

**Native Title Services Goldfields Privacy Policy**

*Your privacy is important*

This Privacy Policy sets out the approach of NTS Goldfields Ltd (NTSG) in relation to our management of personal information. NTSG is bound by the Australian Privacy Principles (APPs) under the *Privacy Act 1988* (Cth) (*Privacy Act*) and is compliant with the *Privacy Amendment (Enhancing Privacy Protection) Act 2012*. This policy has been drafted in order to comply with the APPs.

NTSG may, from time to time, review and update this Privacy Policy to take account of new laws and technology, changes to our operations and practices and to make sure it remains appropriate to the changing legal environment.

There is a dictionary at the end of this document which explains some of the words used in this statement, for example “collect”, “consent”, “health information”, “personal information”, and “sensitive information”.

**Why do we collect your personal information?**

1. NTSG will only collect personal information if it is reasonably necessary to pursue at least one of our functions and activities in the course of operating our business as a native title service provider (**Core Business**). In support of our Core Business, we *may* also carry out the following related functions and activities:
  - (a) operating as heritage service provider for native title claim groups, including by employing and co-ordinating cultural heritage workers to carry out heritage surveys;
  - (b) funds management as the trustee for native title trusts;
  - (c) agreement implementation;
  - (d) accountancy and financial planning in relation to native title trusts;
  - (e) corporate administration; and
  - (f) engaging and managing consultants to support the Core Business and the above functions and activities.
  
2. We also carry out other activities that assist us to pursue our business objectives and provide our services, such as hiring and managing our employees and

Page 1 of 12			
Area: 000-099 Governance	Issue Date: 9/12/2020	Version Number: v001	Revision Date: 9/12/2022
Status	<input checked="" type="checkbox"/> Current	<input type="checkbox"/> Interim	<input type="checkbox"/> Draft: Final
	<input type="checkbox"/> Draft: Exposure	<input type="checkbox"/> Draft: In Development	<input type="checkbox"/> Superseded

consultants.

3. In order to comply with governance requirements, we also collect personal information from the members, shareholders and officers of the NTSG.
4. We may collect your personal information when we carry out these activities. For example, if you apply for a job with us and send us your CV, or fill out one of our online applications (including our complaint form), this will be a collection of your personal information by us.

#### **What personal information do we collect?**

5. The personal information that we collect varies with the functions and activities that we engage in, but without limitation it may include:
  - (a) contact information, including names, dates of birth, titles, email addresses, residential addresses, and telephone and fax numbers;
  - (b) bank account details and tax file numbers;
  - (c) drivers' licence details and vehicle registration details;
  - (d) details of complaints that we receive; and
  - (e) information that we are required or authorised by or under an Australian law, or a court/tribunal order, to collect and keep.
6. In the course of carrying out recruitment activities, we may collect information regarding your educational qualifications, career history, interests, hobbies and job interests and such other information as may be routinely included within a curriculum vitae. We may also collect personal information during standard pre-employment checks, such as National Police Clearance/CrimTrac checks and psychometric testing.

#### **What sensitive information do we collect?**

7. From time to time, we may collect sensitive information about you in order to conduct our activities. However, we only collect sensitive information if:
  - (a) the collection is reasonably necessary for one or more of our activities or functions; and
  - (b) we have your consent to the collection; or
  - (c) an exception applies (see paragraph 6 below).
8. The APPs list a number of circumstances that permit the collection of sensitive information about you without your consent. If you would like more information

about these circumstances, please contact our Privacy Officer at [privacyofficer@ntsg.org.au](mailto:privacyofficer@ntsg.org.au) or on telephone number 08 9331 0100. We only collect sensitive information without your consent if one or more of those circumstances applies.

9. The sensitive information that we collect may include:
  - (a) racial or ethnic origin and religious beliefs or affiliations including:
    - i. proof of connection to one or more native title claim groups;
    - ii. evidence to prosecute native title claims; and
    - iii. information obtained through heritage surveys;
  - (b) health information, which we collect to ensure the well-being of our staff or for complying with health and safety requirements on heritage surveys or field trips; and
  - (c) criminal records, which we collect both as part of our standard pre-employment checks, and during the course of employment (in relation to certain positions)

## **How do we collect and store personal information?**

### Collection of personal information

10. We will only collect personal information if it is reasonably necessary for us to carry out our functions and activities, and only by lawful and fair means that are not unreasonably intrusive.
11. **Directly from you:** In most cases, we will collect personal information directly from you.

We usually collect your personal information from you directly through forms that you complete and return to us (including online forms delivered through our website), when we speak to you on the telephone, or in person, or through video or other recordings.
12. **From another person:** Sometimes we will collect your personal information from someone else so that we can carry out the functions and activities that we need to do. We will do this if we can't, or it is not practical to, collect the information directly from you. In some circumstances we might be required or authorised by an Australian law or court/tribunal order to collect your personal information from someone other than you.
13. **Information you give us about someone else:** If you give us personal information

about one of your family members or a friend, we will accept that information from you on the basis that you have their permission to give us that information.

14. **Dealing with us anonymously:** You can choose to deal with us anonymously or by using a pseudonym or without giving us any of your personal information, but if you do so we might not be able to provide you with the assistance that you need.
15. However, we may elect not to deal with you anonymously or with a pseudonym if:
  - (a) we are required or authorised by or under an Australian law, or a court/tribunal order, to deal with you in accordance with your identity; or
  - (b) it is impracticable for us to deal with you in this way.
16. In relation to employee records: Under the *Privacy Act*, the Australian Privacy Principles do not apply to an employee record. As a result, this Privacy Policy does not apply to the NTSG treatment of an employee record, where the treatment is directly related to a current or former employment relationship between us and an employee.

#### **Storage of personal information**

17. We take reasonable steps to protect your personal information from misuse, interference, loss, unlawful access, modification and disclosure and we use a number of physical, administrative, personnel and technical measures to protect your personal information.
18. We may store online or hardcopy documents containing personal information in secured facilities.
19. Electronic documents are stored with security measures implemented to ensure the security and confidentiality of the documents and the personal information contained in them.
20. The Australian Privacy Principles requires NTSG not to store Personal Information longer than necessary. If we hold personal information about you which we no longer require, we will take reasonable steps to destroy the information or ensure that it is de-identified (unless our compliance with the APPs or a law requires us to avoid taking such steps).
21. NTSG has an Information Barrier policy which ensures that we minimise the risk of a conflict of interest occurring where our staff represent people with different

interests.

### **What do we do with your personal and sensitive information?**

22. Generally, we will only use or disclosure your personal information for the purpose that we collected it for. From time to time, we may use or disclose personal information or sensitive information for secondary purposes if we receive your consent or if the APPs otherwise permit us to do so. The APPs permit us to use and disclose personal information for a secondary purpose without your consent if:
- (a) you would reasonably expect us to use or disclose the information for a secondary purpose that is:
    - i. if the information is sensitive – directly related to the primary purpose;
    - ii. if the information is not sensitive – related to the primary purpose;
  - (b) the use or disclosure of the information is permitted or authorised by or under an Australian law or a court/tribunal order. Examples of this include if our disclosure of your information will reduce or prevent a serious threat to life, health or safety or our disclosure is in response to any unlawful activity.
23. From time to time, we may need to disclose personal information to third parties to carry out our functions and activities, including the following:
- (a) government organisations such as the Australian Taxation Office or ASIC;
  - (b) any third-party superannuation provider nominated by our employees;
  - (c) insurers (and their advisors) regarding applicable employee policies in place (e/g life/TPD), and/or in relation to insured incidents which occur in the workplace;
  - (d) travel services providers, including travel/booking agents and flight providers;
  - (e) third party companies for employment and contracting registers, as a part of the agreement implementation process; and
  - (f) third party advisors, such as external lawyers or heritage consultants.

### **Notification of collection**

24. At or before the time we collect personal information about an individual (or, if that is not practicable, as soon as practicable after), we will take such steps as are reasonable in the circumstances to notify the individual of the following information (“Collection Information”):
- (a) our identity and contact details;
  - (b) that we have collected the personal information;

- (c) if the collection of the personal information is required or authorised by or under an Australian law or a court/tribunal order – the fact that the collection is so required or authorised;
  - (d) the purpose for collecting the personal information;
  - (e) the main consequences (if any) for the individual if we do not collect all or some of the personal information;
  - (f) the organisations, or types of organisations, to which we usually disclose personal information of that kind;
  - (g) the fact that our privacy policy statement contains information about how the individual may access the personal information that we hold about them and how they may seek correction of such information;
  - (h) the fact that our privacy policy statement contains information about how individuals may complain about a breach of the APPs and how we will deal with such a complaint; and
  - (i) whether we are likely to disclose the personal information to overseas recipients, and if so, the countries in which such recipients are likely to be located (if practicable to do so).
25. Circumstances may arise where it would be reasonable for us not to provide the individual about whom the information relates with notice of all or some of the Collection Information.

### **Do we use your personal information for direct marketing?**

26. NTSG does not engage in direct marketing.

### **Our website and cookies**

27. We may collect personal information about you when you use and access our website.  
Our website can be found at: [www.ntsg.org.au](http://www.ntsg.org.au)
28. While we do not use browsing information to identify you personally, we may record certain information about your use of our website, such as which pages you visit, the time and date of your visit and the internet protocol address assigned to your computer.
29. We may also use 'cookies' or other similar tracking technologies on our website that help us track your website usage and remember your preferences. Cookies are small files that store information on your computer, TV, mobile phone or other device. They enable the entity that put the cookie on your device to recognise you

across different websites, services, devices and/or browsing sessions. You can disable cookies through your internet browser but our websites may not work as intended for you if you do so.

30. We may also use cookies to enable us to collect data that may include personal information. We will handle any personal information collected by cookies in the same way that we handle all other personal information as described in this Privacy Policy.

#### **Receipt of unsolicited personal information**

31. If we receive personal information that we did not take any active steps to collect, we will determine whether we would have been permitted to collect that information as part of pursuing our business objectives and providing our services.
32. If we would not have collected the information to pursue our business objectives and provide our services, we will destroy or de-identify the information that we received if it is lawful to do so.
33. If the information is the type of information that we would have collected to pursue our business objectives and provide our services, we may retain the information and it will be protected by our privacy policies and procedures.

#### **Quality of personal information**

34. We will take reasonable steps to ensure that the personal information that we collect, or use and disclose, is accurate, up-to-date, relevant and complete.
35. If you think that the personal information we hold about you might be out of date and needs to be corrected, please contact us.

#### **Disclosure to overseas recipients**

36. We do not typically disclose any personal information that we collect to overseas recipients. We store the personal information that we collect in Australia.
37. However, from time to time our server backs up the data on it and that backup is sent to our IT service provider who could store it overseas.
38. Before disclosing personal information to an overseas recipient, we will take such steps as are reasonable in the circumstances to ensure that the overseas recipient also complies with the APPs in relation to that information, unless the APPs do not

require us to do so.

39. We will not be required to take the steps described in paragraph 38 above if:
- (a) we reasonably believe that:
    - i. the recipient of the information is subject to a law or a binding scheme that has the effect of protecting the information in a way that, overall, is at least substantially similar to the way in which the APPs protect the information; and
    - ii. there are mechanisms that could be taken to enforce the law or binding scheme; or
  - (b) both of the following apply:
    - i. we expressly inform the individual about whom the information relates that if they consent to the disclosure of the information, we will not be required to take the steps described in paragraph 38 above; and
    - ii. after being so informed, the individual consents to the disclosure; or
  - (c) the disclosure of the information is required or authorised pursuant to an Australian law or a court/tribunal order; or
  - (d) the APPs otherwise allow us to refrain from taking the steps described in paragraph 38 above.

#### **Access to personal information**

40. Requests for access to your personal information should be made in writing and addressed to the Privacy Officer.
41. Upon request of your personal information, we will, within a reasonable period of the request being made, give access to the information in the manner requested (if it is reasonable and practicable to do so), subject to exceptions set out in the APPs.
42. The APPs provide a list of situations in which we may deny you access to your personal information. These situations include where:
- (a) granting access would have an unreasonable impact on the privacy of others;
  - (b) the information relates to existing or anticipated legal proceedings, and would not be accessible by the process of discovery in those proceedings;
  - (c) granting access would reveal our intentions in relation to negotiations with you in such a way as to prejudice those negotiations;



- (d) granting access would be unlawful; and
  - (e) granting access would be likely to prejudice the taking of appropriate action in relation to suspected unlawful activity or serious misconduct.
43. If we refuse to give access to personal information in accordance with the APPs, we will provide a written notice setting out:
- (a) the reasons for denying access to personal information (except where it would be unreasonable to provide such reasons);
  - (b) the mechanisms available to complain about the refusal; and
  - (c) any other matters prescribed by the regulations.
44. Generally, we will not charge fees for the making of a request or giving access to personal information. However, we reserve the right to charge reasonable fees where requests for personal information contain complications or are resource intensive.

#### **Correction of personal information**

45. If you would like to correct personal information that we hold about you, you can write to our Privacy Officer or visit our Privacy Officer in person. Our contact details are set out below.
46. If, with regard to the purpose for which it is held, we are satisfied that personal information we hold is inaccurate, out-of-date, incomplete, irrelevant or misleading, or if the individual about whom the information relates makes a request, we will take reasonable steps to correct the information. However, as a matter of practice, when we receive personal information we will hold the information for a period of time before we consider whether it is inaccurate, out-of-date, incomplete, irrelevant or misleading (unless we are informed otherwise).
47. If we correct personal information, we will take reasonable steps to notify any third party to whom we had previously disclosed the information, if the individual about whom the information relates requests as such and it is not unlawful or impracticable for us to do so.
48. If we refuse to correct personal information in accordance with the APPs, we will provide a written notice setting out:
- (a) the reasons for the refusal (except where it would be unreasonable to provide the reasons);
  - (b) the mechanisms available to complain about the refusal; and
  - (c) any other matter prescribed by the regulations.

49. If we refuse to correct personal information in accordance with the APPs, the individual may request that we associate the information with a statement that the information is inaccurate, out-of-date, incomplete, irrelevant or misleading. Where such a request is made, we will take reasonable steps to associate the statement so that it is apparent to the users of the personal information.
50. We will aim to respond to any request regarding the correction of personal information within 30 days of the request being made.
51. We will not charge fees for requests for the correction of personal information or for associating the statement with the personal information.

### **Complaints**

52. If you believe that we have breached your privacy rights in any way, you may make a written complaint to the Privacy Officer.
53. The Privacy Officer will review the complaint, consider our conduct in relation to the complaint and the requirements of the APPs, and will consider appropriate action. The Privacy Officer will inform you of his or her decision within 30 days of receiving the complaint.
54. If you are unhappy with the Privacy Officer's decision, an appeal may be made to the Office of the Australian Information Commissioner.

### **Changes to this policy**

55. We may change our Privacy Policy Statement from time to time by publishing changes to it on our website. We encourage you to check our website periodically to ensure that you are aware of our current Privacy Policy. Our website can be found at [www.ntsg.org.au](http://www.ntsg.org.au).

### **Our contact details**

Our Privacy Officer may be contacted at:

Email: [privacyofficer@ntsg.org.au](mailto:privacyofficer@ntsg.org.au)

You can also post requests to our Privacy Officer at WA. Our telephone number is 08 93310100. Please ask to speak to our Privacy Officer.

## Dictionary

<p>“collect”</p>	<p>Personal information is only collected if it is included in a record or generally available publication.</p>
<p>“consent”</p>	<p>This means express consent or implied consent:</p> <ul style="list-style-type: none"> <li>(a) expressly – express consent is given explicitly either in writing or orally; or</li> <li>(b) implied – your consent will be implied where your consent can be inferred from your conduct and our conduct</li> </ul>
<p>“health information”</p>	<p>This refers to:</p> <ul style="list-style-type: none"> <li>(a) information or an opinion about an individual, that is also personal information, about: <ul style="list-style-type: none"> <li>i. the health (including fitness for work) or a disability (at any time) of an individual; or</li> <li>ii. an individual’s expressed wishes about the future provision or health services to him or her; or</li> <li>iii. a health service provided, or to be provided, to an individual; or</li> </ul> </li> <li>(b) other personal information collected to provide, or in providing, a health service; or</li> <li>(c) other personal information about an individual collected in connection with a donation, or intended donation, by the individual of his or her body parts, organs or body substances; or</li> <li>(d) genetic information about an individual in a form that is, or could be, predictive of the health of the individual or a genetic relative of the</li> </ul>

	individual.
“personal information”	<p>This refers to information or an opinion about an identified individual, or an individual who is reasonably identifiable:</p> <ul style="list-style-type: none"> <li>(a) whether the information or opinion is true or not; and</li> <li>(b) whether the information or opinion is recorded in a material form or not.</li> </ul>
“sensitive information”	<p>This refers to:</p> <ul style="list-style-type: none"> <li>(a) information or an opinion (that is also personal information) about an individual’s racial or ethnic origin;</li> <li>(b) political opinions;</li> <li>(c) membership of a political association;</li> <li>(d) religious beliefs or affiliations, philosophical beliefs;</li> <li>(e) membership of a professional or trade association;</li> <li>(f) membership of a trade union;</li> <li>(g) sexual orientation or practices; or</li> <li>(h) criminal records.</li> </ul> <p>Sensitive information can also refer to health information, genetic information, biometric information and biometric templates.</p>