

# RIGHT TO INFORMATION, INFORMATION PRIVACY AND PRIVACY ACT POLICY

<b>POLICY:</b>	This policy outlines Ports North's approach to making information available to the community while providing appropriate protection for individuals' privacy.
<b>BACKGROUND:</b>	<p>The <i>Right to Information Act 2009</i> (RTI Act) and the <i>Information Privacy Act 2009</i> (IP Act) replace the previous Freedom of Information Act.</p> <p>The RTI Act promotes the right of the public to access information and records held by State Government Departments including Government Owned Corporations (GOC).</p> <p>Ports North is subject to the RTI Act and acknowledges the right of the public to seek access to documents it holds, unless the disclosure of information would on balance, be contrary to the public interest. Factors favouring non-disclosure of information in the public interest are outlined in the RTI and IP Acts.</p> <p>The RTI Act also requires GOCs to publish a publication scheme on their websites which includes a disclosure log of documents that have been released in response to an access application.</p> <p>As a Queensland GOC, the information privacy principles in the IP Act do not apply to Ports North. However, certain obligations in the IP Act to grant access to personal information we hold, do apply to Ports North.</p> <p>Ports North is bound by the Australian Privacy Principles (APPs) and the <i>Privacy Act 1988 (Cth)</i> ("the Privacy Act") and is committed to protecting user privacy. Ports North has implemented measures to comply with its obligations under the Privacy Act, including this Policy which also deals with the management of personal information held by Ports North.</p>
<b>APPLICABILITY:</b>	This policy applies to all documents, both created and received, that provides evidence of the decisions and actions of the corporation while undertaking its business activities and applies to all Directors, employees and contractors of Ports North.
<b>DEFINITIONS:</b>	<p><b>Documents</b> – are any form of recorded information, both created and received, that proves evidence of the decisions and actions of the corporation while undertaking its business activities. The RTI Act does not apply to documents received or brought into existence by a GOC in the course of its commercial activities prior to 1 July 2009.</p> <p><b>Disclosure Log</b> – A list of the documents released in response to an RTI application.</p> <p><b>Publication Scheme</b> – Sets out information made publically available by the Corporation and the terms under which the information is available.</p> <p><b>Personal Information</b> – is an opinion or information, whether true or false, about an identified individual or an individual who is reasonably identifiable. It does not have to be recorded in a material form and can be spoken or contained in a database, a computer screen, photograph or visual or audio recording.</p>
<b>PROCEDURES/ GUIDELINES</b>	<p><b>Right to Information and Information Privacy Access Applications</b></p> <p>Ports North has a detailed procedure that will be followed to process Right To Information, Information Privacy and Privacy Act access and amendment</p>

applications. This procedure is available under Policies on Seaport and under the Release of Information Publication Scheme on the website.

In accordance with the RTI and IP Acts, the Chief Executive officer (CEO) is the 'principal officer' and is the person responsible for determining the outcome of any applications under the Acts. In accordance with the Acts, the CEO has delegated this power to the Manager Legal, Risk and Compliance (MLRC) who is the Right to Information & Information Privacy Officer (RTI&IP Officer).

The RTI&IP Officer is responsible for making initial decisions regarding the release of documents within the time periods stipulated in the RTI Act, and will liaise with applicants and other service units regarding access to documents.

The CEO is also responsible for formal internal reviews of decisions made by the RTI&IP Officer, if requested by the applicant. In accordance with the RTI and IP Acts, the CEO has delegated this power to the General Manager Corporate Services (GMCS).

### **Personal Information Collected and Used by Ports North**

Ports North collects, stores and uses a range of personal information and any personal information collected will only be used and disclosed for the purpose for which it has been provided for or as authorised by law.

Personal Information includes, but is not limited to: name, address, age, date of birth, email address, driver's licence number, financial information, distinctive physical characteristics (e.g. tattoos / hair colour) and an individual's sensitive information (e.g. political or religious beliefs, disabilities and sexual preference).

This policy sets out, in general terms, how Ports North manages personal information, including, generally the kinds of personal information we may collect, the purposes for which we may collect it and how we hold, use and disclose personal information.

Ports North generally collects personal information directly from you, when you request information from or have dealings directly with Ports North or access or request information from our website.

Personal Information collected by Ports North will be protected against loss, unauthorised access, use, modification or disclosure.

All records relating to personal information are retained by Ports North for variable periods according to the provisions of Ports North's Retention and Disposal Schedule.

Personal information will not be disclosed to third parties unless you provide consent or Ports North is permitted or required by law to do so.

Personal information that may be held by Ports North that is considered exempt from privacy legislation includes:

- Disciplinary actions and misconduct resulting from a complaint or investigation under the Crime and Corruption Act 2001 (Qld)
- Public interest disclosures and associated investigations under the Public Interest Disclosure Act 2010 (Qld); and
- Publicly available information.

### **General Public**

Visits to the Ports North website are recorded for statistical purposes and to improve site experience. Our server makes a record of your visit and logs the following anonymous information – the user's server address, the user's top level domain name (for example .com, .gov, .au, etc), the date and time of visit to the

site, the pages accessed and documents downloaded, the previous site visited, and the type of browser used. No attempt is or will be made to identify users or their browsing activities except, in the unlikely event of an investigation, where a law enforcement agency may exercise a warrant to inspect activity logs. These electronic logs are maintained for the life of the internet server. System administrators hold this information and access is restricted.

Cookies are used on the website for the collection of anonymous site usage statistics and to improve site experience. No other information is stored about you, other than that provided by you directly or collected for anonymous aggregate site usage statistics.

Email correspondence via the Ports North website or email address and correspondence received in hard copy will be treated as a record and will be retained as required by relevant legislation.

### ***Customers / Contractors / Vendors***

Personal information concerning customers, contractors and vendors is primarily collected and maintained to allow normal business processes to take place, including billing and payment of accounts. In general the records include information such as name, address and business contact details, email and phone numbers, financial information, bank and credit card details. This information is retained electronically and in some cases in paper form, with restricted access.

### ***Stakeholders***

Ports North collects and uses personal information from stakeholders to effectively work with them and to facilitate distribution of corporate communication such as annual reports and other matters.

The personal information is contained in a number of lists, stored electronically and in paper form with restricted access and includes details of:

- Customer/port user contacts;
- Consultation groups;
- External stakeholders.

### ***Employees***

Ports North holds a range of personal information on employees for the purpose of maintaining employment history, payroll and administrative information relating to all employees including Directors and contractors, including:

- those relating to attendance, overtime, leave applications and approvals
- medical records/certificates
- payroll records including banking details and tax file number declaration
- personal history files
- performance appraisals, personal development & training records
- completed surveys
- travel documentation
- superannuation details
- EEO census information
- contracts and conditions of employment

This information is stored electronically and on paper files (locked in secure filing cabinets) with restricted access.

Information may be disclosed to organisations such as Centrelink, Australian Taxation Office, Police and Superannuation funds for taxation, superannuation or legal reasons. This information may also be disclosed to third parties with approval from the employee.

### **Job Applicants**

Ports North collects personal information for the primary purpose of recruitment and selection of staff. Information held includes:

- Recruitment records and dossiers;
- Records relating to reference and probity checks..

This information is retained in locked secure filing cabinets with restricted access, for variable periods according to the provisions of Ports North’s Retention and Disposal Strategy.

### **Complaints and Enquiries**

If an individual is of the opinion that their personal information has not been dealt with in accordance with the relevant Acts and Principles they may make a complaint in writing to Ports North relating to the alleged breach.

If you have any queries or complaints about this policy please contact Ports North RTI&IP Officer:

- In person: Cnr Grafton & Hartley Streets, Cairns
- Post: PO Box 594 Cairns Qld 4870
- Fax: (07) 4052 3853
- Email: [enquiries@portsnorth.com.au](mailto:enquiries@portsnorth.com.au)

**POLICY REVIEW:** The policy will be reviewed every three years by the custodian and any recommended changes approved by the approving authority.

**RELATED MATTERS:** This Policy should also be considered along with the following related documents:-

- ICT Acceptable Use Policy
- Responding to Data Breach Procedure

<b>APPROVED BY:</b>	Board	<b>DATE:</b>	28 May 2010
<b>APPROVING AUTHORITY</b>	Audit and Risk Committee		
<b>DELEGATION INSTRUMENT</b>	Board Resolution – 28 May 2010		
<b>CUSTODIAN:</b>	General Manager Corporate Services		
<b>COMMENTS:</b>	Reviewed by the Audit and Risk Committee – 23 August 2011 Reviewed by the Audit and Risk Committee – 22 August 2014 Reviewed by the Audit and Risk Committee – 20 November 2015 Reviewed by the Audit and Risk Committee – 16 November 2017 Reviewed by the Audit and Risk Committee – 20 November 2020		