

Summary of Privacy Act for members

Commonwealth Government privacy legislation took effect on **21 December 2001**. This legislation established a comprehensive and binding privacy regime for Australian private sector organisations that hold personal information about individuals. It does so by amending the *Commonwealth Privacy Act* 1988, which up until 2001, applied largely only to Commonwealth public sector agencies.

'Organisation' is defined broadly to cover virtually every type of business structure, including corporations, unincorporated associations, individuals, sole traders, and partnerships. You and your business structure, irrespective of your turnover, will almost certainly fall within one of these categories, meaning that you must comply with the Privacy Act

In order to comply, you will need to ensure that you and all your directors, partners and staff do the following things:

- ensure that you do not disclose, store, transfer or handle the personal information you collect and/or deal with except in accordance with the Privacy Act.
- take all reasonable steps to ensure that the personal information you collect and/or deal with is protected from misuse or loss, and from unauthorised access, modification or disclosure.
- take all reasonable steps to destroy or permanently de-identify personal information you collect and/or deal with that is no longer needed for the purposes for which it was provided to you.

All members of the Australian Property Institute who are required to comply with the Privacy Act should have put in place measures to ensure that they comply on a continuing basis. The first step members should have taken towards compliance was to each appoint a Privacy Officer to co-ordinate an approach to the Privacy Laws.

Your organisation should have then undertaken a data audit to determine data collection and supply chains, including the following tasks:

1. review core activities to determine:
 - what are the primary purposes for which personal information is provided to the organisation?
 - what secondary purposes is the information used for?
2. assess information collection practices and ask:
 - whether your organisation collects information about employees, customers or clients, suppliers, members or supporters, complainants, advisers, consultants or other professional experts, and any others;
 - from whom does your organisation collect this information;
 - how your organisation collects and records this information.
3. gauge the type of personal information collected and recorded;

4. assess how your organisation uses and discloses this information;
5. assess how securely this information is held by your organisation;
6. assess the impact of the Privacy Act on those practices.

Following on from the data audit, your organisation should have formulated a Privacy Plan which addressed the following key issues:

- a. development of an organisation level Privacy Policy (including a Privacy Policy for the organisation's website) and relevant Disclosure Statements where necessary;
- b. examination of the organisation's existing security arrangements for holding data;
- c. implementation of a procedure for keeping information accurate and up to date, and for granting access to the information to end-users;
- d. implementation of an effective complaints handling process;
- e. conducting of organisation-wide training on the handling of personal information; and
- f. updating of all standard contracts for arrangements with third parties which involve the disclosure of personal information.

Given the nature of the business activities of members of the Institute, members will come into possession of personal information in many different ways. This information includes details about tenants, property ownership and value and even details about an individual's family and bank accounts. In obeying the Privacy Laws, it is important to recognise that protection of our personal information is a right that we all enjoy, and now, it is a right that we must uphold.