



Board of Surveying and Spatial Information

Privacy Policy

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Board of Surveying and Spatial Information

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Any enquiries relating to the policy may be address to the Board of Surveying and Spatial Information at BOSSI@finance.nsw.gov.au

Author: Board of Surveying and Spatial Information

Disclaimer

This information is correct at the date of publication; changes after the time of publication may impact upon the accuracy of the material. Any enquiries relating to this publication may be addressed to the BOSSI Secretariat BOSSI@finance.nsw.gov.au

Land and Property Information

346 Panorama Avenue

Bathurst NSW 2795

or

PO Box 143

Bathurst NSW 2795

T: 02 6332 8238

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1. Introduction

The Board of Surveying and Spatial Information New South Wales ('Board' or 'BOSSI' or 'we', 'us' or 'our') deals with information privacy in accordance with the *Privacy Act 1988* (C'th), the Australian Privacy Principles (APPs) set out in the Privacy Act, the *State Records Act 1988 (NSW)*, the *Privacy and Personal Information Protection Act 1998* (NSW) and the *Government Information (Public Access) Act 2009* (NSW).

This Privacy Policy sets out the Board's policies in relation to the management of personal information.

Section 4 of the *Privacy and Personal Information Protection Act 1998* (NSW) defines **personal information** as 'information or an opinion (including information or an opinion forming part of a database and whether or not recorded in a material form) about an individual whose identity is apparent or can reasonably be ascertained from the information or opinion'. Section 4(3) of the *Privacy and Personal Information Protection Act 1998* (NSW) details exclusions to the definition of personal information and Section 4(4) advises that the personal information detailed in this Policy is held by the Board, as a public sector agency, being a statutory authority representing the Crown.

What kinds of personal information do we collect and hold?

We collect and hold:

- a registered surveyor's contact details, such as office address, home address, telephone numbers and email address
- a registered surveyor's personal details, such as date and place of birth, gender, date and place of original registration, character references, a passport size photograph, qualifications, titles
- any conditions of registration, such as a restriction on a mining surveyor to open cut mines
- a registered surveyor's compliance with continuing professional development obligations
- information pertaining to any complaints against you to the extent that it is relevant to our functions and responsibilities under, and authorised by, the *Surveying and Spatial Information Act 2002* (NSW) [the Act], including any finding by the Board and action taken by the Board under Section 12 or 13 of the Act, or any finding by the NSW Civil and Administrative Tribunal (NCAT)
- information relating to any complaints regarding persons or firms pursuant to Sections 21 to 25 inclusive of the Act, including any finding by the Board and any action taken by the Board or a court of law and
- records of communications and other interactions with us.

In this Privacy Policy we refer to this as **your personal information**.

What would happen if we did not collect your personal information?

Without your personal information we may not be able to process your request, enquiry or application, perform our statutory functions or provide you with some or all of our services.

How do we collect your personal information?

We generally collect your personal information directly from you or where you have specifically authorised collection of the information from someone else. However, in some cases, we may receive your personal information from a third party not authorised by you (for instance if we receive a complaint relating to a registered surveyor or a firm) or when it is relevant to our statutory responsibilities. The Board will inform you if your personal information is received from a third party not authorised by you. The Board does not accept information from an anonymous source.

Before using the Internet to supply personal information to the Board or for communication with the Board, you should assess the attendant risks and proceed only if you accept those risks.

BOSSI staff and Board members are bound by strict requirements regarding the protection of the privacy of the information we collect and hold about you.

How do we hold your personal information?

We hold your personal information in written and/or electronic format. All written information is scanned and attached to an electronic file which is subject to the security arrangements disclosed in this Policy. All written information is secured filed.

What are the purposes for which we collect and hold your personal information?

We collect and hold your personal information to:

- fulfil our functions and responsibilities under, and facilitate compliance with, the *Surveying and Spatial Information Act 2002* (NSW) and the *Licensing and Registration (Uniform Procedures) Act 2002* (NSW) and associated regulations (which require and authorise us to collect certain information) including:
 - o maintaining regulatory records
 - o publishing a register of surveyors (written and/or electronic)
 - o undertaking investigations and implementing disciplinary procedures associated with professional responsibility
 - o providing advice to the Minister with respect to matters in connection with the administration of the Act
 - o providing information to Australian regulators, such as interstate Boards, and government entities and to overseas regulators or
 - o communicating regarding an enquiry, complaint or request for information.
- provide information to government and to third parties as authorised or required by law
- allow use of personal information in a controlled manner to distribute information relevant to registered surveyors
- provide information to professional organisations such as the Institution of Surveyors NSW Inc, the Australian Institute of Mine Surveyors, the Surveying & Spatial Sciences Institute and the Association of Consulting Surveyors NSW.

Disclosure of your personal information

We do not use your personal information or disclose it to another person or organisation unless either:

- you have provided your consent
- it is reasonably necessary for one of the purposes described above
- having regard to the nature of the information or the circumstances of collection we believe you would expect us to use the information or make the disclosure
- it is required or authorised by law, such as the *Government Information (Public Access) Act 2009* (NSW), or court or tribunal
- it is necessary to protect the rights, property, health or personal safety of a registered surveyor, the public or our interests, and it is unreasonable or impracticable to obtain your consent
- the disclosure is necessary to assist any entity, body or person to locate a person who has been reported missing
- we have reason to suspect that unlawful activity, or misconduct of a serious nature, that relates to our functions or activities has been, is being or may be engaged in, and we believe that the collection, use or disclosure is necessary in order for us to take appropriate action or
- it is provided to third party services, for example to carry out data or statistical analysis, in which case the use of your information is strictly controlled.

We may publish a public register of surveyors including limited personal information such as name, address for service of notices, date of original registration in New South Wales and type of registration. With the exception of the annual publication of the public register of surveyors, the Board will inform you if it intends to disclose your personal information to a third party.

The Board will not use or disclose your personal information for direct marketing.

Cross border (overseas) disclosure of personal information

If you practise in a foreign country (or apply to do so) we may send your personal information overseas in response to an inquiry from the relevant authority in that place.

If you do not want your personal information to be disclosed

If you do not want some or all of your personal information held by the Board to be disclosed you should advise the Board's Registrar in writing. We will positively consider your request and accommodate your request provided that the disclosure is not required by law. You will be informed whether the Board has agreed to or rejected your request, together with the reasons for the Board's decision.

Storage and security of personal information

We take reasonable precautions to protect the personal information we hold from misuse, loss, unauthorised access, modification or disclosure. In terms of data security, we regularly backup and archive our electronic databases.

Where practicable we implement measures to require people or organisations to whom disclosure is made to comply with the *Privacy Act 1988* (C'th), the *Privacy and Personal Information Protection Act 1998* (NSW) and/ or the *Government Information (Public Access) Act 2009* (NSW). If a third party is given access to personal information we take reasonable steps to ensure that the information is held securely and used only for the purpose for which it was provided.

Privacy Policy application to the Board's website

Register of Surveyors

The board may publish the Register of Surveyors on its website, including limited personal information such as name, address for service of notices, date of original registration in New South Wales and type of registration. The address for service of notices may be restricted to suburb or town. No personal home address will be published in full on the website.

Linked websites

This Privacy Policy does not apply to linked websites.

Rights to access and correction of your personal information

You have the right to access your personal information unless we are permitted by law to withhold that information. Any requests for access to your personal information should be made to the Board's Registrar in writing. You also have the right to request the correction of any of your personal information which is inaccurate. Any corrections should be advised to the Board's Registrar in writing.

In some circumstances it may be appropriate and lawful for us to deny access, by you or another person or entity, including if:

- we reasonably believe that giving access would pose a serious threat to the life, health or safety of any individual, or to public health or public safety
- providing access would have an unreasonable impact on the privacy of another individual
- the request is frivolous or vexatious
- the information relates to existing or anticipated legal proceedings and the information would not be accessible by the process of legal discovery in those proceedings
- giving access would reveal our intentions in relation to negotiations with you and prejudice those negotiations
- we have reason to suspect that access may lead to unlawful or prejudicial activity, or misconduct of a serious nature
- providing access would be unlawful or if denying access is required or authorised under Australian law or a court/tribunal order or
- giving access would be likely to prejudice one or more of our activities.

How long do we keep your personal information?

We generally keep your personal information active for as long as is reasonably required to enable us to meet your needs and fulfil our statutory obligations.

Registered surveyors' personal information is archived to enable us to undertake statistical and historical analysis and reporting. This includes personal information about Meritorious Surveyors and surveyors who are no longer registered.

In terms of complaints against surveyors, the Board's Registrar takes disposal action on all records of an investigation when five (5) years have elapsed from the date of Board's determination of disciplinary action, provided that the disciplinary action is no longer in effect and no subsequent action has been taken against the registered surveyor.

Further information and complaints

If you require any further information about our management of personal information or have a complaint about our handling of your personal information, you should initially write to the Board's Registrar using the form available at www.ipc.nsw.gov.au/how-do-i-make-request

The Board's Registrar will respond to you within 30 days. If you are not satisfied with the outcome of your complaint about our handling of your personal information, you may contact us further to advise of your concerns and, if we are unable to reach a satisfactory resolution you may write, for further review of your complaint, to:

- the Office of the Australian Information Commissioner using the form available at www.oaic.gov.au/privacy/making-a-privacy-complaint or
- The NSW Privacy Commissioner at www.ipc.nsw.gov.au/how-do-i-make-complaint