal information we collect about you is accurate, up-to-date, complete, and when being used or disclosed, is also relevant for the purpose of the use or disclosure.

17. Access to, and correction of, your personal information

You may request access to, and correction of, your personal information.

To access or update any personal information that QSNTS holds about you, please contact us on (07) 3224 1200, free call 1800 663 693, or by submitting a request in writing to reception@qsnts.com.au.

We will provide you with details of the personal information which we hold about you, unless there is an exemption that applies under the APPs. We will take reasonable steps to correct any inaccuracies in the personal information about you which is held by us.

If you request to view a Connection Report prepared in relation to a native title claim, we can make arrangements for you to view this in a QSNTS office but we are unable to provide you with a copy. Because these reports contain personal information about a number of people, a member of staff will sit with you while you view the report, and you will not be permitted to make a copy in whole or part.

18. Complaints about the handling of personal information

If you believe we have not collected or handled your personal information in accordance with our obligations under the Privacy Act, we recommend that you try to resolve the issue with the person you have been dealing with. If you are still not satisfied, you can ask to speak to their manager. You may also make a complaint or query to us by using our contact details listed above.

We are committed to quickly respond to, and fairly resolve, complaints. Your complaint will be investigated and you will be advised of the progress, and outcome, of your complaint as quickly as possible. A brochure about our complaints resolution process is available [on our website](#), or by request in paper copy.

We will use the information collected in the lodgment of complaints, compliments or suggestions to investigate and resolve individual issues and to provide feedback to staff or about service areas within QSNTS. The information collected will be stored and used to assist us to improve the delivery of our services.

If you are not satisfied with our response, you may also contact our funding body, the Department of the Prime Minister and Cabinet, and/or the Office of the Australian Information Commissioner.