



# PRIVACY PLAN

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## Overview

As a public company Port of Townsville Limited (**the Port**) is subject to the requirements of the *Privacy Act 1988* (Cth) (**Privacy Act**) and certain aspects of the *Information Privacy Act 2009* (Qld) (**IP Act**) in relation to access and amendment by individuals of personal information held by the Port.

This Privacy Plan has been developed in a way which takes into account the diverse range of functions within the various business units of the Port and the requirements of the Privacy Act and IP Act.

It aims to provide detailed information on:

- the kinds of personal information that the Port collects and holds;
- how the Port collects and holds personal information;
- the purpose for which the Port collects, holds, uses and discloses personal information;
- how an individual may access personal information about them that is held by the Port and seek the correction of such information;
- how an individual may complain about a breach of the individual's privacy, and how the Port will deal with such a complaint; and
- whether the Port is likely to disclose personal information to overseas recipients and, if so, the countries in which recipients are likely to be located.



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## What is Personal Information?

Personal information is information about people. 'Personal information' is defined in the Privacy Act and IP Act as information or an opinion, including information or an opinion forming part of a database, whether true or not, and whether recorded in a material form or not, about an individual whose identity is apparent, or can reasonably be ascertained, from the information or opinion.

This includes, but is not restricted to: name, address, age, date of birth, email address, driver's licence number, and distinctive physical characteristics such as tattoos or hair colour. Personal information also includes sensitive information about an individual such as political and religious beliefs, disabilities and sexual preference.

To be 'personal', the information does not need to be accurate, and may include opinion or speculation. 'Personal information' does not include information that is publicly available from an appropriate source, or information relating to a deceased person. Also, it does not include information about companies, except where individual employees are specifically identified beyond what is publicly available.

Personal information may be stored in a variety of media such as a computer database or in paper records. Examples can include attendance sheets, bank account details, personnel records, and even photographs, videos and address books where individuals can be reasonably identified.

Personal Information that may held by the Port that is considered exempt from the 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);
- cabinet and executive documents under the *Right to Information Act 2009* (Qld) (RTI Act);
- commissions of inquiry;
- publicly available information;
- information in a library, art gallery or museum for reference, study or exhibition;
- public records under the *Public Records Act 2002* (Qld) in the custody of Queensland State Archives that is not in a restricted access period under that Act; and
- a letter, or anything else, while it is being transmitted by post.

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# What Personal Information Do We Collect and Use?

## General Public

When you look at the Port's website it makes a record of your visit and logs the following information for statistical purposes only:

- the user's server address;
- the user's top level domain name (for example .com, .gov, .au, 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.

These electronic activity logs are maintained for the life of the internet server. No attempt is or will be made to identify users or their browsing activities outside this site. System administrators log and hold this information. Access is restricted to appropriate system administrators. In the unlikely event of an investigation, a law enforcement agency may exercise a warrant to inspect activity logs.

As a Government Owned Corporation, email correspondence from the general public sent to the Port's website or a the Port email address will be treated as a public record and will be retained as required by the *Public Records Act 2002* (Qld) and other relevant regulations. Your name and address details will not be added to a mailing list nor disclosed to a third party without your consent, unless required by law. Email messages may be monitored by our website support staff for system trouble shooting and maintenance purposes.

## Customers and Vendors

Personal information concerning customers and vendors is primarily collected and maintained to process and account for expenditure, revenue and billing. In general terms the records include information such as name and contact/address details, financial information including debts, referee details and checks, bank details and credit cards.

Other customer information that is collected includes identification records such as passport, licence, rates notice, electricity, ATO assessment or bank statement details for the purposes of processing Maritime Security Identification Cards and Small Craft Applications for Moorings. Registration and insurance records are also obtained from small craft mooring permit holders, lease customers and customers who hire the Port's equipment and plant.

Types of information systems used by the Port to store such records include:

- TechOne (e.g. for accounts payable; accounts receivable, ECM);
- Qudos – quality document management system;
- POTS (e.g. shipping records).

The Port's IT network carries, processes and stores information and data that supports the core business applications of the Port. This includes email, email addresses (individual and group), Internet activity, information storage and networked directions. In addition there is also personal information stored that relates directly to user's activities on the IT system. This may include network logins, IT system security identifiers and internet usage. System administrators log and hold this information. Access is restricted to appropriate system administrators.

A request for access to customer and vendor records is provided according to employee need and current policy, through the appropriate manager.

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## Employees

The Port holds a range of information on employees that falls within the definition of personal information as follows:

- records relating to attendance and overtime;
- leave applications and approvals;
- medical records/certificates;
- payroll and pay-related records, including banking and dependency details;
- tax file number declaration forms;
- personal history files;
- performance appraisals;
- records relating to personal development and training;
- trade, skill and aptitude test records;
- completed questionnaires and survey forms;
- travel documentation;
- departmental audit information;
- records relating to personal welfare matters;
- superannuation details;
- EEO census information; and
- contracts and conditions of employment.

Recruitment records may include any one or more of the following:

- recruitment records (job applications/resumes);
- records relating to relocation of staff and removal of personal effects;
- professional membership certificates;
- records relating to the approval of temporary assignments of staff to perform other duties; and
- records relating to character checks and security clearances.

Other employee related records include:

- security identification details;
- staff emergency forms including details such as next-of-kin contact details, special medications, disablements, allergies, blood type, doctor and so on;
- criminal and traffic history clearances;
- records of accidents and injuries including WorkCover claims, medical reports, findings;
- compensation case files;
- rehabilitation case files;
- records relating to counselling and discipline matters, including disciplinary, investigation and action files, legal action files, records of criminal convictions, and any other staff and establishment records as appropriate;
- complaints, grievances, whistleblower and official misconduct documentation;
- mailing lists, address book containing staff and/or external stakeholders;
- expense claim forms;
- personal interest declarations; and
- fringe benefit records.

The purpose of these records is to maintain employment history, payroll and administrative information relating to all permanent, contract and temporary employees of the Port.

Personal information on these records relate to current and former employees, including contract and temporary employees, and the information is stored on paper files (which are locked in secure filing cabinets) and access restricted electronic databases.

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Information held in personnel records may be disclosed to organisations such as Centrelink, Department of Finance, Australia Taxation Office, Police and Q-Super for taxation, superannuation or legal reasons. Information may also be disclosed to third parties such as insurance companies, unions, banks and other financial institutions in order to effect payroll and appropriate employee-related insurances.

The following employees have access to this personal information, subject to appropriate security authority and operational need:

- Manager Employee Relations and team administrative staff;
- managers and supervisors;
- members of selection committees (if appropriate); and
- the individual to whom the record relates.

## The Port’s Privacy Policy

### General

The overall responsibility for the implementation of this Policy rests with the Chief Executive Officer.

All the Port employees have a responsibility to ensure they comply with this Policy and the following guiding principles:

- Personal information must not be collected for inclusion in records, information systems or publications unless it is done for a lawful purpose and is directly related to the Port’s functions or activities.
- Personal information must be collected only by fair and lawful means and must not unreasonably intrude upon the privacy of the individuals concerned.
- When collecting personal information, employees must advise individuals at or before the time, or if that is not practicable, as soon as practicable after collection:
  - why the information is needed;
  - under what legislation or court/tribunal order it is being collected (if any);
  - the consequences (if any) if the information is not provided;
  - to whom the information is normally disclosed; and
  - that further information on the Port’s Privacy Policy (including how to make a correction to their personal information or make a complaint) can be found on the Port’s website.
- Personal information must only be used for the purpose for which it was collected, unless the individual concerned has consented to the use of the information for another purpose.
- Employees are not to disclose personal information to any person unless they are authorised by their immediate manager to disclose such information to another employee for the purposes the Port’s functions or activities or if they have obtained consent from the individual concerned.
- Personal information should not be used or disclosed for direct marketing purposes unless the individual concerned has consented to the disclosure of their personal information for this purpose.
- Government related identifiers of an individual (such as TFNs, ATO assessment numbers, Centrelink reference numbers, etc) should only be used or disclosed by employees to verify the identity of an individual or to fulfil an obligation to a State or Territory agency (e.g. processing of MSIC cards) or if required for law enforcement purposes.

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- Individuals are entitled not to identify themselves or to use a pseudonym should they wish when dealing with the Port, however if this makes it impracticable to deal with the individual the consequences of such conduct should be communicated to the individual to encourage them to provide the personal information requested.
- Unsolicited personal information that is not required for the Port's functions or activities must be securely destroyed as soon as practicable.
- Reasonable steps must be taken to ensure personal information collected is relevant for the purpose for which it is collected and is up-to-date and complete.
- Employees who have access to personal information must ensure that this information is protected against loss and unauthorised access, use, modification or disclosure.
- Personal information must not be kept any longer than necessary and must be disposed of securely in accordance with the relevant disposal schedule.

A summary of the Australian Privacy Principles upon which this Policy is based can be found in **Appendix A** to this document.

### Permitted Disclosure

The Port may use or disclose personal information held by it if:

- consent is given from the individual concerned;
  - it is authorised by law to do so;
  - it is necessary for certain types of law enforcement;
  - reasonable grounds exist to indicate that the use of the information is necessary to prevent or lessen a serious and imminent threat to the life or health of another person;
  - the other purpose is directly related to the purpose for which the information was originally obtained;
- or
- the use is necessary for research in the public interest, does not involve publication of personal information in a way that would identify the individual concerned, and it is not practicable to obtain the consent of the individual before the disclosure of the personal information.

### Security and Retention

The Port is committed to protecting any personal information provided to it. In support of this, the Port has a number of safeguards in place to protect the information we collect including:

- physical (security systems and secure filing room with limited access);
- system (an information security system certified to ISO/IEC 27001:2005); and
- managerial (employee access restrictions).

All records are kept for viable periods according to the applicable provisions of the *General Retention and Disposal Schedule for Administrative Records* and *Ports Sector Retention and Disposal Schedule* issued by Queensland State Archives.

### Accessing Personal Information

Internal requests to access personal employee information should be directed to the Manager Employee Relations.

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Members of the public and employees are entitled under the *Right to Information Act 2009* (Qld) (for a combination of personal and non-personal information) or the IP Act (for personal information only) to access any record containing their personal information. The preceding right is subject to the Port being authorised by legislation to refuse such requests where access is deemed not to be in the public interest.

More information on how to access records held by the Port containing your personal information can be found on the Port's website at <http://townsville-port.com.au/about-the-port/about/governance/right-to-information>.

### Amending Personal Information

the Port takes all reasonable precautions to ensure that the personal information it collects is accurate, complete and up-to-date before it is used. However, the accuracy of that information depends largely on the information received.

the Port recommends that members of the public and employees:

- let the Port know if there are any errors in the personal information held by the Port; and
- keep the Port up-to-date with changes to personal information (noting the process available under the IP Act for individuals to amend their personal information held by the Port – refer to the Port's website at <http://townsville-port.com.au/about-the-port/about/governance/right-to-information> for further information).

### Disclosure of Personal Information to Overseas Recipients

The Port does not disclose any personal information held by it to overseas recipients.

### Information and/or Data Breaches

If the Port becomes aware that there has been an unauthorised information and/or data breach it will expeditiously carry out an assessment as to whether or not that is the case, and will take all reasonable steps to do so within 30 days of the suspected breach.

If the Port determines that an authorised breach has occurred it will soon as practicable after the breach/potential breach has been identified, prepare a statement to the Commonwealth Information Commissioner outlining the following information:

- the identify and contact details of the Port;
- a description of the breach;
- the kind of information that is the subject of the breach;
- the steps that the Port recommends those individuals affected by the breach should take.

In addition, the Port will:

- take reasonable steps to notify the contents of the statement provided to the Commissioner to each of the individuals to whom the relevant information relates; or
- take reasonable steps to notify the contents of the statement provided to the Commissioner to each of the individuals who are at risk from the data breach;
- or publish a statement on its website and take reasonable steps to publicise the statement.

### Complaints

If members of the public or employees have issues concerning their personal information held by the Port or if a person believes that the Port has not dealt with their personal information according to this Policy, they may make a complaint to the Port's Company Secretary and Legal Counsel.

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The complaint must detail in writing the alleged contravention of the Policy. The complaint should be made as soon as possible after the incident and, in any case, within six (6) months from the date when the breach was alleged to have occurred. It should include as much detail as possible about the incident.

The complaint must be forwarded to the Company Secretary and Legal Counsel, at:

*Company Secretary and Legal Counsel  
Port of Townsville Limited  
PO Box 1031  
TOWNSVILLE QLD 4810*

### **Review Procedures**

If a complainant does not agree with the Port's decision regarding a complaint, they can apply in writing to the Chief Executive Officer for a review of the initial decision. Applications for a review must be made within twenty-eight (28) days of the complainant receiving the first decision notice. The postal address for internal review applications is:

*The Chief Executive Officer  
Port of Townsville Limited  
PO Box 1031  
TOWNSVILLE QLD 4810*

The internal review will be carried out by an officer who is no less senior than the initial decision-maker, and who has not previously been involved in the matter. The internal review will be completed within forty-five (45) days of receipt of the application for internal review. The Internal Review Officer will provide a review decision in writing to the individual who requested the further review. Personal information contained in a written complaint will only be provided to parties relevant to the complaint or investigation of the complaint, unless they are advised otherwise.

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# Appendix A

## Summary of the Australian Privacy Principles (APPs)

There are 13 APPs outlined in the Privacy Act which are as follows:

### APP 1 – Open and Transparent Management of Personal Information

This APP ensures entities subject to the Privacy Act manage personal information in an open and transparent way. This includes having a clearly expressed and up-to-date APP Privacy Policy which is freely available to the general public.

### APP 2 – Anonymity and Pseudonymity

This APP requires entities subject to the Privacy Act to give individuals the option of not identifying themselves, or of using a pseudonym (a name an individual assumes for a particular purpose which is different to their actual name). This requirement is subject to certain limited exceptions, including where it is impracticable for an entity to deal with an individual who has not identified themselves, or where the law or a court/tribunal order requires or authorises an entity to deal with individuals who have identified themselves.

### APP 3 – Collection of Solicited Personal Information

APP 3 provides that entities subject to the Privacy Act may only collect personal information that is reasonably necessary for, or directly related to, one or more of the entity's functions or activities.

### APP 4 – Dealing with Unsolicited Personal Information

This APP requires entities subject to the Privacy Act to only maintain unsolicited personal information if that information is reasonably necessary for, or directly related to, one or more of the entity's functions of activities. In the event that such information does not meet this requirement, the entities are required to securely destroy or de-identify the information as soon as practicable.

### APP 5 – Notification of the Collection of Personal Information

This APP provides that when collecting personal information, individuals must be advised at or before the time, or if that is not practicable, as soon as practicable after collection:

- (a) the identity and contact details of the entity collecting the information;
- (b) why the information is needed;
- (c) under what legislation or court/tribunal order it is being collected (if any);
- (d) the consequences (if any) if the information is not provided;
- (e) to whom the information is normally disclosed;
- (f) information on the entities Privacy Policy (including how to make a correction to their personal information or make a complaint);and
- (g) whether the entity is likely to disclose the personal information to overseas recipients and if so the countries in which such recipients are likely to be located.

### APP 6 – Use or Disclosure of Personal Information

This APP outlines the circumstances in which an entity subject to the Privacy Act may use or disclose personal information that it holds including when it is necessary to assist in locating a missing person, to establish, exercise or defend a legal or equitable claim or for the purpose of a confidential alternative dispute resolution process.

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## APP 7 – Direct Marketing

This APP provides that entities may only use or disclose personal information for direct marketing purposes where the individual has either consented to their personal information being used for direct marketing, or has a reasonable expectation that their personal information will be used for this purpose, and conditions relating to opt-out mechanisms are available.

## APP 8 – Cross-border Disclosure of Personal Information

This APP outlines the steps an entity subject to the Privacy Act must take to protect personal information before it is disclosed overseas.

## APP 9 – Adoption, Use or Disclosure of Government Related Identifiers

This APP outlines the limited circumstances when an entity subject to the Privacy Act may adopt a government related identifier of an individual as its own identifier, or use or disclose a government related identifier of an individual. Circumstances include when it is necessary to verify the identity of an individual, to fulfil an obligation to a State or Territory agency or for one or more enforcement related activities conducted by, or on behalf of, an enforcement body.

## APP 10 – Quality of Personal Information

This APP provides that an entity subject to the Privacy Act must take reasonable steps to ensure the personal information it uses or discloses is accurate, up-to-date, complete and relevant, having regard to the purpose of the use or disclosure.

## APP 11 – Security of Personal Information

This APP provides that an entity subject to the Privacy Act must take reasonable steps to protect personal information it holds from misuse, interference and loss, and from unauthorised access, modification or disclosure. An entity has obligations to destroy or de-identify personal information in certain circumstances.

## APP 12 – Access to Personal Information

This APP outlines the obligations of an entity subject to the Privacy Act to provide access individuals to their own personal information if requested. In Queensland, the IP Act provides a specific process upon which individuals can apply to a State Government agency for access to their personal information.

## APP 13 – Correction of Personal Information

This APP requires entities subject to the Privacy Act to take reasonable steps to correct personal information to ensure that, having regard to a purpose for which it is held, it is accurate up-to-date, complete, relevant and not misleading. In Queensland, the IP Act provides a specific process upon which individuals can apply to a State Government agency to correct their personal information.

The full details of the requirements of the APPs can be found in the Privacy Act online at [http://www.austlii.edu.au/au/legis/cth/consol\\_act/toc-P.html](http://www.austlii.edu.au/au/legis/cth/consol_act/toc-P.html).

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