

Version Control and Approval

Version	Reason for Update	Responsibility	Date
V01	Draft for review	SSA	29/09/2023
V02	Draft for review	SSA	n/a
V03	Draft for review	SSA	n/a
V04	Draft for review	Birgit Nielsen	28/11/2023
V05	Draft for review	Birgit Nielsen	30/11/2023

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1. Purpose

The Central Land Council (CLC) Privacy Policy sets out how our organisation manages personal information that it receives and collects. Personal information is managed in accordance with the Privacy Act 1988 (Commonwealth).

The Central Land Council is a representative body promoting Aboriginal rights and is a Commonwealth statutory authority under the Aboriginal Land Rights (Northern Territory) Act 1976 and a Commonwealth corporate entity under the Public Governance Performance and Accountability Act 2013 (PGPA). It also has functions under the Native Title Act 1993 and the Pastoral Lands Act 1992. CLC handles personal information when performing its functions under this legislation.

2. Objectives of the Privacy Act 1988

The Privacy Act was introduced to promote and protect the privacy of individuals and to regulate how Australian Government agencies and organisations with an annual turnover of more than \$3 million, and some other organisations, handle personal information. The Act includes 13 Australian Privacy Principles (APPs), which apply to some private sector organisations, as well as most Australian Government agencies. The Act also regulates the privacy component of the consumer credit reporting system, tax file numbers, and health and medical research.

3. What is Personal Information

The Act defines personal information as *information or an opinion about an identified individual, or an individual who is reasonably identifiable:*

- whether the information or opinion is true or not; and
- whether the information or opinion is recorded in material form or not.

It can include information such as:

- a person's name or address
- bank account details and credit card information
- photos
- information about opinions and what a person likes

Sensitive information is personal information that includes information or an opinion about an individual's:

- racial or ethnic origin
- political opinions or associations
- religious or philosophical beliefs
- trade union membership or associations
- sexual orientation or practices
- criminal record
- health or genetic information
- some aspects of biometric information (e.g. where used for verification or identification).

Sensitive information has a higher level of privacy protection than other personal information.

4. Why does CLC have a Privacy Policy

The Australian Privacy Principles (APP), which form part of the Privacy Act, require entities to have a Privacy Policy in place and available. CLC wishes to be compliant where required and follow best practice in relation to Privacy to protect the interests of its stakeholders. As such this Policy includes:

- the kinds of personal information that CLC collects and holds;
- how we collect and hold personal information;
- the purposes for which we collect, hold, use and disclose personal information;
- how an individual may access personal information about the individual that is held by us and seek the correction of such information;
- how an individual may complain about a breach of the Australian Privacy Principles, and how we will deal with such a complaint;
- whether we are likely to disclose personal information to overseas recipients and their countries (if applicable and practical).

5. Kinds of information collected and held by CLC

5.1. CLC Information

CLC collects and holds personal information required to manage the organisation, service its stakeholders, and meet its statutory and community obligations. For example, it maintains information concerning:

- the appointment and pecuniary interests of Council members;
- the details and employment history of all permanent, contract and temporary personnel;
- the health and well-being of personnel;
- licences, permits and other agreements made with individuals in relation to Aboriginal land;
- payment of entitlements and grants to individuals;
- individuals in relation to Aboriginal cultural and anthropological matters; and
- images of individuals in photographs or videos.

Appendix 1 provides further details of the nature of such personal information.

5.2. Aboriginal Corporation Information

The Aboriginal Associations' Management Centre (AAMC) is the CLC unit responsible for administering Aboriginal Corporations, providing administrative and accounting services for corporations and any subsidiaries. In this role, CLC collects and holds personal information on behalf of Aboriginal Corporations, including membership and Director records such as:

- names and dates of birth
- contact details
- bank details
- resignation letters and other personal similar correspondence.

Note: Some personal information about Aboriginal Corporations held by CLC may be part of the public Register of Aboriginal and Torres Strait Islander Corporations.

6. How is personal information collected?

There are a variety of ways that CLC collects personal information from individuals. This may be via written correspondence (postal and electronic), forms on our website (including any attachments) recorded phone calls or meetings, or photographs or videos taken of specific activities or events.

Where possible, CLC will collect personal information about an individual only from that individual. However, we may sometimes collect information indirectly (e.g. from a recruitment agency or another government body). In circumstances of such indirect collection, CLC requires assurances that the provider has permission to share the personnel information.

CLC may also receive unsolicited personal information. However, in such instances, CLC will destroy or de-identify the personal information as soon as practicable, where it is lawful and reasonable to do so.

7. Where is the personal information held?

Personal information may be held within:

- Electronic databases (including our electronic document and records management system)
- Email
- External cloud service provider databases
- Physical files and similar containers, including those held in our archives store

CLC information is accessible only to our personnel, contractors and consultants who are bound by **CLC's Disclosure of Personal Information Policy and Confidentiality Agreement**. Access to certain information is further restricted within CLC to certain personnel to protect certain types of information including sensitive information. Security and access protocols are in place to ensure protection of sensitive information. Access to specific types of information is further restricted within CLC.

Physical access to CLC's premises, including its information stores, is strictly controlled.

8. Why is the information collected, held, used and disclosed?

All the personal information CLC collects, holds, uses and discloses is for the purposes of fulfilling its functions. CLC takes reasonable steps to ensure individuals are aware of the personal information being collected about them, including the purpose of its collection. We will only collect sensitive information with consent and if it is reasonably necessary for, or directly related to our functions.

CLC will occasionally use personal information for a secondary purpose. That is, a purpose other than the primary purpose for which it was collected. For example, personal information may be collected for a land claim (primary purpose) and subsequently used to support a Native Title application over a nearby area (secondary purpose). However, CLC will only use personal information for a secondary purpose if such a purpose is related to (or, for sensitive

information, directly related to) the primary purpose, and if it is reasonable that the individual would expect CLC to use the information for this purpose. In the event that the secondary purpose is not related to the primary purpose, CLC will either seek the individual's consent or de-identify information before using the information for the secondary purpose.

CLC will not sell personal information to another person.

9. Accessing and seeking correction of personal information

The Australian Privacy Principles give individuals the right to access or seek correction of the personal information that CLC holds about them. There is no fee associated with making a request.

CLC will take reasonable steps to correct personal information to ensure that it is accurate, up-to-date, complete, relevant and not misleading, having regard to the purpose for which it is held.

If an individual would like access to the personal information that CLC holds about them, or would like to correct personal information which they believe is incorrect, they should contact CLC via its website, setting out the details of their request and contact details.

CLC will acknowledge the request within 10 working days of receipt and provide a response within 30 working days. In certain circumstances, CLC may require more time to process the request, in which case we will notify the applicant of the delay before the 30 days have elapsed.

It should be noted that information created and held by CLC under its functions as a Commonwealth statutory authority are regarded as Commonwealth records under the Archives Act 1983. As such, Commonwealth records may generally only be destroyed or amended in accordance with that Act.

Should CLC determine that it cannot comply with the request to provide or amend the personal information, it will provide a written notice of the refusal, including the reasons for the refusal and the complaint mechanisms available to the applicant.

10. Breaches of the APPs

In the case of a data breach affecting personal information, CLC will take reasonable steps to contain the breach and reduce the likelihood of harm. If the breach is likely to result in serious harm, CLC will promptly notify affected individuals, and the Australian Information Commissioner, according to the Notifiable Data Breaches scheme.

Any complaints about CLC's use of personal information, including possible breaches of the APPs, can be made to the Privacy Contact via the CLC website. The complaint will be handled in accordance with CLC's complaints policy, which requires that all correspondence receive a response within 10 working days, and be actioned as soon as possible, but in complex cases it may take several weeks.

11. Likelihood of disclosing personal information to overseas recipients, and to which countries

CLC's aims for IT providers, including cloud services and back-up services, to be fully physically present in Australia. These providers are well-established with good track records of maintaining privacy.

It is therefore unlikely that CLC will disclose personal information to recipients in other countries. However, in some circumstances, CLC may use service providers based in other countries, which may involve the disclosure of some personal information.

If CLC does engage a service provider (e.g. an anthropological research provider) to collect personal information in Australia, it will contractually require the company to comply with the Australian Privacy Principles. When using overseas service providers that may handle personal information, CLC will select a service provider in a country with similar privacy protections to those afforded by the Australian Privacy Act.

12. Website

CLC will provide access to an abridged version of the policy with a brief collection statement on their website. It will also include an opportunity for the public to contact the organisation.

13. Communication and training

This policy will be communicated to all CLC personnel and training will be provided on aspects of the policy, in accordance with roles and responsibilities of personnel.

Communication and training will reflect any amendments to this policy.

14. Responsibilities

All personnel	All personnel are responsible for complying with this policy.
CEO	The CEO is ultimately responsible for the management of information within the CLC. The CEO has authorised this policy. The CEO promotes compliance with this policy.
General Managers	The CLC's General Managers are responsible for high-level support of, and adherence to this policy.
Business Systems & Information Governance Committee	This committee is responsible for enterprise-wide management of CLC's information assets. It coordinates CLC's information and data governance policies, of which privacy is a component.



Information Services Manager and staff	The Information Services (IS) unit is responsible for overseeing the management of information in CLC. Privacy forms part of this responsibility.
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Privacy Contact	Via CLC website contact form.
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15. Monitoring and compliance

Information Services will regularly monitor and review the application and effectiveness of this policy as part of its information management responsibilities.

Non-compliance with this policy may result in disciplinary action, up to and including termination of employment or contract, in accordance with CLC's Code of Conduct and relevant legislation.

16. Review

CLC may update this policy at any time and will review this policy at least annually, particularly given the pending changes to the Act. Any revised versions will incorporate a change log.

Appendix 1: CLC's Personal Information

Finance & Payroll

- Bank account details
- Union membership that is funded via salary sacrifice (this is also sensitive information)
- Tax File Numbers
- Dependent information necessary to support airfare claims
- Personal details
- Superannuation details
- Details for personal deductions
- Child support
- Centre link information
- Fine debts
- Request for hardships
- Information from former employer for Long Service Leave (LSL)
- Salary sacrifice information/novated lease

Aboriginal land access permits, leases and licences, and sacred site certificates

- Name
- Postal/street address
- Email address
- Phone number
- Covid certificates (where required)
- Signatures (where required)
- Vehicle registration and trip details

Mining and Other Land Use Agreements

- Bank account details
- Signatures
- Information provided by Anthropology, i.e. names, addresses, phone numbers, emails.
- Information associated with recruitment
- Vehicle registration (VMOs)

Anthropology – Genealogy applications

- Name
- Postal/street address
- Email address
- Phone number
- Names of parents, grandparents, great grandparents,
- Names of other family members and their relationship
- Signatures

Aboriginal Corporations

- Names and addresses of corporation directors and members



- Public Guardianship information
- Records of Deceased people (funeral fund applications)
- Recipients of sorry and ceremony payments

Funeral and Ceremonial Support/Grants

- Name
- Postal/street address
- Email address
- Phone number
- Dates of birth and death
- Signatures

Complaints

- Name
- Contact details
- Persons to who a complaint relates (if relevant)

Media

- Name
- Relationship (to subject in photo or video)