



FNLRS
FIRST NATIONS
LEGAL & RESEARCH
SERVICES

POLICIES AND PROCEDURES MANUAL
PRIVACY POLICY

1. OVERVIEW

- 1.1 First Nations performs the functions of a representative body under the *Native Title Act 1993* and collects personal and sensitive information to enable it to carry out its functions and activities.
- 1.2 First Nations respects the privacy of all people that it works with and is committed to managing personal and sensitive information in accordance with the *Privacy Act 1998 (Cth)* and the Australian Privacy Principles (**APPs**) set out in the *Privacy Act*.
- 1.3 This Privacy Policy sets out how First Nations manages personal and sensitive information, including information that is collected through its website.
- 1.4 First Nations has a separate Research Information Policy that sets out how it deals with the collection and management of research information that it obtains in the course of carrying out its functions.

2. KINDS OF PERSONAL INFORMATION FIRST NATIONS COLLECTS

- 2.1 The kinds of personal or sensitive information collected by First Nations will vary depending on a particular individual's interaction with First Nations. It may include:
 - name and contact details including telephone number, postal address and email address
 - personal details including gender and date of birth
 - information on personal and family matters, family backgrounds and relationships, and other connections an individual may have with their community and traditional country
 - other information reasonably necessary for or directly related to First Nations carrying out its functions and activities

3. PURPOSES FOR WHICH PERSONAL INFORMATION IS USED

- 3.1 First Nations collects, holds and uses personal information primarily to enable First Nations to carry out its functions and activities. This may include collecting and holding information for purposes such as:
 - assisting with the preparation, negotiation and resolution of native title applications, future acts, and indigenous land use agreements
 - obtaining feedback from individuals about First Nations' functions and activities
 - complying with legislative, regulatory and other legal obligations
 - complying with government funding requirements
 - monitoring and evaluating existing activities and services
 - planning future activities and services
 - producing publications including media releases, newsletters and annual reports
 - legal, policy and research activities related to First Nations' functions (that may also involve other contracted individuals and organisations).

- 3.2 In order to carry out its functions First Nations may provide personal information to external agencies or organisations for the purposes for which it was provided or where an individual would reasonably expect First Nations to use or disclose the information for these purposes.
- 3.3 First Nations conducts its work predominantly in the State of Victoria. First Nations is not in the practice of disclosing personal information to overseas recipients and will not do so without taking reasonable steps to ensure that the overseas recipient does not breach the APPs.

4. HOW PERSONAL INFORMATION IS COLLECTED AND HELD

- 4.1 Where possible, First Nations collects personal information directly from individuals. First Nations does this through various means including face to face and telephone interviews, claim group and family group meetings, forms and questionnaires.
- 4.2 In some situations First Nations may obtain personal or sensitive information from a third party source. If information is collected in this way, First Nations will take reasonable steps to contact the individual and obtain consent for use of the information for the purposes for which it was collected.
- 4.3 First Nations takes reasonable steps (including managerial, administrative, physical and electronic measures) to ensure the security of all personal and sensitive information it holds and protect it from misuse, interference, and loss, and from unauthorised access, modification or disclosure.
- 4.4 First Nations' website provides for the collection of a limited amount of information. From time to time the First Nations website may also provide links to other websites. When a person accesses a website that is not the First Nations website, it may have a different privacy policy. In these circumstances the person should refer to the privacy policy of that organisation or website.

5. ACCESS TO AND CORRECTION OF PERSONAL INFORMATION

- 5.1 An individual may request access to the personal information First Nations holds about them and may also make a request that the information be corrected.
- 5.2 First Nations will provide an individual with access to their personal information in accordance with the APPs and will take such steps as are reasonable in the circumstances to ensure that the information is accurate and up to date.
- 5.3 Under the APPs there are circumstances in which First Nations is not required to provide an individual with access to their personal information. If First Nations refuses to give an individual access to their personal information it will provide them with a notice setting out the reasons for the refusal (except to the extent that it would be unreasonable to do so).
- 5.4 If First Nations refuses to correct personal information about an individual as requested by that individual, it will provide the person with a notice setting out the reasons for the refusal (except to the extent that it would be unreasonable to do so).

- 5.5 If First Nations refuses to correct personal information, the individual may request that First Nations associate with the information a statement that the information is inaccurate, and First Nations will take reasonable steps to do this in a way that will make the statement apparent to users of the information.
- 5.6 Where First Nations holds personal information about an individual and that person wants to obtain access to the information or request that First Nations correct the information, they should contact a member of First Nations staff in writing and that person will forward the request to the relevant manager for consideration.
- 5.7 First Nations will respond to a request for access to or correction of an individual's personal information within a reasonable period and no later than 30 days after the request is made.
- 5.8 Where First Nations refuses to provide access to or correct personal information it will set out in writing the reasons for the refusal and the mechanisms available to complain about the refusal.

6. COMPLAINTS PROCEDURE

- 6.1 Where an individual wants to make a complaint covered by the *Privacy Act* that First Nations has refused to provide access to or correct their personal information or that First Nations has breached an APP, they should forward their complaint in writing to First Nations Chief Executive Officer.
- 6.2 First Nations will acknowledge receipt of the complaint as soon as practicable and may also request any further information it requires to resolve or respond to the complaint.
- 6.3 First Nations will respond to the complaint in writing within a reasonable period and no later than 30 days after the request is made.
- 6.4 An individual may also complain to the Office of the Australian Information Commissioner about the way First Nations is managing their personal information.

7. CHANGES TO THIS PRIVACY POLICY

- 7.1 First Nations will periodically review the way it handles personal information. If changes are made to First Nations procedures to ensure ongoing compliance with the APPs, this policy will be amended accordingly.

8. FURTHER INFORMATION

- 8.1 An up to date version of this policy is available on the First Nations website at www.fnirs.com.au. If you have any enquiries about this policy or require a copy of the policy in a particular form, please contact First Nations on (03) 9321 5300, or by writing to First Nations at PO Box 431, North Melbourne, Victoria 3051.

8.2 For further information about the *Privacy Act* and the Australian Privacy Principles, please contact the Office of the Australian Information Commissioner at www.oiac.gov.au.