

Privacy

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1. Purpose

The purpose of this privacy policy is to clearly communicate the personal information handling practices of the National Offshore Petroleum Safety and Environmental Management Authority (NOPSEMA).

2. Scope

This policy applies to all personal information and sensitive information collected, stored, used and disclosed by NOPSEMA. The collection, storage, use and disclosure of personal information by NOPSEMA is governed by the provisions of the *Privacy Act 1988* (the Privacy Act), specifically, the Australian Privacy Principles (APPs) in Schedule 1 of the Privacy Act.

This policy should also be read in conjunction with the APP Guidelines issued by the Office of the Australian Information Commissioner (OAIC) available at: <http://www.oaic.gov.au/privacy/applying-privacy-law/app-guidelines/>.

3. Definitions

Personal information

Any information or an opinion about an identified individual, or an individual who is reasonably identifiable;

- whether the information or opinion is true or not, and
- whether the information or opinion is recorded in a material form or not.

Sensitive information

- is information or an opinion (that is also personal information) about an individual's:
 - racial or ethnic origin
 - political opinions
 - membership of a political association
 - religious beliefs or affiliations
 - philosophical beliefs
 - membership of a professional or trade association
 - membership of a trade union
 - sexual preferences or practices, or
 - criminal record.
- Health information about an individual

- Genetic information (that is not otherwise health information)
- Biometric information that is to be used for the purpose of automated biometric verification or biometric identification; and
- Biometric templates.

4. Kinds of personal information collected and held by NOPSEMA

Personal information collected and held by NOPSEMA may include:

- Names of individuals
- Contact details (telephone numbers, postal and email addresses)
- Date of birth
- Signatures
- Occupation/position
- Employment history
- Educational qualifications
- Complaint details
- Tax File Numbers
- Personal salary, entitlements and banking information
- Security clearance information
- Declarations of personal/pecuniary interests.

Sensitive information collected and held by NOPSEMA may include:

- Medical/health information of injured individuals
- Medical/health information of NOPSEMA employees
- Membership of a professional or trade association
- Membership of a trade union
- Criminal convictions
- Racial or ethnic origin information (e.g. passport information).

5. Policy Statements

5.1. Anonymity and pseudonymity

Where it is practical to do so, NOPSEMA will provide individuals who interact with NOPSEMA the option of not identifying themselves (remaining anonymous) or using a pseudonym; for example, if a member of the public wishes to make an enquiry. Situations where this may not be practical include, when NOPSEMA monitors compliance through inspections and investigations of offences under the *Offshore Petroleum and Greenhouse Gas Storage Act 2006* (the OPGGS Act) and associated regulations, or when handling requests for personal information under the Privacy Act.

NOPSEMA will not provide this option where the law requires individuals to identify themselves.

5.2. Collection of solicited personal information (including sensitive information) by NOPSEMA

APP 3 governs the collection of personal information and only applies to collection where NOPSEMA has 'solicited' (requested) that personal information be provided. NOPSEMA will only collect personal information from individuals:

- if it is reasonably necessary to discharge its functions and exercise its powers under the OPGGS Act, the *Offshore Petroleum and Greenhouse Gas Storage (Regulatory Levies) Act 2003* (the Levies Act) and associated regulations; or
- if it is directly related to the business activities and activities of NOPSEMA, including recruitment and human resource management, handling freedom of information requests or requests made under the Privacy Act and other corporate service functions.

NOPSEMA collects personal information in a number of ways; including from an individual directly, from a publicly available source or from a third party who contacts us and supplies us with the personal information of others. NOPSEMA will usually collect personal information only from the individual directly, unless:

- it is unreasonable or impractical to collect the information from that individual, for example where NOPSEMA is investigating breaches or suspected breaches of the OPGGS Act and regulation;
- the individual consents to it being collected from someone else;
- NOPSEMA is required or authorised by law or a court/tribunal order to collect the information from someone else.

NOPSEMA collects personal information in various ways, electronically (such as email or via online subscription service), if an individual writes to or hands us hard copy documents, contacts us by telephone or meets with us in person.

5.2.1. Purposes for collecting personal information

NOPSEMA collects personal information in order to:

- communicate with petroleum duty holders to administer levies payable
- communicate with duty holders when assessing submissions of 'permissioning documents'¹ and applications for approval and/or authorisation under the OPGGS Act and regulations
- monitor compliance with the OPGGS Act and regulations (e.g. conduct inspections of offshore facilities and activities, and investigate offshore safety or environmental accidents, occurrences, environmental incidents and complaints)
- enforce and prosecute breaches or suspected breaches of the OPGGS Act and associated regulations
- handle and respond to enquiries from members of the public
- promote and educate the public and the offshore petroleum industry on safety, integrity and environmental management developments and initiatives in offshore petroleum operations
- participate in legislative reform activities (where members of the public are consulted)

¹ operator nominations, proposed scopes of validation, safety cases, environment plans, offshore project proposals, diving safety management systems, well operations management plans

- manage NOPSEMA's administrative activities (e.g. requests under the Freedom of Information Act 1982 (the FOI Act))
- manage NOPSEMA's corporate service functions, including human resources.

5.2.2. Sensitive information

NOPSEMA will only collect sensitive information about an individual if the individual consents and it is reasonably necessary for or directly related to one or more of its functions or activities. However, NOPSEMA may collect sensitive information without consent if:

- if a law or a court/tribunal order requires or authorises NOPSEMA to collect the sensitive information
- NOPSEMA believes that the collection is necessary to lessen or prevent a serious threat to the life, health and safety, and it is unreasonable or impractical to obtain consent
- NOPSEMA has reason to suspect unlawful activity or misconduct of a serious nature relating to its functions or activities and believes that the use or disclosure is necessary for NOPSEMA to take appropriate action
- the use or disclosure of the information is reasonably necessary for, or directly related to, one or more of NOPSEMA's enforcement related activities.

Purposes for collecting sensitive information

NOPSEMA collects sensitive information from individuals in certain circumstances for the following purposes:

- receiving notifications and investigating offshore incidents and complaints
- enforcement and prosecution of breaches or suspected breaches of the OPGGS Act and associated regulations
- managing NOPSEMA's administrative activities (e.g. requests under the FOI Act)
- managing NOPSEMA's human resources function, including health and safety of employees.

5.2.3. Notification

Where NOPSEMA collects personal information from individuals, and it is practicable to do so, it will take reasonable steps to notify them of certain matters as set out in APP 5.2, which include:

- NOPSEMA's identity and contact details
- the facts and circumstances of collection, including whether personal information was collected from the individual it belongs to or from someone else
- whether the collection is required or authorised by law
- the purpose of collection
- consequences if the personal information is not collected
- other APP entities, bodies or persons to whom the information is usually disclosed
- A reference to NOPSEMA's APP Privacy Policy to seek access or correction or complaint handling
- Whether NOPSEMA is likely to disclose personal information to overseas recipients, and if practicable, the countries where they are located.

Notification will take place either at or before the time that NOPSEMA collects an individual's personal information; or if that is not practicable, as soon as possible after collection.

5.3. Use and disclosure

NOPSEMA will only use or disclose personal information for the purpose for which it was collected (primary purpose) including the purposes described in clause 5.2.1 of this policy. NOPSEMA may disclose personal information to other Commonwealth agencies for reporting purposes or State agency for the purpose of obtaining information.

NOPSEMA will not use or disclose personal information for another (secondary) purpose, unless:

- The individual consents to the secondary use or disclosure;
- The individual would reasonably expect NOPSEMA to use or disclose the information for the secondary purpose
- In the case of sensitive information, the secondary purpose is directly related to the primary purpose
- The secondary use or disclosure of the information is required or authorised by law or a court/tribunal order;
- the secondary use or disclosure is necessary to lessen or prevent a serious threat to the life, health and safety, and it is unreasonable or impractical to obtain consent
- NOPSEMA suspects unlawful activity, or misconduct of a serious nature, relating to its functions or activities and reasonably believes that the use or disclosure is necessary in order for NOPSEMA to take appropriate action
- the use or disclosure of the information is reasonably necessary for one or more of its enforcement related activities
- the individual would reasonably expect, or has been informed, that information of that kind is usually passed to those individuals, bodies or agencies.

5.3.1. Overseas disclosure

NOPSEMA may occasionally disclose personal information to overseas entities if it is reasonably necessary for the performance of NOPSEMA's functions or activities under the OPGGS Act. Examples of when this may occur include:

- where NOPSEMA needs to communicate with a duty holder whose offices are located overseas
- if it is necessary for NOPSEMA to work with overseas law-enforcement agencies in relation to its enforcement activities
- if an overseas person requests information under the FOI Act.

5.4. Integrity and security of personal information and disposal

NOPSEMA takes reasonable steps to ensure that the personal information it holds is accurate, up to date and complete. These steps include maintaining and updating personal information when we are advised by individuals that their personal information has changed.

NOPSEMA ensures that the personal information it holds is protected against loss, unauthorised access, use, modification or disclosure and against other misuse. These steps include password protection for accessing our electronic IT system records and securing paper files in locked cabinets and physical access restrictions.

Where NOPSEMA receives personal information that it did not solicit and it is not contained in a Commonwealth record, NOPSEMA will destroy or de-identify that information. Commonwealth records that contain personal information are managed in accordance with NOPSEMA's records disposal authority.

5.5. Access and correction

An individual may request access to the personal information NOPSEMA holds about them, or request an amendment to their personal information, by contacting NOPSEMA's Privacy Contact Officer in writing, at privacy@nopsema.gov.au.

NOPSEMA will provide access or make the correction unless there is a sound reason under the Privacy Act, the FOI Act or other relevant Australian law to withhold the information, or not make the correction.

5.5.1. Dealing with requests for access

There are no charges payable by individuals who wish to access their own personal information.

NOPSEMA will respond to requests for access within 30 days of the date of request.

If NOPSEMA decides to allow access, it will be provided in the manner requested by the individual, or as otherwise agreed.

If NOPSEMA refuses to provide access to an individual's personal information, NOPSEMA will provide a written notice setting out the reasons for the refusal and the review/complaint mechanisms that are available.

5.5.2. Dealing with requests for correction

There are no charges payable by individuals who wish to correct their own personal information.

NOPSEMA will respond to requests for correction within 30 days of the request.

If NOPSEMA considers that it is reasonable to correct the information in the form requested by the individual, it will make that correction. NOPSEMA will also notify other APP entities of the correction if the personal information has previously been disclosed to another APP entity.

If NOPSEMA refuses to correct the personal information as requested by an individual, NOPSEMA will provide a written notice setting out the reasons for the refusal and the review/complaint mechanisms that are available. In these circumstances, the individual may request that NOPSEMA attach a statement to the relevant record of the individual's request to correct the personal information.

5.6. Complaints of breaches of the APPs

If an individual believes that an act or practice of NOPSEMA breaches an APP in relation to their personal information, they should first lodge a complaint with NOPSEMA's Privacy Contact Officer in writing at privacy@nopsema.gov.au.

NOPSEMA will investigate the complaint and respond within 30 days. If an individual is not satisfied with NOPSEMA's response to a complaint, they may complain to the OAIC. Further information about OAIC complaints is available at: <http://oaic.gov.au/privacy/making-a-privacy-complaint>.