

NSW

Architects Registration Board

L2, 156 Gloucester Street
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T. +61 2 9241 4033

mail@architects.nsw.gov.au / www.architects.nsw.gov.au
ABN 63-092-097-847

NSW ARB Policy

Privacy

April 2022

1. Objectives of this policy

The NSW Architects Registration Board (the 'NSW ARB') is committed to ensuring that the handling of your personal information is consistent with the twelve Information Protection Principles (IPPs) for government agencies as set out in the *Privacy and Personal Information Protection Act 1998* (PPIP Act).

2. What information is collected by the NSW ARB and why

The NSW ARB collects relevant personal information to meet the lawful purposes of the *Architects Act 2003*. Whenever we collect personal information, we aim to ensure that you know why we collect it and (if applicable) to whom we disclose it. The NSW ARB does not collect personal information when you access our website home page or browse the site unless you complete an online form. Personal information is collected when you send us an email. All sensitive information that we may collect will be used and disclosed for the purposes of carrying out the NSW ARB's functions. Some information may be used for the purposes of research analysis and reporting from time to time but will be anonymised.

When you access our [website home page](#) or browse our [website](#), information relating to your access is automatically recorded that identifies your Internet Protocol (IP) address or the address of the machine that accessed the website, the address of your server, the date and time of your visit to the website, the pages you accessed and documents you downloaded, and the type of browser and operating system you used.

You can choose to use our ARB Open app by downloading it from the [App Store](#) or [Google Play](#). When you use our app, we collect data and information on your phone called Log Data. This may include information such as your IP address, device name, operating system version, the configuration of the app when you use it, the date and time of your use and other statistics. Registered architects with an account may record information about their Continuing Professional Development activities. The CPD data will be stored locally then transferred and stored securely at our webserver.

3. How the NSW ARB uses your personal information

The use or disclosure of your personal information is linked to the purpose for which it is collected. For example, the purpose could be registration as an architect, admission to the Architectural Practice Examination, the registration of a new corporation/firm, the nomination of a responsible architect, etc. The purpose could also be to resolve a consumer complaint, or to conduct an inquiry into an architectural practice.

Members of the public who lodge a formal complaint are asked to provide some personal information for the purposes of the inquiry. Where an inquiry is received about the registered status of an architect, sufficient information must be provided to enable the NSW ARB to identify the architect. Other architect registration boards nationally also seek confirmation of an architect's NSW registration when that architect applies for registration under the *Mutual Recognition Act 1992* in another state or territory.



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From 1 July 2022, the Automatic Mutual Recognition (JobPass) scheme will allow architects from participating states and territories to practise in other participating states and territories without having to obtain mutual recognition or pay additional fees. Under JobPass, architects will be able to use their home state registration as the basis for 'automatic deemed registration' (ADR) in the second state. Prior to commencing any work in NSW under JobPass, an architect must lodge a written notification with the NSW ARB and provide certain information to confirm their home state registration and home state address.

Members of the public may request information regarding a registered architect, which is publicly available on the NSW Register of Architects. It is possible to search the Register from the homepage of the NSW ARB website.

Privacy and access to the NSW ARB website

The information the NSW ARB collects when you access our [website home page](#) or browse our [website](#) is aggregated with similar logged information and anonymised for internal use only to identify patterns of usage of the website. We will not disclose or publish information that identifies individual machines or IP addresses.

Privacy and use of the ARB Open app

The information the NSW ARB collects when you access our ARB Open app is aggregated with similar logged information and anonymised for internal use only to identify patterns of usage of the app and to improve the service. We will not disclose or publish information that identifies individual machines or IP addresses.

Privacy and complaints made against architects

The investigation of complaints made against architects or those who are held out to be architects is a confidential process. The identity of the complainant is not publicly disclosed. If the NSW ARB's investigation of a complaint results in a determination that the architect is guilty of professional misconduct or unsatisfactory professional conduct, the identity of the architect and a summary of the determination are published on the Register of Disciplinary Actions (accessible from the ['publications' page](#) of the NSW ARB website).

Privacy and Assessors for the Architectural Practice Examination (APE)

All Assessors for the Architectural Practice Examination (APE) are bound by confidentiality agreements, signed annually. Candidate and logbook information is used by Assessors solely for APE purposes.

Privacy and online payments

Payments made through the NSW ARB website are privacy protected by Payment Express. Credit card details are used by Payment Express to make a financial transaction with the NSW ARB and card details are kept confidential. The NSW ARB does not have access to credit card information.

Privacy and NSW ARB Board agenda documents

All NSW ARB Board agenda documents and the information they contain are confidential. They are supplied only to Board members for the purposes of carrying out the functions of the Board. Documents are shared by email or via secure information sharing platforms. All Board members are bound by a



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Code of Conduct, which includes using information only for its intended purpose.

Data quality and data storage and security

The NSW ARB makes every effort to ensure that personal information collected, used or disclosed is relevant, accurate, up-to-date and complete. We have secure office premises and secure information technology arrangements to protect the personal information we hold.

The NSW ARB uses cloud backup and information may be stored outside of NSW. All IT providers adhere to strict privacy guidelines. Personal information held by the NSW ARB is password protected, securely filed and destroyed where applicable in accordance with NSW Government record-keeping policies.

Your information is protected from misuse, loss, or unauthorised access, and from unauthorised modification or disclosure.

4. Data Breaches

What is a data breach?

A data breach occurs when there is a failure that has caused, or has the potential to cause, unauthorised access to the NSW ARB's data, such as:

- Accidental loss or theft of classified material data or equipment on which such data is stored (e.g., loss of paper record, laptop, tablet, mobile phone, USB or CD-Rom)
- Unauthorised use, access to, or modification of data or information systems (e.g., sharing of user login details (deliberately or accidentally) to gain unauthorised access or make unauthorised changes to data or information systems)
- Unauthorised disclosure of classified material or personal information (e.g., email sent to an incorrect recipient or document posted to an incorrect address or addressee), or personal information posted on the NSW ARB website without consent
- Compromised user account (e.g., accidental disclosure of user login details through phishing)
- Failed or successful attempts to gain unauthorised access to NSW ARB information or information systems
- Equipment failure
- Malware infection
- Disruption to, or denial of, IT services.

A data breach most commonly, but not exclusively, results in unauthorised access to, or the unauthorised collection, use, or disclosure of, personal information.

Responding to a data breach

There are four key steps required in responding to a data breach:

1. Contain the breach
2. Evaluate the associated risks
3. Consider notifying affected individual/s
4. Prevent a repeat occurrence.

In responding to a data breach, the NSW ARB follows the [Information and Privacy Commission NSW Data Breach Policy here](#).



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In considering whether to notify affected individual/s the NSW ARB has regard to the need to balance the harm and distress caused to the individual/s through notification against the potential harm that may result to individual/s from the breach.

Factors the NSW ARB will consider when deciding whether notification is appropriate include:

- Are there any applicable legislative provisions or contractual obligations that require us to notify the affected individual/s?
- What type of information is involved?
- What is the risk of harm to the individual/s?

In general, if a data breach creates a risk of harm to an individual, the affected individual will be promptly notified by the NSW ARB. The method of notifying the affected individual/s will depend in large part on the type and scale of the breach, as well as immediate practical issues, such as having contact details for the affected individual/s.

By notifying the affected individual/s the NSW ARB enables them to take any steps required to protect themselves from risks that may occur as a result of the data breach.

Notification may also include reporting the breach to the NSW Privacy Commissioner. Reporting of a serious breach allows the Commissioner to assess the circumstances and impact of the breach and provide feedback on the appropriateness of the remedial actions taken by the NSW ARB.

5. Copyright

Copyright of materials present on the NSW ARB website resides with the NSW ARB. Apart from fair dealing for the purposes of private study, research, criticism, or review, as permitted under copyright legislation, no part may be reproduced or reused for any commercial purposes.

Material on the NSW ARB website may only be shown in full screen format and may not include or be framed by advertising or any other information.

6. Getting access to your information

For details about how to access the personal information we hold about you, please telephone 02 9241 4033 or email the Privacy Officer at mail@architects.nsw.gov.au.

7. Disclaimer

The content of the NSW ARB website is provided for information purposes only. The NSW ARB does not accept any liability to any person for the information on the website. No claim is made as to the accuracy or authenticity of the advice (or the use of such information or advice) which is provided on the website or incorporated into it by reference.

No responsibility is taken for any information or services which may appear on any linked websites as the NSW ARB does not have any control over other websites. Therefore, we cannot be responsible for the protection and privacy of any information which you provide whilst visiting other such sites as they are not governed by this privacy statement.

Last updated on 11 April 2022.

