



## Privacy Policy

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### Document Control

<b>Policy Title</b>		Privacy Policy	
<b>Governance Framework</b>		Protective Security Policy Framework	
<b>Approved Date</b>	24 June 2015	<b>Board Reference</b>	2015-04
<b>Amended Date</b>		<b>Board Reference</b>	
<b>Review by</b>	Audit Committee	<b>Review Frequency</b>	Tri-annual

## 1. Purpose

- 1.1. The purpose of this policy is to ensure that Cotton Research and Development Corporation (CRDC) has established policy, controls and procedures for securely managing the collection, storage, use and disclosure of personal information in accordance with the *Privacy Act 1988* and the Australian Privacy Principles (APPs).

## 2. Scope

- 2.1. This policy applies to:
  - a) All CRDC directors, officials and staff members.
  - b) All consultants and contractors fulfilling the role of a committee member, official or staff member.
- 2.2. This policy is effective from the Approved Date and amendments are effective from the Amended Date as recorded in the Document Control table.

## 3. Background

- 3.1. CRDC is a statutory authority under the Primary Industries Research and Development Act 1989 (PIRD Act) and is a corporate commonwealth entity under the provisions of the Public Governance, Performance and Accountability Act 2013 (PGPA Act).
- 3.2. The Board, as the accountable authority, is required by the PGPA Act to create an operating environment that supports the proper use and management of public resources, without stifling innovation, in pursuit of both the public good and the purposes of the entity for which it is responsible.
- 3.3. The Protective Security Policy Framework mandate *GOV9 Legislation* requires Commonwealth agencies to provide guidance to all staff and contractors on “how the Privacy Act and Australian Privacy Principles relate to their roles.
- 3.4. The Privacy Act requires CRDC as an APP entity to provide contact details for the privacy officer responsible for receiving and managing requests for access to personal information and requests to correct personal information.
- 3.5. The objectives of the Privacy Act section 2A include *(a) to promote the protection of the privacy of individuals; and (b) to recognise that the protection of the privacy of individuals is balanced with the interests of entities carrying out their functions or activities; and (d) to promote responsible and transparent handling of personal information by entities.*
- 3.6. The Privacy Act section 22A(5) requires information recipients to “*take such steps as are reasonable in the circumstances to make the policy available (a) free of charge; and (b) in such form as is appropriate*”. The Act notes that the policy would usually be made available on the entities website.

## 4. Policy

- 4.1. **CRDC will manage personal information in accordance with the Privacy Act 1988 and the Australian Privacy Principles (APPs). CRDC must treat all personal information as private and confidential unless an individual(s) has agreed to the release of their personal information for a purpose agreed with the individual(s).**
- 4.2. **Personal information means information or an opinion about an identified individual, or an individual who is reasonably identifiable (a) whether the information or opinion is true or not; and (b) whether the information or opinion is recorded in a material form or not.**

## 5. Accountable Authority Instructions

Accountable Authority Instructions (AAIs) provide a mechanism for the CRDC Board (the Accountable Authority) to implement internal controls to ensure the duties, principles and requirements of the PGPA Act, PIRD Act and the Privacy Act are applied to CRDC's operations.

CRDC will manage its obligations under the Privacy Act in accordance with the following internal controls for each Australian Privacy Principle (APP):

### **APP 1: Open and transparent management of personal information**

- 5.1. **Types of personal information CRDC may collect or hold:** When CRDC collects and holds personal information it is collected and held for our business and communication purposes, being to invest in RD&E activities for the benefit of the Australian cotton industry. It will include:
  - (a) Details of individuals participating in CRDC funded RD&E;
  - (b) Details of individuals providing contract services to CRDC;
  - (c) Individuals participating in committees or meetings funded or partly funded by CRDC;
  - (d) Details of individuals on CRDC's publication mailing list;
  - (e) Tax file numbers of CRDC employees;
  - (f) Website monitoring and electronic forms;
  - (g) Requests, complaints and feedback received from the Public and organisations including Privacy Act or Freedom of Information Act requests; and
  - (h) Correspondence and emails received from the Public and organisations.

CRDC's website uses web logging and analytical tools to track how the website is used. The information is used to improve the design of the website. Clickstream data records visitor IP addresses, date and time of visits to the site, web pages accessed and documents downloaded, the previous site visited and the user's web browser and operating system.

Google Analytics service which provides reports on the how visitors use the website. Google Analytics uses 'cookies' to track the visitors IP address and use of the website. This information is stored by Google in the United States of America.

- 5.2. CRDC's employee records are exempt records under section 7B(3) of the Privacy Act.
- 5.3. Personal information collected by CRDC may include:

- (a) Name, age and gender;
- (b) Contact details including address, phone and email;
- (c) Bank account details;
- (d) Photographs, videos or audio of individuals;
- (e) Employment details;
- (f) Education details; and
- (g) Financial information (ABN)

Sensitive information (a subset of personal information) that may be collected by CRDC may include:

- (h) Racial and ethnic origin;
- (i) Union, trade and professional memberships;
- (j) Criminal records; and
- (k) Health information;

5.4. **How CRDC collects and holds personal information:** The procedure for collection and storing personal information is dependent on the type of personal information being collected. Information received in hardcopy format is scanned into an electronic format for e-storage and backup. The following information collection methods are used:

- (a) RD&E funding requests are submitted by the individual or their organisation on CRDC forms in hardcopy and electronic format;
- (b) Research data collected by research organisations for CRDC funded research projects;
- (c) CRDC publication mailing lists are updated from individuals submitting CRDC request forms for addition, removal or amendment;
- (d) Requests, applications and feedback voluntarily submitted by individuals to CRDC in hardcopy or electronic forms and possibly through the CRDC website; and
- (e) Correspondence including emails sent to CRDC by individuals.

5.5. **Purpose for which CRDC collects, holds, uses and discloses personal information:** Unless exceptions apply in the Privacy Act, CRDC will:

- (a) Only use or disclose personal information for the primary purpose it was collected;
- (b) Notify the individual of the primary purpose at the time of collection, or as soon as practicable after collection;
- (c) Only use or disclose personal information for another purpose if the individual consents to that secondary purpose, or where the individual would reasonably expect CRDC to use or disclose it for that secondary purpose (and the secondary purpose is related to the primary purpose);
- (d) Only disclose personal information to overseas recipients in accordance with the Privacy Act. Overseas recipients are likely to be located in numerous countries;
- (e) Not otherwise disclose personal information without the individuals consent unless required or authorised by law; and
- (f) Only use or disclose sensitive information where an individual has consented to such use or disclosure.

5.6. **How to access and seek correction of personal information:** Individuals have a right to request access to their personal information and to request its correction if it is inaccurate, out of date, incomplete, irrelevant or

misleading. Refer to sections 5.23 Access and 5.24 Correction for further details.

- 5.7. **How to make a complaint:** Individuals can make a complaint if they believe CRDC has breached the APPs or mishandled their personal information. Complaints should be directed to CRDC's Privacy Officer by email to [crdc@crdc.com.au](mailto:crdc@crdc.com.au) or post to:

Privacy Officer  
Cotton Research and Development Corporation  
PO Box 282  
Narrabri NSW 2390

Privacy breaches can be caused by a variety of factors, affect different types of personal information and give rise to a range of actual or potential harm to individuals, agencies and organisations. Consequently, there is no single way of responding to a privacy breach. Each breach will need to be dealt with on a case-by-case basis. All complaints and alleged privacy breaches will be investigated by the Privacy Officer and the complainant will be advised of the outcome.

For further information about privacy issues, see the [Office of the Australian Information Commissioner's website](#).

## **APP 2: Anonymity and pseudonymity**

- 5.8. CRDC provides the option for individuals to not identify themselves, or to use a pseudonym when dealing with CRDC in situations where personal information is not necessary for CRDC to perform its purpose or duties.
- 5.9. Individuals must provide the personal information requested by CRDC when applying for RD&E funding or reporting for an RD&E project funded by CRDC.

## **APP 3: Collection of solicited personal information**

- 5.10. CRDC will only collect personal information directly related to its functions and activities.
- 5.11. CRDC will only collect sensitive information directly related to its functions and activities when the individual consents to the collection of the information.

## **APP 4: Dealing with unsolicited personal information**

- 5.12. On occasion, unsolicited personal information may be provided to CRDC by individuals (or other entities) without it being requested. In such circumstances CRDC will determine whether or not CRDC could have collected the personal information via our regular methods and if so may use and handle the personal information as if CRDC had collected it. If CRDC determines that the personal information could not have been collected by CRDC via our regular methods and the information is not contained in a Commonwealth record, CRDC will destroy or de-identify the information provided it is lawful and reasonable to do so.

## **APP 5: Notification of the collection of personal information**

- 5.13. CRDC may also collect personal information through other individuals or organisations acting on our behalf, including contracted service providers or

the cotton industry's joint extension program, CottonInfo. If this occurs, such collection will be in accordance with the APPs.

- 5.14. CRDC receives personal information in RD&E funding applications from research organisations that may include project team member's employment, professional experience and other information. The research provider is responsible for notifying their employees prior to providing the personal information to CRDC.

#### **APP 6: Use or disclosure of personal information**

- 5.15. CRDC will only use or disclose personal information for the primary purpose it was collected unless the individual consents to CRDC using or disclosing the personal information for a secondary purpose, or where the individual would reasonably expect CRDC to use or disclose it for that secondary purpose (and the secondary purpose is related to the primary purpose).

#### **APP 7: Direct marketing**

- 5.16. CRDC under its enabling legislation is not permitted to perform marketing activities including direct marketing.

#### **APP 8: Cross-border disclosure of personal information**

- 5.17. CRDC will not disclose personal information to an overseas recipient unless it is the primary purpose for collecting that information or without the prior consent of the individual, except where required to do so under an Australian law.

#### **APP 9: Adoption, use or disclosure of government related identifiers**

- 5.18. CRDC will not use a government related identifier for its own identifier of an individual.

#### **APP 10: Quality of personal information**

- 5.19. CRDC will take such steps as are reasonable to ensure the personal information held by CRDC is accurate, up-to-date and complete having regard to the purpose of the use or disclosure of that information.

#### **APP 11: Security of personal information**

- 5.20. CRDC will take all reasonable steps to protect personal information from loss, unauthorised access or use, modification or disclosure, and against other misuse. Among other things, CRDC takes reasonable steps to safeguard our IT systems against unauthorised access, and ensure that paper-based files are secured. CRDC also ensures that access to your personal information within our systems is only available to our staff that needs such access in order to do their work.
- 5.21. When the personal information that CRDC holds is no longer required, CRDC will delete or destroy it in a secure manner, unless we are required to maintain it because of a law, or court or tribunal order.
- 5.22. The Archives Act 1983 may require that CRDC maintain personal information because it is, or forms part of, a Commonwealth record. CRDC may be required to maintain records for certain other purposes, including where the National Archives of Australia issues a disposal freeze in

response to prominent or controversial issues or events. More information on current disposal freezes is available from the [National Archives of Australia website](#).

## **APP 12: Access to personal information**

5.23. Individuals have a right to request access to their personal information to verify its accuracy, completeness and relevance. Requests for access to personal information should be directed to CRDC's Privacy Officer by email to [crdc@crdc.com.au](mailto:crdc@crdc.com.au) or post to:

Privacy Officer  
Cotton Research and Development Corporation  
PO Box 282  
Narrabri NSW 2390

CRDC will take reasonable and practicable steps to provide access to personal information within 30 calendar days of receiving a request, unless CRDC considers there is a sound reason under the Privacy Act or other relevant law to withhold the information. If CRDC does not provide an individual with access to their personal information where reasonable CRDC will:

- (a) provide a written notice including the reasons for the refusal;
- (b) provide information regarding available complaint mechanisms; and

## **APP 13: Correction of personal information**

5.24. Individuals have a right to review their personal information and to request its correction if it is inaccurate, out of date, incomplete, irrelevant or misleading. Requests for correction of personal information should be directed to CRDC's Privacy Officer by email to [crdc@crdc.com.au](mailto:crdc@crdc.com.au) or post to:

Privacy Officer  
Cotton Research and Development Corporation  
PO Box 282  
Narrabri NSW 2390

CRDC will take reasonable and practicable steps to make a correction to personal information within 30 calendar days of receiving a request, unless CRDC considers there is a sound reason under the Privacy Act or other relevant law not to make the changes. If CRDC refuses to correct that personal information, where reasonable CRDC will:

- (c) provide a written notice including the reasons for the refusal;
- (d) provide information regarding available complaint mechanisms; and
- (e) at the individuals request, take reasonable steps to associate a statement with the personal information that they believe it to be inaccurate, out of date, incomplete, irrelevant or misleading.

Otherwise, if CRDC corrects personal information, as requested, CRDC will also take reasonable steps to notify other agencies or organisations (bound by the Privacy Act) of the correction; if we have previously disclosed the personal information to those agencies or organisations.

## **Section 95B Requirements for Commonwealth Contracts**

5.25. When entering into a contract for research, development and extension activities (RD&E) the contract must specify that the service provider does

not do an act, or engage in a practice, that would breach an Australian Privacy Principle in respect of personal information collected, held, used or disclosed for the purposes of the contract. The contract must require that the service provider does not enter into a sub-contract for the services that authorised an act or practice that would breach an Australian Privacy Principle.

## 6. Legislation and Related Policies

- 6.1. The following legislation is relevant to CRDC management of the Privacy Policy:
  - a) *Public Governance, Performance and Accountability Act 2013* section 26 Duties of officials to act honestly, in good faith and for a proper purpose. Section 28 Duty in relation to use of information. Section 31 Interaction between PGPA and other laws.
  - b) *Privacy Act 1988* Schedule 1 – Australian Privacy Principles.
- 6.2. The following CRDC policies are relevant to this policy:
  - a) Protective Security Policy item 2.9 Legislation (Gov9)
  - b) Terms and Conditions of Employment.
  - c) Information Security Policy item 3.3 Information Classification & Control.
  - d) Social Media Policy.
- 6.3. The following CRDC documents are relevant to this policy:
  - a) Privacy Statement on CRDC website.

## 7. Performance

### Responsible Officers

- 7.1. The Executive Director is responsible for the implementation of this policy through operating procedures.
- 7.2. The Communications Manager is the designated Privacy Officer and will manage complaints in accordance with the CRDC complaints policy and the relevant legislation

### Implementation and Training Plan

- 7.3. The Board will review and approve this policy and be provided with reports on its implementation.
- 7.4. Training must be provided to staff at a monthly staff meeting within **three months** of approval of the policy.
- 7.5. A copy of the policy and associated documents will be provided to:
  - a) Board members & committee members via the board portal;
  - b) CRDC staff via the policy folder;
- 7.6. A copy of the policy will be made publicly available on the CRDC website.

### Performance Review

- 7.7. The effectiveness of this policy can be measured by the level of compliance with the Accountable Authority Instructions (AAIs), internal controls and procedures.



- 7.8. The efficiency of management in responding to personal information requests and amendments will be measured by the days taken to respond appropriately to each request.

### **Amendment History**

<b>Date</b>	<b>Board Ref</b>	<b>Amendment details</b>