

Privacy Statement

Introduction

This document contains a statement of the policies of the ACT Gambling and Racing Commission (the Commission) and how it manages the personal information acquired through its practices. The Commission is committed to the responsible and fair handling of such information it manages consistent with the Information Privacy Principles (“IPP’s”) in the *Privacy Act 1988* (the Act).

Definitions

Personal Information:

“Personal information means information or an opinion (including information or an opinion forming part of a database), whether true or not, and whether recorded in a material form or not, about an individual whose identity is apparent, or can be reasonably ascertained, from the information or opinion.” (s 6(1))

Sensitive Information:

“Sensitive Information means:

- (a) information or an opinion about an individual’s:
 - (i) racial or ethnic origin; or
 - (ii) political opinions; or
 - (iii) membership of a political association; or
 - (iv) religious beliefs or affiliations; or
 - (v) philosophical beliefs; or
 - (vi) membership of a professional or trade association; or
 - (vii) membership of a trade union; or
 - (viii) sexual preferences or practices; or
 - (ix) criminal record;that is also personal information; or
- (b) health information about an individual.

Collecting and using personal information

In carrying out its statutory functions associated with regulating gambling in the ACT, the Commission is required to collect personal information.

The Commission will use or disclose the personal information it collects only for:

- the purpose for which it was collected;
- for a related purpose that an individual would expect their personal information to be used for in the circumstances;
- with the consent of the individual concerned, for some other agreed purpose;
- for law enforcement purposes; and
- as otherwise required or authorised by law.

It collects and holds personal information about individuals who are currently engaged, have been engaged or are seeking to be engaged by the Commission for a specific position or purpose. This includes, job applicants from time to time, employees, tenderers and contractors.

The personal information collected from these individuals is used to evaluate their capability and/or capacity to meet the Commission's requirements and/or contractual obligations, and to manage any ongoing relationship with those individuals. In the case of employees, it is also collected for insurance related purposes and computer network security purposes.

Under gambling legislation the Commission also collects personal information about:

- applicants for various licences, permits and other authorisations;
- associates of such applicants; and
- associates of already approved licences, permit holders or other authorised participants.

The personal information collected from or about these individuals is to be used or disclosed to assist the Commission (where applicable) to:

- advise individuals and related entities of regulatory requirements and changes;
- evaluate applications for various licences and permits or authorisations issued and administered by them pursuant to gambling legislation. This includes assessing the suitability of an applicant and, where required, an associate to be involved in, or licensed to work in, the gambling industry;
- investigate possible contravention of gambling legislation and for ongoing monitoring purposes; and
- where applicable, assist the Commission to enforce and, where necessary prosecute individuals for contravention of gambling legislation.

How is personal information collected, used, disclosed?

In the majority of cases, the Commission collects personal information directly from the individual concerned. In other cases, personal information is collected from third parties, such as corporate applicants with some connection to or association with the individual.

In some cases personal information is obtained on an unsolicited basis either directly from individuals about themselves, or from third parties about individuals. This can include letters of complaint.

Personal information is collected from a variety of means including from written application forms, letters or other correspondence, email messages, or telephone or face-to-face contact.

Whenever the Commission collects personal information it will take reasonable steps to ensure that the individual knows why the Commission collects it, what is done with it and to whom it is disclosed. Where the Commission does not actively collect personal information directly from the individual, but acquires it from a third person, the Commission will take reasonable steps to let the individual know it has that information if it is to be used or acted upon.

Some of the work of the Commission requires it to collect some sensitive personal information. The most common example is when the Australian Federal Police is asked for the criminal history of individuals as part of the probity processes used during processing of applications for certain licences. The Commission always gets the consent of the individual concerned before doing this, unless it is involved in assisting the Commission to take investigation or enforcement action.

How is personal information held?

The Commission will take reasonable steps to ensure that the personal information it collects is accurate, complete and up-to-date before using it.

The Commission holds personal information in both electronic and paper-based forms. It has various security measures and processes in place to protect the information from misuse and loss, and from unauthorised access, modification or disclosure. These processes include:

- storage of paper-based documents containing personal information in locked cabinets or rooms or other secured areas accessible only by authorised personnel;
- allocation of different computer access levels to different staff to ensure only authorised staff have access to certain kinds of computer-stored information;
- use of computer passwords to ensure only authorised personnel have access to computer files;
- use of virus protection software; and
- providing physical security to limit access to Commission offices to authorised personnel only.

Your rights to access and correct personal records

If you believe the Commission holds personal information or health information about you, you can ask for a copy of your personal data by making a request for access to it under the *Freedom of Information Act 1982* (“FOI Act”) by writing to us at

Privacy Officer
ACT Gambling and Racing Commission
PO Box 214
CIVIC SQUARE ACT 2608

Before the Commission sends you any personal data, you will need to provide evidence of your identity. If you do not provide evidence of your identity, the Commission reserves the right to refuse access to the personal data. An application fee may apply. Other access charges may apply.

If you are an existing or former employee of the Commission or its predecessors, you may access information relating to your employment by written request without making a formal request under the FOI Act.

Under the FOI Act you can ask the Commission to correct, update or amend the information it holds about you. If you hold a gaming machine technician or attendant certificate, or casino employee licence, there is a specific form required to be used to amend address details. This can be obtained from the Commission web site www.gamblingandracing.act.gov.au under the category “Forms”.

Privacy queries and complaints

If you have any queries about the policies of the Commission in relation to the handling of personal information (including sensitive information), please contact the Commission Privacy Officer at the address above or by email grc@act.gov.au

If you have any complaints about the handling by the Commission of your personal information, please provide your complaint in writing to the above address. If your complaint is not resolved to your satisfaction or within a reasonable time (usually 30 days), you may seek review of the matter by writing to the:

Chief Executive
ACT Gambling and Racing Commission
PO Box 214
CIVIC SQUARE ACT 2608

Under the Act a person may complain to the Privacy Commissioner about an act or practice that may be interference with their privacy in relation to personal information. However, you should note that the Privacy Commissioner may decline to entertain a complaint if the complaint is not first directed to the Commission.

The Privacy Commissioner may be contacted as follows:

Director, Compliance
Office of the Federal Privacy Commissioner
GPO Box 5218
SYDNEY NSW 2001.

Faxes can be sent to: (02) 9284 9666

If you have any questions about making a complaint (for example, who to contact or how the process works) or if you need help in making your complaint, the Privacy Office Hotline staff can help. Ring 1300 363 992, or e-mail privacy@privacy.gov.au

Alternatively, more information may be obtained directly from the Privacy Commissioner's web site: www.privacy.gov.au