



privacynsw



# Accessing information from the RTA

under NSW Freedom of Information or Privacy legislation



# Introduction

Laws are in place which allow individuals to access information held by government agencies. This brochure explains what you need to do to make a request for access to information under the relevant laws.

On request RTA customers may access most of their own personal registration and licence information. Search of record fees apply. The RTA also makes many publications and other information readily available on its website.

## Freedom of Information and privacy laws

*The Freedom of Information Act 1989 (FOI Act)* gives people a legally enforceable right to access information held by government agencies. This Act allows customers to request access to information about other parties or themselves.

*The Privacy and Personal Information Protection Act 1998 (Privacy Act)* allows individuals to legally access personal information held about themselves by government agencies. It also introduces a set of privacy standards that regulate the way NSW public sector agencies deal with personal information.

*The Health Records and Information Privacy Act 2002 (Health Privacy Act)* has given individuals a legally enforceable right to access personal health information held about themselves by government agencies. It also introduces a set of health privacy standards that regulate the way NSW public sector agencies deal with personal health information.

# Requests for access to information

The **Requests for access** form (Appendix A) allows you to seek information under the FOI or privacy Acts. This can be either personal information or any other documentation. These applications may be lodged at any motor registry or RTA regional office.

If you do not use the appropriate form you run the risk of not complying with the FOI, or privacy Acts, and your application could be refused or delayed.

On this form you can nominate whether you are seeking access under the FOI Act, the Privacy Act or the Health Privacy Act.

RTA staff will help you choose the most suitable Act. If uncertainty exists, the option 'Whichever Act is the more suitable' can be ticked, and a FOI/Privacy officer will make the decision or contact you directly to discuss the matter.

Personal information can be accessed under any of these Acts, but appeal rights and fees differ: Under the Privacy Acts, there are no fees for an internal review. However, the only external right of appeal is to the Administrative Decisions Tribunal.

## Amendment of personal records

You may request the RTA to make amendments (corrections, deletions or additions) to your personal information to ensure it is accurate. Your changes must be suitable, relevant, up-to-date and not misleading, eg changes of name or address.

When you request an amendment to your personal records under the FOI or Privacy Acts it is your responsibility to prove the records are incorrect, out of date, irrelevant, incomplete or misleading. You will need to complete an

**Amendment/Notation of Personal Records** form (Appendix B).

If the RTA refuses to amend or delete personal information you can ask that the RTA takes reasonable steps to attach to your records a notation of your view of what the records should show.

## If you disagree with a determination by the RTA

If you as an applicant or a third party do not agree with a decision relating to the release, deferral or cost of an application under the FOI Act, you can request a Review of Determination. You should use the **Application for Review of Determination form** (Appendix C) in such instances.

## Requests for a review of conduct

If you believe your privacy has been breached you may make a **Complaint or Request for Review of Conduct** (Appendix D) to the RTA. Appendix E shows the Information Protection Principles. You can also request a Review of Conduct if you do not agree with a decision relating to an application for the release of information made under a privacy Act.

## External appeals

If you are not satisfied with the outcome of your application for access to information, or your request to adjust personal information, you can appeal to the NSW Ombudsman and/or the Administrative Decisions Tribunal (ADT) under the FOI Act or to the ADT under the privacy Acts.

The NSW Ombudsman's Office can be contacted on telephone number (02) 9286 1000.

The ADT is located at Level 15, St James Centre, 111 Elizabeth Street, Sydney 2000, telephone (02) 9223 4677 and fax (02) 9233 3283.

## FOI fees and charges (GST exempt)

Nature of application	Application fee	Processing charge
Request for access – personal requests	\$30	\$30 /hour after first 20 hours
Request for access – other requests	\$30	\$30 /hour
Amendment/notation of personal records	nil	nil
Complaint or review of Determination/Conduct	FOI - \$40	nil

\* A 50 per cent reduction in fees may apply if you, are under 18 years of age, suffer financial hardship, are a non-profit organisation or apply for public interest reasons.

## Privacy fees (GST inclusive)

Nature of application	Application fee	Processing charge
Request for access	\$33	Not applicable
Amendment/notation of personal records	Not applicable	Not applicable
Review of Determination/ Conduct	Not applicable	Not applicable

\* A 50 per cent reduction in fees may apply if you are under 18 years of age or you suffer financial hardship.

# Appendix A

## Request for access

Under Section 17 of the Freedom of Information Act 1989

Under Section 26 of the Health Records and Information Privacy (Health Privacy) Act 2002 or

Under Section 14 of the Privacy and Personal Information Protection (Privacy) Act 1998

### Applicant details

<input type="text"/>	<input type="text"/>	<input type="text"/>
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Title

Given name/s

Surname

Business name (if applicable)

Daytime phone number/s

### Australian mailing address

Street address or PO Box

Suburb

State

Postcode

**This request is made under** (one of the options below must be nominated for the application to be accepted).

Freedom of Information (FOI) Act. **(Must be chosen if the information requested is not yours)**

Privacy and Personal Information Protection (Privacy) Act

Health Records and Information Privacy (Health Privacy) Act

Whichever act is the more suitable

### Details of request

I request access to document/s concerning matters that are:

Personal  Non-personal

These documents are:

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I agree to the release of my name and the reason why I am making this application to any other (third) parties the RTA needs to consult as part of my application. I understand that my refusal could affect the outcome of my application.

Yes  No

### Form of access Please tick the appropriate boxes.

I wish to inspect the document/s  Yes  No

I require a copy of the document/s  Yes  No

I require access in another form  Yes  No

## Fees and charges

The FOI Act application fee is \$30 (GST exempt). The Privacy Act application fee is \$33 (GST included). A 50 per cent reduction in fees may apply if you are under 18 years of age, you are in receipt of benefits, you suffer financial hardship, you are a non-profit organisation or you are making an application in the public interest. If you wish to apply for a 50 per cent reduction, please attach supporting documents with this form.

I am requesting a reduction in fees and charges

Yes

No

I understand that I may be required to pay additional processing charges in respect of an FOI request and that I will be supplied with a statement of charges if appropriate.

Yes

No

## Declaration

My Personal Information is collected and held by the Roads and Traffic Authority (RTA), Centennial Plaza, 260 Elizabeth St, Surry Hills, NSW, 2010. I understand that my 'personal information' is being collected for a request for access to information. I must supply the information under the applicable act being the FOI Act, the Privacy and Personal Information Act or the Health Records and Information Privacy Act. Failure to supply full details and sign/confirm this declaration can result in the transaction not proceeding. My 'personal information' held by the RTA may be disclosed inside and outside NSW to process and administer my application. I have a right to access or correct my 'personal information' in accordance with the provisions of the relevant privacy legislation. I declare that the details in this application are true and complete.

Applicant's signature

Date

## Lodging your application

Your application can be lodged at any motor registry. The application can also be posted to:

**Manager, Records Access Unit,**  
**Roads and Traffic Authority, NSW**  
**PO Box K 198**  
**Haymarket 1240**

## Appendix B

### Amendment/Notation of Personal Records

Under Section 40 of the Freedom of Information (FOI) Act 1989

Under Section 15 of the Privacy and Personal Information Protection (Privacy) Act 1998 or

Under Section 33 of the Health Records and Information Privacy (Health Privacy) Act 2002

#### Applicant details

<input type="text"/>	<input type="text"/>	<input type="text"/>
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Title

Given name/s

Surname

Business name (if applicable)

( )

( )

Daytime phone number/s

#### Australian mailing address

Street address or PO Box

Suburb

State

Postcode

#### Details of request

I seek amendment of my personal records held by the Roads and Traffic Authority.

I claim that the document/s described below contain/s information relating to my personal affairs that is:

incorrect

irrelevant

out of date

incomplete

misleading

*Please tick the appropriate box.*

I also claim that the information has been, is being used or is available for use, by you for an administrative purpose.

The documents containing the information is/are:

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The information that needs changing is:

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The information should be:

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The reasons why I claim the information is incorrect, incomplete, irrelevant, misleading or out of date are:

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\* Attach any documentation, which would support your claim and indicate which documents should be returned to you.

## Declaration

I declare that the details in this application are true and complete. I understand that I must supply the information under the FOI Act, the Privacy Act or the Health Privacy Act. Failure to supply full details and sign this declaration can result in the transaction not proceeding. Details may be disclosed in accordance with the Privacy Act or the Health Privacy Act. Any amendments made may be disclosed to law enforcement, licensing, registration agencies and the Australian Electoral Commission for regulatory, law enforcement, public. Information to locate drivers of vehicles involved in motor accidents may also be disclosed. There is a possibility that my information may be disclosed to verify the contents of this application. Personal information including collected images are held and maintained by the RTA. I have a right to access or correct my personal information in accordance with the provisions of the Privacy Act or the Health Privacy Act.

Applicant's signature

Date

There are no fees or charges for the lodgement or processing of this application.

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## Lodging your application

This application must be addressed to:

**Manager, Records Access Unit,  
Roads and Traffic Authority, NSW  
PO Box K 198  
Haymarket 1240**

# Appendix C

## Application for Review of Determination

Under Sections 34 and 47 of the Freedom of Information (FOI) Act 1989

### Applicant details

<input type="text"/>	<input type="text"/>	<input type="text"/>
Title	Given name/s	Surname
<input type="text"/>	<input type="text"/>	<input type="text"/>
Business name (if applicable)	FOI reference no	
( )	<input type="text"/>	
Daytime phone number/s		

### Australian mailing address

<input type="text"/>		
Street address or PO Box		
<input type="text"/>	<input type="text"/>	<input type="text"/>
Suburb	State	Postcode

I am unhappy with the determination made by the RTA in regard to my Request for Access under the Freedom of Information Act and, therefore, seek a review of this determination, which is identified hereunder:

- To refuse access to documents
- To defer access to documents
- To provide access to a document from which material has been deleted
- To refuse to amend my personal records
- To charge an amount which I consider to be unreasonably incurred
- I am a third party specified in the documents but have not been consulted about giving access to another person
- I have been consulted but disagree with a decision to release the documents

### Comments

You may include any additional comments you wish considered in the review of the determination (include additional pages if necessary).

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### Advice of determination

The RTA will undertake its internal review and advise you of its decision within 14 days of receipt of this application.

## Fees and charges

Did the RTA grant a 50 per cent reduction in fees and charges regarding the Request for Access?

If **yes**, the prescribed review fee is \$20

If **no**, the prescribed review fee is \$40.

The fee must be lodged with this, completed application. It will be refunded if the original decision is significantly altered.

## Declaration

I declare that the details in this application are true and complete. I understand that I must supply the information under the *Freedom of Information Act 1989*. Failure to supply full details and sign this declaration can result in the transaction not proceeding. Personal information is collected and maintained by the RTA. I have a right to access or correct my personal information in accordance with the provisions of the *Privacy and Personal Information Protection Act 1998*.

Applicant's signature

Date

## Lodging your application

This application must be lodged at any RTA office within 28 days of the date of the RTA's determination letter, or posted with the appropriate fee to:

**Manager, Records Access Unit,**  
**Roads and Traffic Authority, NSW**  
**PO Box K 198**  
**Haymarket 1240**

### RTA Use only

 At 

Amount received

Date

Receipt no

# Appendix D

## Complaint or Request for Review of Conduct

Under Section 53 of the Privacy and Personal Information Protection (Privacy) Act 1998

Under Section 21 of the Health Records and Information Privacy (Health Privacy) Act 2002

### Applicant details

<input type="text"/>	<input type="text"/>	<input type="text"/>
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Title

Given name/s

Surname

Business name (if applicable)

Daytime phone number (s)

### Australian mailing address

Street address or PO Box

Suburb

State

Postcode

The information that you provide hereunder, or if necessary by attaching further information, will help the Roads and Traffic Authority to determine whether it should conduct an internal review of a decision to deny you access to documents or to amend your records, or whether it should investigate a possible breach of the Information Protection Principles in the Privacy Act or the Health Privacy Principles in the Health Privacy Act.

### Details of complaint

What are you complaining about?

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When did the conduct occur?

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When did you become aware of the conduct? (There is no requirement to investigate a complaint unless it is lodged at an RTA office within six months from when you first became aware of the conduct in question.)

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What was (or might be) the effect of the conduct on you and or other/s?

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What would you like the RTA to do about this conduct?

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If there has been a possible breach of the Privacy Act or the Health Privacy Act I understand that details of my application will be referred to the NSW Privacy Commissioner in accordance with section 54(1) of the Privacy Act and that both myself and the Privacy Commissioner will be kept advised of the progress of the review.

## Declaration

I declare that the details in this application are true and complete. I understand that: I must supply the information under the Privacy Act or the Health Privacy Act. Failure to supply full details and sign this declaration can result in the transaction not proceeding. Details may be disclosed in accordance with the Privacy Act or the Health Privacy Act. Personal information is collected and maintained by the RTA. I have a right to access or correct my personal information in accordance with the provisions of the Privacy Act or the Health Privacy Act.

Applicant's signature

Date

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## Lodging your application

This application must be lodged at any RTA office within 28 days of the date of the RTA's determination letter, or posted with the appropriate fee to:

**Manager, Records Access Unit,  
Roads and Traffic Authority, NSW  
PO Box K 198  
Haymarket 1240**

RTA Use only

Application received at

Date

# Appendix E: Definitions and checklist

## Personal Information

*Privacy and Personal Information Protection Act 1998,*  
S 4

## Health Information

*Health Records and Information Privacy Act 2002,*  
S 6

### Definitions

"In this Act, personal information means 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.

Personal information includes such things as an individual's fingerprints, retina prints, body samples or genetic characteristics."

"In this Act, health information means:

- (a) personal information that is information or an opinion about:
  - (i) the physical or mental health or a disability (at any time) of an individual, or
  - (ii) an individual's express wishes about the future provision of health services to him or her, or
  - (iii) a health service provided, or to be provided, to an individual, or
- (b) other personal information collected to provide, or in providing, a health service, or
- (c) other personal information about an individual collected in connection with the donation, or intended donation, of an individual's body parts, organs or body substances, or
- (d) other personal information that is genetic information about an individual arising from a health service provided to the individual in a form that is or could be predictive of the health (at any time) of the individual or of any sibling, relative or descendant of the individual!"

## Appendix E: Definitions and checklist

### Information protection principles

*Privacy and Personal Information Protection Act 1998,*  
Ss 8-19 for personal records

### Health privacy principles

*Health Records and Information Privacy Act 2002,*  
Schedule 1, Ss 1-15 for health information

#### Collection and storage

- |  |   |
|--|---|
| <ol style="list-style-type: none"><li>1. Only collect personal information for a lawful purpose directly related to the RTA's functions..</li><li>2. Collect information from the individual unless authorised otherwise.</li><li>3. Inform the person what personal information is being collected, why, whether supplying it is mandatory or voluntary and their right to access and correct it</li><li>4. Ensure personal information is relevant, accurate, not excessive, complete and up-to-date and collecting it does not unreasonably intrude into an individual's personal affairs.</li><li>5. Keep personal information no longer than necessary, dispose of appropriately, store it securely and protect it from unauthorised use or disclosure.</li></ol> | <ol style="list-style-type: none"><li>1. Only collect health information for a lawful purpose directly related to the RTA's functions..</li><li>2. Ensure health information is relevant, accurate, up to date and not excessive and collecting it does not unreasonably intrude into an individual's personal affairs.</li><li>3. Collect health information from the person concerned unless it is unreasonable or impracticable to do so.</li><li>4. Inform the person what health information is being collected, by whom, why and to whom it is usually disclosed.</li><li>5. Keep health information no longer than necessary, dispose of it appropriately, store it securely and protect it from unauthorised access, use or disclosure.</li></ol> |
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#### Access and use

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|---|---|
| <ol style="list-style-type: none"><li>6. Explain what personal information is being held and how to access it.</li><li>7. Allow people access to their personal information.</li><li>8. Allow people to update, amend or add a notation to their information.</li><li>9. Take steps to use only relevant, accurate, up to date and not misleading personal information.</li><li>10. Only use personal information for the purpose for which it was collected or a directly related purpose except in nominated circumstances.</li></ol> | <ol style="list-style-type: none"><li>6. Explain what health information is being held and how to access it.</li><li>7. Allow people access to their health information.</li><li>8. Allow people to update, correct or amend their health information.</li><li>9. Ensure health information is relevant, accurate and not misleading before using it.</li><li>10. Only use health information for the purpose for which it was collected or a directly related purpose except in nominated circumstances.</li></ol> |
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#### Disclosure, transferrals and linkages

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|---|--|
| <ol style="list-style-type: none"><li>11. Only disclose personal information for the purpose for which it was collected or a directly related purpose except in nominated circumstances.</li><li>12. Do not disclose sensitive personal information eg about ethnic or racial origin, trade union membership.</li></ol> | <ol style="list-style-type: none"><li>11. Only disclose health information for the purpose for which it was collected except in nominated circumstances.</li><li>12. Only assign identifiers to people if necessary.</li><li>13. Allow people to receive anonymous services where practicable.</li><li>14. Do not transfer health information outside NSW except in nominated circumstances.</li><li>15. Do not link health information electronically except with express consent..</li></ol> |
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For further enquiries:

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[www.rta.nsw.gov.au](http://www.rta.nsw.gov.au)

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