

## NSW ARB Policy

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# PRIVACY MANAGEMENT PLAN

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## The function of the NSW Architects Registration Board

The NSW Architects Registration Board (NSW ARB) is constituted by, and operates under, the [Architects Act 2003](#), the legislation regulating architects in NSW. Our role is to:

- Protect consumers of architectural services by ensuring that architects provide services to the public in a professional and competent manner
- Discipline architects who have acted unprofessionally or incompetently
- Accredite architectural qualifications for the purpose of registration
- Inform the public about the qualifications and competence of individuals or organisations holding themselves out as architects, and
- Promote a better understanding of architectural issues in the community.

## Objectives of the Privacy Policy and this Privacy Management Plan

The NSW ARB has a [Privacy Policy](#) and this Privacy Management Plan (PMP) to ensure we comply with our privacy obligations. Both documents are publicly available to download from the [Publications page](#) of the NSW ARB website.

Our [Privacy Policy](#) ensures that the handling of your personal information is consistent with the 12 Information Protection Principles (IPPs) for government agencies as set out in the [Privacy and Personal Information Protection Act 1998](#) (PPIP Act). The policy covers the type of information we collect and why, how we use personal information, how we will respond to a data breach, copyright, and how to get access to information.

This Privacy Management Plan is a more comprehensive document than the Privacy Policy and explains how we manage personal and health information in line with NSW privacy laws.

The NSW ARB collects and handles the personal or health information of many people across the NSW architecture profession. We take seriously our responsibility to look after the personal and health information we collect and handle relating to consumers, registered architects, candidates for the Architectural Practice Examination (APE) and NSW Portfolio Program of Assessment, employees and Board members. The NSW ARB is bound by law in the way we notify collection of usage, storage and disclosure of personal and health information.

Each NSW public sector agency must have a PMP and provide a copy to the NSW Privacy Commissioner. It is required to be made publicly available on our website and be made available in other ways on request.

In this PMP you will find information about:

- how to contact us with an enquiry or complaint about your personal or health information
- what to do if you think we have breached the [PPIP Act](#) or the [Health Records and Information Protection Act 2002](#) (HRIP Act)
- how to access and amend any personal and health information the NSW ARB holds about you.

Internally, the NSW ARB uses this PMP to train employees in handling personal and health information. The NSW ARB devises its policies and practices to comply with the [PPIP Act](#) and the [HRIP Act](#).

## Definitions

The following terms are used in this PMP:

**Agency** – a ‘public sector agency’, as defined in [section 3 of the PPIP Act](#).

**Personal information** – as defined in [section 4 of the PPIP Act](#), personal information is information or an opinion that identifies a person (or that would allow a person’s identity to be discovered). Personal information can include:

- person’s name, date of birth, address, financial information, other details
- photographs, images, video, or audio footage.
- Some types of personal information are exempt from the definition of personal information. This includes information concerning
- a person who has been dead for more than 30 years, information about someone that is contained in a publicly available publication, or information or opinion about a person’s suitability for employment as a public sector official
- health information – as defined in [section 6 of the HRIP Act](#), health information is a specific type of ‘personal information’. It includes but is not limited to:
  - information or an opinion about a person’s physical or mental health, or a disability (at any time), such as a psychological report, blood test or x-ray
  - personal information a person provides to a health service provider
  - information or an opinion about a health service already provided to a person e.g., attendance at a medical appointment
  - information or an opinion about a health service that is going to be provided to a person
  - a health service a person has requested
  - some genetic information.

## The type of personal and health information we hold

The NSW ARB collects and holds personal or health information to carry out its daily operations. This may include information required to process initial applications for registration as an architect, applications for renewal of registration, consumer complaints about architects, employee records, or requests under right to information laws. The information collected for any NSW ARB function may be used by the NSW ARB for a primary or directly related secondary purpose as allowed under legislation. A primary purpose is the clear purpose for which we collect the information from you, for example for a registration application. Directly related secondary purposes might include investigations, policy, and programs, or responding to ministerial enquiries. Your personal and health information is always handled in accordance with the privacy laws and principles.

There are two main categories of personal and health information that we hold or have access to:

- personal and health information about members of the public and stakeholders
- personal and health information about Board Members, employees, and contractors.

### Personal and health information held about members of the public and stakeholders

To exercise the NSW ARB’s various functions and activities, we hold personal or health information obtained through applications for registration as an architect and consumer complaints about architects. The following personal and health information may be collected, depending on the specific needs of the NSW ARB:

- Name, date of birth, home address and other contact details
- Financial information such as bank details, signatures
- Complaints and correspondence associated with their investigation
- Employment details, job specifications and status
- Insurance claims history
- Medical certificates and injuries
- Criminal records, compliance history, bankruptcy information.

### **Personal and health information held about employees**

Day-to-day operations of most employees, such as leave requests and payroll and contractual arrangements are protected and securely stored.

### **Responsibilities of NSW ARB employees and Board members**

All employees, Board members and contractors are required to comply with the privacy principles set out in the [PPIP Act](#) and the [HRIP Act](#). Both Acts contain criminal offence provisions applicable to employees, agents and contractors who use or disclose personal information or health information other than in accordance with their lawful functions. Employees who are suspected of conduct that would breach the privacy principles or the criminal provisions may be disciplined for a breach of the NSW ARB Code of Conduct. Suspected criminal conduct may result in dismissal of employment and/or referral to the NSW Police.

It is an offence to:

- intentionally disclose or use personal or health information accessed in doing our jobs for an unauthorised purpose
- offer to supply personal or health information for an unauthorised purpose
- attempt by threat, intimidation, etc, to dissuade a person from making or pursuing a request for health information, a complaint to the NSW Privacy Commissioner about health information, or an internal review under the [HRIP Act](#)
- hinder the NSW Privacy Commissioner or an employee from doing their job.

### **Managing personal and health information**

The [PPIP Act](#) and the [HRIP Act](#) outline principles for managing personal and health information and regulate the collection, storage, usage, and disclosure of personal and health information. There are 12 Information Protection Principles (IPPs) set out in [Part 2, Division 1 of the PPIP Act](#) and 15 Health Privacy Principles (HPPs) set out in [Schedule 1 of the HRIP Act](#).

#### **1. Collection of personal information must only be for a lawful purpose**

(IPP 1 [[section 8 of PPIP Act](#)] and HPP 1)

##### **1.1 The principle in brief**

The NSW ARB will only collect personal and health information if:

- it is for a lawful purpose that is directly related to one of our functions, and
- it is reasonably necessary for us to have the information.

##### **1.2 How this principle is applied by the NSW ARB**

The NSW ARB will not collect personal and health information unless we need it for one of our functions. The NSW ARB may also liaise with external stakeholders to fulfil our functions under

legislation and employees will seek to access the personal and health information collected by those stakeholders if it is reasonably necessary for those functions. A substantial amount of personal and health information is collected from our employees for the purpose of personnel management. Such information is stored securely. Personal and health information may also be collected directly from the employee. For example, minimal health information may be collected for the purpose of making necessary adjustments to allow the employee to work.

### **1.3 Examples and types of situations**

Situations may arise where stakeholders such as customers and architects provide personal information in connection with enquiries. For example, an investigation of an architect's misconduct requires the complainant's details and architect's details to allow the NSW ARB to contact parties and conduct investigations. Another example is the collection of personal information of architects who seek to be registered on the NSW Register of Architects. A comprehensive Register is required for NSW ARB employees and customers to search and locate an architect who is registered in NSW.

Personal information may be collected for recruitment purposes from applicants who apply for employment positions with the NSW ARB. For example, applicants are requested to provide a cover letter, curriculum vitae and copies of their academic transcripts, all of which contain relevant personal information. This information allows the NSW ARB to contact relevant parties and evaluate which candidate is best suited for the role, given their skills, experience and education. The collection of the personal information is for a lawful purpose that is directly related to the functions of the NSW ARB and is reasonably necessary for recruitment or human resources purposes.

When a member of the public makes an enquiry to the NSW ARB, for example to seek information about an architect or to seek information about making a complaint about an architect, they may provide personal information about their identity, the architectural project they are currently commissioning and details of the issues they are currently having. When an architect makes an enquiry to the NSW ARB, for example to seek information about their registration status, they need to provide personal information such as their NSW architect registration number, date of birth or address details so that assistance can be provided specific to their needs. In both cases, the information collected by the NSW ARB is reasonably necessary and directly related to the customer service function of the NSW ARB.

The NSW ARB also collects information when an architect dies to ensure that the NSW Register of Architects is accurate, up-to-date, and complete. The collection of this information does not intrude to an unreasonable extent on the personal affairs of the individual to whom the information relates, as the NSW ARB requires the architect's name, registration number, and their date of death ([Schedule 1 Health Privacy Principles ss 1-2 of the HRIP Act](#)). The personal health information is required to ensure that the families and associates of architects who have died do not continue to receive notifications from the NSW ARB, such as renewal notices or reminders to fulfil legal requirements associated with maintaining registration of the deceased.

Personal health information may be collected from architects when they seek an exemption from registration requirements such as carrying professional indemnity insurance or completing prescribed continuing professional development activities. In applying for an exemption, an architect may need to tell the NSW ARB about parental leave, or other health issues that are preventing them from fulfilling some of the requirements of their registration. The collection of the personal health information is required to ensure that reasonable

concessions are made for architects when necessary, and to confirm the legitimacy of the grounds for the exemption. The NSW ARB takes reasonable steps in these circumstances to ensure that the information collected is relevant, is not excessive and is accurate, up-to-date, and complete. The collection of the information does not intrude to an unreasonable extent on the personal affairs of the individual to whom the information relates.

## **2. Personal information must only be collected directly from the person the information is about or someone authorised by that person (IPP 2 [[section 9 of PPIP Act](#)] and HPP 3)**

### **2.1 The principle in brief**

The NSW ARB collects personal information directly from the person unless they have authorised otherwise.

### **2.2 How this principle is applied by the NSW ARB**

The NSW ARB collects your personal information directly from you unless you have authorised us to do otherwise. However, there are circumstances when information may have been gathered from other sources, including other government agencies, where we are lawfully authorised to do this under a legislative provision or a Privacy Code of Practice. For example, complaints or disputes lodged with the Board require one party to the dispute to provide the name and contact details of the other party so that the NSW ARB can investigate the matter. Human resources personnel may need to liaise with an injured employee's doctor. We will take whatever steps are necessary to ensure that collection of such information is done lawfully, such as obtaining an employee's consent to contact their treating doctor.

## **3. Notification when collecting personal information (IPP 3 [[section 10 of PPIP Act](#)] and HPP 4)**

### **3.1 The principle in brief**

When collecting personal information from you, we will take reasonable steps to tell you:

- who we are and how to contact us
- what the information will be used for
- what other organisations (if any) we intend will receive this type of information from us
- whether the collection is authorised by law or is voluntary
- what the consequences will be if you do not provide the information to us
- how you can access and correct your information held by us, and
- the name and address of the agency that is collecting the information and the agency that is to hold the information.

### **3.2 How this principle is applied by the NSW ARB**

The NSW ARB continually reviews and refines the various forms it uses to collect personal information to ensure they include clear privacy statements. Sometimes information may be collected over the phone or face to face. Employees are trained to ensure they understand the privacy principles.

#### **4. How we collect personal information – the method and content**

(IPP 4 [[section 11 of PPIP Act](#)] and HPP 2)

##### **4.1 The principle in brief**

When we collect personal information from you, we will take reasonable steps to ensure the information we collect is relevant, accurate, up-to-date and complete, and not intrusive or excessive.

##### **4.2 How this principle is applied by the NSW ARB**

We will take reasonable steps to ensure that when we design forms, communicate with members of the public, architects, and employees (face-to-face, over the phone and in writing), or otherwise collect information from you, we do not seek personal information that is intrusive or excessive. We will ensure that the personal information we do collect is relevant, accurate, up-to-date, and complete. We may do this by cross referencing the information with other sources, such as the Australian Securities and Investment Commission's (ASIC) register of companies and business names. We will also make sure that, if you request it, you can see what information we hold about you and we will correct it as necessary. We design forms to ensure that only information required to carry out our functions is requested or required from you. We will ensure these privacy principles are built into our policies, procedures, and practices through employee training.

#### **5. How we store and secure personal and health information**

(IPP 5 [[section 12 of PPIP Act](#)] and HPP 5)

##### **5.1 The principle in brief**

We take reasonable security measures to protect personal and health information from loss, unauthorised access, modification, use or disclosure. We ensure personal and health information is stored securely, not kept longer than necessary, and disposed of appropriately.

##### **5.2 How this principle is applied by the NSW ARB**

We consider the security of information to be an important issue and have systems in place to ensure that only authorised people can access information. In addition, the [PPIP Act](#) carries several provisions for prosecuting individuals for unlawful disclosure of personal and health information. Unlawful access to information by our employees or contractors will result in disciplinary action, and in some serious cases, in criminal prosecution.

We use technical, physical, and administrative actions, as well as assessment by independent audit, as security measures to ensure personal and health information is stored securely. Some examples of retention and security measures that we have in place include:

- All our databases that hold personal or health information are restricted by password or other security measures to ensure that only people with a reason have access to that information
- Secure destruction bins and paper shredders are provided for disposal of confidential paper records.

The NSW ARB stores information in accordance with the provisions of the [State Records Act 1998](#) and standards issued by State Archives NSW.

## 6. Transparency (IPP 6 [[section 13 of PPIP Act](#)] and HPP 6)

### 6.1 The principle in brief

Once we have confirmed your identity, we will take reasonable steps to let you find out whether we are likely to hold your personal or health information, the nature of the information we hold, the purposes for which we have used your personal or health information, and how you can access your information.

### 6.2 How this principle is applied by the NSW ARB

We have a broad obligation to the community to be open about how we handle personal and health information. The PMP for the NSW ARB is available on the website. The PMP sets out the major categories of personal and health information that is held, explains the privacy obligations, and explains the process for accessing and/or amending any of the personal and health information we hold about you.

## 7. Access to information we hold (IPP 7 [[section 14 of PPIP Act](#)] and HPP 7)

### 7.1 The principle in brief

You can make enquiries at any time to find out the personal or health information we hold about you. Once we have confirmed your identity, you may access your personal and health information without unreasonable delay or expense. We will only refuse access where authorised by law. If requested, we will provide written reasons for any refusal in line with our commitment to be open and transparent.

### 7.2 How this principle is applied by the NSW ARB

If you want a copy of your own personal or health information held by NSW ARB, we will usually be able to provide it to you, free of charge. If you are having difficulties accessing your personal or health information, or you wish to make a formal application for information, you can contact the NSW ARB by email to [mail@architects.nsw.gov.au](mailto:mail@architects.nsw.gov.au).

## 8. Correction of information we hold (IPP 8 [[section 15 of PPIP Act](#)] and HPP 8)

### 8.1 The principle in brief

Once we have confirmed your identity, you may update or amend your personal or health information held by us to ensure it is accurate, relevant, up-to-date, complete, and not misleading.

### 8.2 How this principle is applied by the NSW ARB

The NSW ARB may wish to verify the accuracy of any information you request to be amended, such as confirming a change of name with the NSW Registry of Births Deaths & Marriages, confirming architectural qualifications with the university provider, or confirming information about a bankruptcy with the Bankruptcy Trustee. In general, any proposed corrections to your personal or health information should be provided in writing so we can verify your identity and keep a record of the correction. You can email requests for correction of your information to [mail@architects.nsw.gov.au](mailto:mail@architects.nsw.gov.au).

We must provide you access to, or amend, your personal or health information without excessive delay or expense. We do not charge any fees to access or amend your personal or health information unless you are lodging a formal application under the [Government Information \(Public Access\) Act 2009](#) (GIPA Act).



If the NSW ARB does not agree to the correction or amendment, the reason for the refusal will be provided in writing to person the information refers to and the applicant requesting the amendment. The request to amend, and any reason for a refusal to amend, must be saved adjacent to the information it refers to for the life of the information record.

A disputed record may be a professional opinion that is challenged; however, the record of the professional opinion must be maintained regardless of the individual's request to vary that opinion.

## **9. Accuracy of information (IPP 9 [\[section 16 of PPIP Act\]](#) and HPP 9)**

### **9.1 The principle in brief**

Before using personal or health information we take reasonable steps to ensure that the information is relevant, accurate, up-to-date, complete, and not misleading.

### **9.2 How this principle is applied by the NSW ARB**

We ensure the accuracy of the information by collecting it directly from you wherever practicable. This gives you the opportunity to correct the information and allows us to ensure the information is relevant, accurate, up-to-date, complete, and not misleading prior to the use of the information. We take such steps as are reasonable in the circumstances to ensure the accuracy of information. This may be achieved through the requirement of supporting documentation or by confirming the information with an outside agency. At any point in time, architects can [login to their personal account](#) and update their details. The NSW ARB issues an annual reminder to provide architects with the opportunity to correct inaccuracies in their personal details.

## **10. How we use personal and health information (IPP 10 [\[section 17 of PPIP Act\]](#) and HPP 10)**

### **10.1 The principle in brief**

We may use personal and health information for the primary purpose for which it was collected and for a directly related secondary purpose (e.g., use information from a consumer complaint in an investigation about an architect), if

- we believe the use is necessary to prevent or lessen a serious and imminent threat to life or health
- it is lawfully authorised or required
- required for another purpose if you have consented.

### **10.2 How this principle is applied by the NSW ARB**

As a general principle, we use the personal and health information we've collected only for the purpose for which it was collected. The relevant purpose should have been set out at the time of collection.

A common example of the use of personal information by the NSW ARB is in the investigation of a complaint about an architect's conduct. The complainant and the architect will be required to provide personal information to allow us to contact parties and conduct investigations.

Another example is the collection of personal information from individuals who apply to become registered architects on the NSW Register of Architects. Comprehensive information about the personal details and registration history of architects is recorded on the Register to support the regulatory and customer service functions of the NSW ARB.

Many enquiries received by the NSW ARB relate to seeking information about an architect or an architect corporation or firm. The NSW ARB holds personal information and must, at the request of the individual about whom the information relates, provide the individual with access to the information without excessive delay or expense. The NSW ARB, at the request of the individual about whom the information relates, will make appropriate amendments (whether by way of corrections, deletions, or additions) to ensure that the personal information is accurate, relevant, up to date, complete and not misleading, having regard to the purpose for which the information was collected (and/or is to be used).

At times, personal health information will need to be shared by NSW ARB employees who receive the information and communicate it to the relevant colleague for action. An example is when a family member contacts the NSW ARB via email or phone to advise of an architect's death. The person who initially receives the information may not be the person who is responsible for handling health information and entering it into the Register. As such, the personal health information may need to be transferred between NSW ARB employees. Personal health information will not be disclosed by NSW ARB employees to the public.

Another example is when an architect advises the NSW ARB in a general way, that they are seeking a medical exemption from fulfilling their continuing professional development obligations. The NSW ARB employee who is communicating with the architect may need to disclose the health information that they received to the same architect and seek further information, such as a letter from their doctor or a statutory declaration. The health information collected by the NSW ARB would require consent from the individual to whom the information relates to be used for any secondary purpose.

## **11. How we disclose personal and health information (IPP 11 [[section 18 of PPIP Act](#)] and HPP 11)**

### **11.1 The principle in brief**

We may disclose your information if you have consented and the information is not 'health information' or 'sensitive information' and you have been made aware that the information is likely to be disclosed to the recipient: if it is lawfully authorised or required; if it is reasonably necessary to lessen or prevent a serious threat to health; if the information is 'health information' and the disclosure is for the purpose for which the information was collected; or for a directly related secondary purpose within your reasonable expectations.

### **11.2 How this principle is applied by the NSW ARB**

We may disclose information we are lawfully authorised or required to disclose, such as when a public register is required to be kept by law. Other disclosures we make will be appropriately related to the purpose for which the information was collected, or we will have your consent. We also disclose personal information to other government agencies where it is lawful. When we are required to disclose information between other public sector agencies, we will do so in accordance with the privacy laws.

The NSW ARB does not use personal information for a purpose other than that for which it was collected unless the architect or architect corporation or firm has consented to the use of the information for that purpose. Architects and architect corporations or firms have the option of disclosing personal information to the public. An example is consenting to the disclosure of personal contact details that are not publicly available on the Register. The NSW ARB will not release this information unless the stakeholder has first given their consent.

On occasion the NSW ARB receives complaints under [section 9](#) or [section 10 of the Architects Act 2003](#) where the complainant seeks for their identity to be concealed and not released to the individual or business entity the subject of the complaint. The NSW ARB will not disclose the personal information of a complainant if they would object to the disclosure.

Personal health information could be disclosed internally within the organisation between NSW ARB employees in the performance of NSW ARB functions. An example is when a family member contacts the NSW ARB via email or phone to advise of an architect's death. The person who initially receives the information may not be the person who is responsible for handling health information and entering it into the Register. As such, the personal health information may need to be transferred between NSW ARB employees. Personal health information will not be disclosed by NSW ARB employees to the public.

## **12. Stricter rules apply to specific information (IPP 12 [[section 19 of PPIP Act](#)] and HPP 14)**

### **12.1 The principle in brief**

Disclosing sensitive information (e.g., your ethnic or racial origin, political opinions, religious or philosophical beliefs, trade union membership or sexual activities) is only allowed with your consent or if there is a serious and imminent threat to a person's life or health. Disclosing personal or health information to someone outside of NSW, or to a Commonwealth agency, is only permitted in limited circumstances as set out in the legislation.

### **12.2 How this principle is applied by the NSW ARB**

We make every effort to minimise the amount of information we collect about your ethnic or racial origin, political opinions, religious or philosophical beliefs, trade union membership or sexual activities. Where this information is collected, it is treated with the highest protection wherever possible.

## **13. How we use unique identifiers and linkage of health records (HPP 12, 13 and 15)**

### **13.1 The principle in brief**

We may only assign identifiers (e.g., a number) to an individual's health information if it is reasonably necessary. We must not include health information in a health records linkage system without your consent.

### **13.2 How this principle is applied by the NSW ARB**

Health information is generally only collected by the NSW ARB to manage cases of injured employees and to investigate workplace incidents. Where health information has been gathered to manage an injured employee, it is not given a separate identifier but kept against the relevant employee's injury management record. Where the information has been gathered as part of an investigation of a workplace incident, the information is held against the investigation file, and not given any separate identifier. The NSW ARB has no linkages to any health records systems.

The NSW ARB may inadvertently collect health information, even though it is not sought. When this type of information is collected, it is not given any separate identifier and is not included in any health records linkage system.

Individuals do not have the opportunity to remain anonymous when providing personal health information to the NSW ARB. This is because when we seek health information from architects, the information must be recorded in the NSW Register of Architects against the architect's name/NSW architect registration number.

Under the [Mutual Recognition Act 1992](#) there may be circumstances where the NSW ARB is required to disclose personal information to architect registration boards in other Australian States and Territories. Personal information regarding an architect's registration and other identifying details such as their full name, date of birth, and residential and/or business address are shared.

## **Exemptions - Sometimes the Information Protection Principles and Health Privacy Principles do not apply**

The IPPs and HPPs do not apply in certain situations or to certain information collected. Some of the key situations where collection, usage or disclosure of information is exempted from compliance with certain IPPs and HPPs include:

- unsolicited information, unless we have retained it for a purpose (although we will generally treat unsolicited information in the same manner as information we have requested from you)
- personal information collected before 1 July 2000 (although we will generally treat this information in the same manner as information collected after 1 July 2000)
- health information collected before 1 September 2004 (although we will generally treat this information in the same manner as information collected after 1 September 2004)
- law enforcement and investigative purposes and some complaints handling purposes
- when authorised or required by a subpoena, warrant or statutory notice to produce
- if another law authorises or requires us not to comply
- where non-compliance is otherwise permitted, implied, or contemplated by another law
- in the case of health information, to lessen or prevent a serious threat to public health or public safety
- some research purposes
- in the case of health information, compassionate reasons, in certain limited circumstances
- finding a missing person information sent between public sector agencies to transfer enquiries or to manage correspondence from a Minister or member of Parliament
- The privacy management plans of divisions will provide examples of any relevant laws or circumstances that require or permit non-compliance with the IPPs or HPPs.

Apart from the above exemptions, there is no legislation that allows the NSW ARB to not comply with the IPPs and HPPs

There are no current privacy codes of practice or public interest directions relevant to the NSW ARB.

The [Mutual Recognition Act 1992](#) allows architects from other Australian States and Territories to register in NSW and impacts the NSW ARB's handling of personal and health information. We are required to share personal information with architect registration boards in other Australian States and Territories. A local architect registration board must furnish without delay any information reasonably required by an architect registration board in another State or Territory about a person substantively registered under a law of the first-mentioned State. The obligation does not apply unless the authority of the other State notifies the authority of the first-mentioned State that the information is required in connection with: a notice lodged by a person seeking registration; or a person's deemed registration; or actual or possible disciplinary action against the person ([section 37\(3\) of the Mutual Recognition Act 1992](#)). The authority of the first-mentioned State may provide the information, despite any law relating to secrecy or confidentiality. Nothing in this section affects any obligation or power to provide information apart from this section.

If a local architect registration board receives information under [section 37](#), the information is subject to any law relating to secrecy or confidentiality that would apply if the information were provided under the laws of the State or Territory under which the authority is constituted or exercises its functions ([section 38 of the Mutual Recognition Act 1992](#)).

### **Information published on public registers** ([Part 6 of the PPIP Act](#))

A public register is a register of information that is publicly available or open to public inspection. If you hold an authority that is required to be published on a public register such as a registration as an architect in NSW, some of your personal information will be publicly available, such as your name, address, and any conditions placed on the registration.

If you have any specific concerns about your personal information being on a public register, you can send an email to [mail@architects.nsw.gov.au](mailto:mail@architects.nsw.gov.au). Any request for your information to be suppressed from a public register must be in writing and must provide reasons for the request and include other supporting documents if relevant. In making any decision to suppress your information, we will balance your rights with the public interest in maintaining public access to the information, in accordance with legal requirements.

### **Internal reviews and complaints**

If you have any concerns about the way your personal or health information has been handled, or you disagree with the outcome of your request to access or amend your personal or health information, you have the right to an internal review of the decision by the NSW ARB. While there is no right to an external review by the Information Privacy Commission NSW (IPC), the Privacy Commissioner will take an oversight role during the internal review process and the NSW ARB is required to keep the Commissioner updated on the progress of the review and give the Commissioner the opportunity to provide submissions on the draft report.

An application for an internal review must:

- (a) be in writing
- (b) be addressed to the NSW ARB
- (c) specify an address in Australia to which a notice under [subsection \(8\)](#) may be sent
- (d) be lodged with the NSW ARB within 6 months (or such later date as we may allow) from the time the applicant first became aware of the conduct the subject of the application, and
- (e) comply with such other requirements as may be prescribed by the regulations ([section 53\(3\) of the PPIP Act](#)).

Except as provided by [section 54\(3\) of the PPIP Act](#), the application must be dealt with by an authorised individual within the NSW ARB. That individual must be, as far as is practicable, a person—

- (a) who was not substantially involved in any matter relating to the conduct the subject of the application
- (b) who is an employee or officer of the NSW ARB, and
- (c) who is otherwise suitably qualified to deal with the matters raised by the application.

When reviewing the conduct the subject of the application, any relevant material submitted by the applicant or the Privacy Commissioner will be considered ([section 53\(5\) of the PPIP Act](#)).

After the completion of the review, the NSW ARB may do any one or more of the following—

- (a) take no further action on the matter
- (b) make a formal apology to the applicant

- (c) take such remedial action as it thinks appropriate (e.g., the payment of monetary compensation to the applicant)
- (d) provide undertakings that the conduct will not occur again, and/or
- (e) implement administrative measures to ensure that the conduct will not occur again.

## External reviews and complaints

Should the individual remain dissatisfied after completion of the internal review by the NSW ARB, they have a right to an external review by the NSW Civil and Administrative Tribunal (NCAT) under the [Administrative Decisions Review Act 1997](#) of the conduct that was the subject of the application under [section 53 of the PPIP Act](#). It is important to note that this right is enlivened only after the individual has sought internal review with the NSW ARB.

There is an additional right to lodge a complaint with the Privacy Commissioner directly. However, it is important to note that should the individual lodge a privacy complaint with the IPC, there is no additional right to external review at the NCAT should the person be dissatisfied with the complaint outcome.

## What you can expect from the NSW ARB from a formal request for an internal review

- Your application will be acknowledged in writing and the acknowledgement will include an expected completion date.
- The review will be conducted by a privacy officer who is an employee or an officer of the NSW ARB, qualified to deal with the subject matter of the complaint and not the subject of the complaint.
- The internal review will be completed within 60 days of receiving your application. If the review is not completed within this time, you have the right to seek an external review at the NCAT.
- We will follow the [NSW Privacy Commissioner's Internal Review Checklist available here](#) and will give consideration to any relevant material submitted by you and/or the NSW Privacy Commissioner.
- In making a decision, we may decide to take appropriate remedial action, make a formal apology to you, implement administrative measures to ensure that the conduct will not occur again, undertake to you that the conduct will not occur again, and/or take no further action on the matter.
- You will be informed of the outcome within 14 days of the internal review being completed, including the findings of the review, the reasons for those findings, the action the NSW ARB proposes to take, the reasons for the proposed action (or no action), and your entitlement to have the findings and the reasons for the findings reviewed by the NCAT.

## Role of the NSW Privacy Commissioner

The [PPIP Act](#) requires that the NSW Privacy Commissioner be informed of the receipt of an application for an internal review of conduct and receive regular progress reports of the investigation. In addition, the Commissioner is entitled to make submissions about the application for internal review. When we receive your application, we will provide a copy to the Privacy Commissioner. We will then continue to keep the Privacy Commissioner informed of the progress of the internal review, the findings of the review and the proposed action to be taken by us in response to the internal review. Any submissions made by the Privacy Commissioner to us will be taken into consideration when making our decision.

## External review by the NCAT

If you are unhappy with the outcome of the internal review, you can apply to the NCAT to review the decision (an “external review”). You may also apply to the NCAT to conduct an external review if we have not completed your internal review within 60 days. Generally, you have 28 days from the date of our internal review decision to seek an external review. The NCAT has the power to make binding decisions on an external review, including ordering the payment of damages of up to \$40,000.

## Offences under the [PIPP Act](#) and the [HRIP Act](#)

An employee or a person must not induce or attempt to induce a public sector official by way of a bribe or other corrupt conduct to disclose any personal information about another person to which the official has or had access in the exercise of his or her official functions. The maximum penalty is 100 penalty units or imprisonment for 2 years, or both.

A disclosure by the NSW Privacy Commissioner or an employee without consent of the person the subject of the information attracts a maximum penalty of 10 penalty units. A person must not make false statements or mislead the NSW Privacy Commissioner in the exercise of functions under the [PIPP Act](#), with a maximum penalty of 10 penalty units.

## The Mandatory Notification Breach Scheme ('MNDB Scheme') (Part 6A of the PPIP Act)

The [Privacy and Personal Information Protection Amendment Bill 2022](#) ('PPIP Amendment Bill') was passed by both houses of NSW Parliament on 16 November 2022 and was assented to on 28 November 2022.

Key changes include the creation of a Mandatory Notification of Data Breach Scheme ('MNDB Scheme') which is a mandatory notification requirement under Part 6A of the PPIP Act. The MNDB Scheme comes into effect on 28 November 2023.

The MNDB Scheme requires agencies to satisfy data management requirements, including to maintain an internal data breach incident register, and have a publicly accessible data breach policy.

The MNDB Scheme requires every NSW public sector agency bound by the PPIP Act to notify the Privacy Commissioner and affected individuals of eligible data breaches.

The NSW ARB has developed a 'Data Breach Policy' ('DBP') as required under section 59ZD the PPIP Act.

The DBP is a documented policy setting out how the NSW ARB will respond to a data breach and sets out the roles and responsibilities of NSW ARB staff in relation to managing a breach, and the steps the NSW ARB will follow when a breach occurs. The NSW ARB will also use the IPC Guidelines and Fact Sheets on the IPC's dedicated [MNDB Scheme webpage](#).

The DBP is publicly available and can be found on the NSW ARB website.

## Raising awareness of / using this PMP

Our PMP will be reviewed at a minimum every two years (i.e. next review in May 2024), but more frequently when legislative, administrative, or systemic changes occur that affect the way we manage the personal and health information we hold.

The NSW ARB aims to educate members of the public about its privacy obligations by publishing this PMP on the website and by mentioning it on forms that collect personal or health information.

## Board members

All Board members are committed to transparency about how we comply with the [PIPP Act](#) and the [HRIP Act](#),

which is reinforced by:

- endorsing the plan and making it publicly available
- reporting on privacy in our annual report in line with the [Annual Reports \(Departments\) Act 1985](#) and [Annual Reports \(Departments\) Regulation 2015](#), and
- using the PMP as part of the NSW ARB induction for new employees, Board members and contractors.

## Employees

We make sure our employees are aware of this plan and how it applies to the work they do by:

- training employees so they understand their privacy obligations and how they are to manage personal and health information
- providing targeted training for employees who work in areas with a higher exposure to the personal and/or health information of customers or employees, such as those who perform human resources functions, process applications and claims, handle frontline counter and phone enquiries, and assist with dispute resolution
- providing refresher training so that employees maintain awareness of privacy in doing their daily business
- writing this plan in a practical way so employees can understand what their privacy obligations are, how to manage personal and health information in their work and what to do if unsure about their privacy obligations, and
- highlighting the plan at least once a year.

## Contacts

For further information about this plan, the personal and health information held by the NSW ARB, or if you have any questions or concerns, please use the following contact details:

### NSW Architects Registration Board

Phone: 02 9241 4033  
Email: [mail@architects.nsw.gov.au](mailto:mail@architects.nsw.gov.au)  
Web: [www.architects.nsw.gov.au](http://www.architects.nsw.gov.au)

### Department of Customer Service

Phone: 02 9372 7088  
Email: [privacy@customerservice.nsw.gov.au](mailto:privacy@customerservice.nsw.gov.au)  
Web: [www.customerservice.nsw.gov.au](http://www.customerservice.nsw.gov.au)  
Mail: Level 22, McKell Building, 2-24 Rawson Pl, Sydney NSW 2000  
Visit: Documents, enquiries or complaints can be lodged via any Service NSW centre.  
The Service NSW centre locator can be found at <https://www.service.nsw.gov.au/service-centre>  
or phone 13 77 88

### The Information and Privacy Commission (IPC)

Phone: 1800 472 679  
Email: [ipcinfo@ipc.nsw.gov.au](mailto:ipcinfo@ipc.nsw.gov.au)  
Web: [www.ipc.nsw.gov.au](http://www.ipc.nsw.gov.au)  
Mail: GPO Box 7011, Sydney NSW 2001  
Visit: Level 15 McKell Building, 2-24 Rawson Place, Haymarket NSW 2000



### **The NSW Civil and Administrative Tribunal (NCAT)**

Phone: 1300 006 228 and select Option 3 for all Administrative and Equal Opportunity and Occupational Divisions enquiries

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

Mail: NSW Civil & Administrative Tribunal, Administrative and Equal Opportunity Division and Occupational Division, PO Box K1026, Haymarket NSW 1240

### **Policy updated October 2023**

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#### **Disclaimer**

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