



The Privacy Acts and you

RTA motor registries can assist with the following privacy issues covered by the Acts.

Access to personal information or health information

People can find out if personal or health information is held about them, what sort of information is held, what it is used for and how they can get access to it.

People wanting access to their driving or registration records should fill out a *Request for Information* form.

People wanting access to their other personal or health information should fill out a *Request for Access* form under the Freedom of Information/Privacy Acts.

Adjusting personal or health information

People can alter or add a notation to their personal or health information to ensure it is accurate, suitable, relevant, up-to-date and not misleading. The onus is on the customer to prove the information is wrong.

People wanting their licence or vehicle information altered (including changes of address) should visit a motor registry or contact the RTA on 13 22 13.

People wanting other personal or health information altered should fill out an *Adjustment/Notation of Personal Records* form. In some cases, a further medical certificate may be required.

Privacy complaints and reviews

A person who is not satisfied with the way the RTA has dealt, is dealing or intends to deal with their personal or health information, may complain. If a complaint relates to a breach of the Information Protection Principles, the Health Privacy Principles or a Privacy Code of Practice the RTA must conduct a formal review of the conduct complained about.

A complaint is best lodged in writing using a *Complaint or Request for Review of Conduct* form. Complaints should be made within six months of the time a person first became aware of the conduct complained about. The RTA notifies the NSW Privacy Commissioner about the review and its outcome.

Privacy complaints about the RTA can also be made directly to the NSW Privacy Commissioner, who in consultation with the complainant, could direct the complaint elsewhere for investigation.

A person who is not satisfied with the outcome of a review can appeal to the NSW Administrative Decisions Tribunal. The Tribunal has the power to make any orders it believes are necessary including the award of damages of up to \$40,000 to the person making the complaint.



The privacy standards

Privacy standards have been established for the NSW public sector, which direct agencies on how to deal with personal and health information. The standards include the *Privacy and Personal Information Protection Act 1998* (the Privacy Act) and the *Health Records and Information Privacy Act 2002* (the Health Privacy Act).

What the privacy standards mean

The RTA must meet the privacy standards of both Acts. This means:

- Applying the Information Protection Principles outlined in the Privacy Act to all personal information and the Health Privacy Principles to all health information, except in special cases where there are legislative exemptions, a Code of Practice or a Direction of the Privacy Commissioner.
- Establishing procedures to deal with requests and complaints about the RTA's dealings with personal information and health information.
- Preparing a Privacy Management Plan that explains how the RTA complies with the Acts. Visit the RTA website for a copy of the RTA's plan.



For further enquiries



www.rta.nsw.gov.au



13 22 13

Roads and Traffic Authority

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What is privacy?

Privacy means different things to different people, such as the right:

- To be left alone.
- To control who knows your name, address, phone number and other personal or confidential information.
- To go about your daily life without having your person or actions deliberately observed, documented or recorded on camera or in other ways without your knowledge and consent.

Personal information

Personal information is any information that relates to an identifiable person. As well as information that can readily identify an individual such as name and contact details, it can also include genetic material, electronic records, video recordings and photographs.

Health information

Health information is a type of personal information. It includes personal information or an opinion about any of the following:

- The physical or mental health or a disability of an individual.
- The provision of or an individual's express wishes about health services.
- The donation, or intended donation, of an individual's body parts, organs or body substance.

Exemptions

Exemptions provided in the Acts mean that in certain circumstances agencies do not have to comply with one or more of the principles. Examples include:

- Personal information used for law enforcement purposes.
- Personal information used for protection of the public revenue.

Code of Practice and Privacy Commissioner's Direction

A Code of Practice or Direction of the Privacy Commissioner sets special exemptions from the Acts that apply in specific circumstances.

The principles in brief

The RTA must:

INFORMATION PROTECTION PRINCIPLES (PRIVACY ACT) For personal information	HEALTH PRIVACY PRINCIPLES (HEALTH PRIVACY ACT) For health information
COLLECTION AND STORAGE	
<ol style="list-style-type: none">1. Only collect personal information for a lawful purpose directly related to the RTA's functions.2. Collect personal information from the individual unless authorised otherwise.3. Inform the person what personal information is being collected and why, whether supplying it is mandatory or voluntary, and their right to access and correct it.4. Ensure personal information is relevant, accurate, not excessive, complete and up-to-date, and that collecting the information does not unreasonably intrude into an individual's personal affairs.5. Keep personal information no longer than necessary, dispose of it appropriately, store it securely and protect it from unauthorised use or disclosure.	<ol style="list-style-type: none">1. Only collect health information for a lawful purpose directly related to the RTA's functions.2. Collect health information from the individual unless it is unreasonable or impracticable to do so.3. Inform the person what health information is being collected and why, by whom it is being collected and to whom it is usually disclosed.4. Ensure health information is relevant, accurate, not excessive, complete and up-to-date, and that collecting the information does not unreasonably intrude into an individual's personal affairs.5. Keep health information no longer than necessary, dispose of it appropriately, store it securely and protect it from unauthorised access, use or disclosure.
ACCESS AND USE	
<ol style="list-style-type: none">6. Explain what personal information is being held and how to access it.7. Allow people access to their personal information.8. Allow people to update, amend or add a notation to their personal information.9. Take steps to use only relevant, accurate, up-to-date and not misleading personal information before using it.10. Only use personal information for the purpose for which it was collected or a directly related purpose except in nominated circumstances.	<ol style="list-style-type: none">6. Explain what health information is being held and how to access it.7. Allow people access to their health information.8. Allow people to update, amend or add a notation to their health information.9. Take steps to use only relevant, accurate, up-to-date and non-misleading health information.10. Only use health information for the purpose for which it was collected or a directly related purpose except in nominated circumstances.
DISCLOSURE, TRANSFERRALS AND LINKAGES	
<ol style="list-style-type: none">11. Only disclose personal information for the purpose for which it was collected or a directly related purpose except in nominated circumstances.12. Do not disclose sensitive personal information (eg about ethnic or racial origin, trade union membership, etc).	<ol style="list-style-type: none">11. Only disclose health information for the purpose for which it was collected or a directly related purpose except in nominated circumstances.12. Only assign identifiers to people if necessary.13. Allow people to receive anonymous services where practicable.14. Do not transfer health information outside NSW except in nominated circumstances.15. Do not link health information electronically except with express consent.

For further details including information about exemptions and exceptions see:
The *Privacy and Personal Information Protection Act 1998*, Part 2, ss 8 – 19 or Privacy NSW, **A Guide to the Information Protection Principles**, 1999.
The *Health Records and Information Privacy Act 2002*, Schedule 1, cls 1-15 or Privacy NSW, **Handbook to Health Privacy**.

For further enquiries

Manager Records Access Unit

Roads and Traffic Authority
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HAYMARKET NSW 1240

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Email privacy@rta.nsw.gov.au
Web www.rta.nsw.gov.au

Privacy Commissioner

Privacy NSW
GPO Box 6
SYDNEY NSW 2001
Tel (02) 9228 8585
Fax (02) 9228 8577
Email privacy_nsw@agd.nsw.gov.au
Web www.lawlink.nsw.gov.au/privacynsw

Administrative Decisions Tribunal

Level 15, St James Centre
111 Elizabeth Street
SYDNEY NSW 2000
Tel (02) 9223 4677
Fax (02) 9233 3283
Freecall 1800 060 410
Web www.lawlink.nsw.gov.au/adt

Language assistance

Translating and Interpreting Services

Tel 13 14 50

The information contained in this pamphlet must not be relied on as legal advice. More information about privacy in NSW may be obtained from the legislation and the publications issued by Privacy NSW.