

National Portrait Gallery of Australia

Privacy

General Policy Advice

POLICY CONTROL SHEET

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Privacy

Policy statement

1. In accordance with the *Privacy Act 1988 (Privacy Act)*, the NPGA is required to have a Privacy Policy to explain how it manages personal information.
2. This policy gives individuals an understanding as to:
 - 2.1. the reasons for collection, use and retention of personal information;
 - 2.2. how personal information is stored;
 - 2.3. how personal information is disposed of;
 - 2.4. how individuals can access and correct their information; and
 - 2.5. how to make a complaint about a breach of Australian Privacy Principles.
3. This policy also stipulates the NPGA's obligations under the Notifiable Data Breach Scheme.
4. As an Australian Government agency, the NPGA is bound by the Australian APPs in the Privacy Act, which regulate how agencies may collect, hold, use, disclose and store personal information, and how individuals may access and correct personal information held about them.
5. Under the [Public Governance, Performance and Accountability Act 2013 \(PGPA Act\)](#), the NPGA must also act in a way that is not inconsistent with the policies of the Australian Government. From a security perspective, these policies include the Attorney-General's Department's [Protective Security Policy Framework](#) and the Australian Signals Directorate's [Australian Government Information Security Manual](#). These documents articulate the Australian Government's requirements for protective security and standardise information security practices across government.
6. The NPGA complies with the Australian Privacy Principles (APPs) which are summarised on the Office of the Australian Information Commissioner (OAIC) site [here](#). The APPs are also summarised in Appendix A to this policy.
7. The NPGA's Privacy Statement is published on the NPGA's [website](#).
8. The NPGA's Privacy Impact Assessment Register is also published on the NPGA's website, [here](#).

Scope and application

What is personal information and sensitive information?

9. The Privacy Act defines terms including 'personal information' and 'sensitive information'. In this privacy policy, these have the same meaning as defined in section 6 of the Privacy Act:

- 9.1. ‘**personal** information’ means information or an opinion about an identified individual, or an individual who is reasonably identifiable:
 - a) whether the information or opinion is true or not; and
 - b) whether the information or opinion is recorded in a material form or not.

- 9.2. ‘**Sensitive** information’ has the meaning as set out in s 6(1) of the Privacy Act and includes information or an opinion about an individual’s racial or ethnic origin, political opinions, religious or philosophical beliefs, sexual orientation, criminal record, health information and some aspects of genetic and biometric information.

What does this Privacy Policy apply to?

10. This Privacy policy applies to all personal information collected as a record by the NPGA.

11. This policy does not apply to records that are kept by the NPGA for the purposes of reference, study or exhibition. These records are not subject to the Act.

Guidelines

Reasons for collection use and retention of personal information

12. The NPGA may collect, hold, use and disclose personal information for the purposes of achieving its outcomes as published in the Portfolio Budget Statement and in its Corporate Plan.

13. Individuals give the NPGA personal information when becoming an employee, volunteer or member, via the website when purchasing tickets, booking events or making a donation, when onsite (such as registering to use wifi), and by completing forms and surveys.

14. Where the NPGA holds personal information about an individual that was collected for a particular purpose, the NPGA will not use or disclose the information for another purpose unless the individual has consented to the use or disclose of the information, or APP 6.2 or 6.3 applies in relation to the use or disclosure.

What kinds of personal information does the NPGA collect and hold?

Collection of solicited information

15. The NPGA only collects personal information if the personal information is reasonably necessary for, or directly related to, one or more of the NPGA's functions or activities.

16. The personal details that the NPGA collects and holds will be different depending on the class of personal information involved. The NPGA currently collects, holds and uses the classes of personal information described in in Principle 5 of the IPPs, at Appendix A.

Collection of unsolicited information

17. On occasion, the NPGA is provided with personal information which it has not requested or solicited. Where this occurs, the NPGA will comply with the requirements regarding dealing with unsolicited personal information set out in APP 4.

How the NPGA collects and stores personal information

18. The NPGA collects personal information only by lawful and fair means. These include:
 - 18.1. by the individual submitting the information into forms on websites administered by the NPGA;
 - 18.2. by the individual submitting information through audience evaluation surveys such as those supplied on tablets by NPGA staff;
 - 18.3. by the individual submitting an entry into one of the NPGA's prizes or a work into a NPGA exhibition;
 - 18.4. by the individual in applying for employment by the NPGA or submitting information required in connection with their employment (such as declarations of interest and payroll information);
 - 18.5. by the individual completing security forms required in connection with their employment;
 - 18.6. by the individual disclosing information to NPGA employees who are in the course of performing their functions;
 - 18.7. from contractors or suppliers who are working with the NPGA; and
 - 18.8. individuals writing or contacting the NPGA.
19. Where reasonable and practical, the NPGA will collect the personal information directly from the person to whom the information relates. However, the NPGA may also collect personal information from someone other than the individual if the individual consents, or if required or authorised to do so under an Australian law or a court or tribunal order.
20. If the NPGA collects personal information about an individual from another source, the NPGA will take reasonable steps in the circumstances to notify the individual of the collection of the information and circumstances of the collection, in accordance with APP 5.2.
21. All records are held in accordance with the provisions of the [Archives Act 1983](#) (Cth) (**Archives Act**).
22. The NPGA will take all reasonable steps to protect the security of the personal information that it holds from misuse, interference and loss, and from unauthorised access, modification or disclosure. This includes appropriate measures to protect electronic materials and materials stored and generated in hard copy, and ensuring that people the NPGA contracts with are subject to the same strict privacy obligations that the NPGA operates under.
23. The Privacy Act applies to information which is in a record. An exception to the meaning of a 'record' is anything kept in a library, art gallery or museum for the purposes of reference, study or exhibition. As a result, this policy does not apply to personal information contained in the gallery's collection material, that is held, managed and made accessible by the Gallery.

How the NPGA disposes of personal information

24. Personal information collected and held by the NPGA is generally either contained in a Commonwealth record (as defined in the Archives Act) or required to be retained under an Australian law or a court / tribunal order. The NPGA manages Commonwealth records (including those that contain personal information) in accordance with the Archives Acts, the Administrative Functions Disposal Authority, and its Records Authority.

How individuals can access and correct their information

25. Under the Privacy Act individuals have a right to access and correct personal information held by the NPGA. Similar rights exist under the Freedom of Information Act (Cth).
26. If the NPGA is satisfied that (having regard to the purpose for which the information is held) personal information it holds is inaccurate, out of date, incomplete, irrelevant or misleading, it will take such steps (if any) as are reasonable in the circumstances to correct that information.
27. Any person can request access at any time to the personal information the NPGA holds about them, and may seek the correction of such information or the inclusion of a statement indicating that the information is inaccurate, out of date, incomplete, irrelevant or misleading. To do so, please contact the NPGA's Governance Office at governance@npg.gov.au.
28. The NPGA will respond to such a request within 30 days. The NPGA will not charge the individual for the making of the request or for giving access to the personal information, or for correcting personal information or for associating a statement with the personal information about its accuracy.
29. The NPGA will give access to the information in the manner the individual requests, if it is reasonable and practicable to do so. There are situations where it may not be appropriate to provide access to information, for example, where the NPGA is required or authorised to refuse to give access to the information under the Freedom of Information Act 1982 or other law.
30. If the NPGA refuses to give access to personal information or to give access in the manner an individual requests, to correct personal information in accordance with an individual's request, or to include a statement with the information, the NPGA will give the individual with a written notice of reasons in accordance with APP 12.9 or APP 13.3.

How to make a complaint about a breach of Australian Privacy Principles

31. An individual may make a complaint to the NPGA if it considers that the NPGA has interfered with the individual's privacy or otherwise breached its obligations under the APPs in relation to the management of the individual's personal information.

32. Such complaints should be in writing, providing as much detail as possible, and addressed to the NPGA's Privacy Officer. The NPGA will take reasonable steps to investigate any complaint, and to notify the individual of the outcome of the NPGA's investigation within 30 days.
33. If the NPGA does not respond to the complaint within 30 days, or the individual is not satisfied with the outcome of the NPGA's investigations, the individual can make a complaint directly to the Office of the Australian Information Commissioner.
34. Further details about how to make a complaint are set out on the OAIC website [here](#).

Overseas Disclosure

35. The NPGA is not likely to disclose personal information to a person who is not in Australia or an external Territory, and who is not the NPGA or the individual (an "overseas recipient"). If, at some point, disclosure to an overseas recipient becomes a possibility, the NPGA will comply with APP 8.

Dealing with the NPGA anonymously

36. In certain circumstances, individuals may wish to remain anonymous or to use a pseudonym when communicating with the NPGA, such as providing feedback. If an individual is concerned about not being able to deal with the NPGA anonymously, they could make an anonymous inquiry by contacting the NPGA's Privacy Officer and explain the circumstance.

The Notifiable Data Breach (NDB) Scheme

37. The NDB scheme applies to all entities with existing personal information security obligations under the Privacy Act. The NDB scheme requires entities to notify affected individuals and the Australian Information Commissioner (Commissioner), in the event of an 'eligible data breach'.
38. A data breach is eligible if it is likely to result in serious harm to any of the individuals to whom the information relates. Entities must conduct a prompt and reasonable assessment if they suspect that they may have experienced an eligible data breach.

Roles and Responsibilities

Director is responsible for deciding what remedial action should be taken in the case of a privacy breach.

Chief Operating Officer is responsible for ensuring that all workers, volunteers and contractors are familiar with this Policy and their obligations.

Privacy Contact Officer is the Governance and Risk Manager. The Privacy Contact Officer is responsible for maintaining and implementing this policy. The Privacy Contact Officer is also responsible for giving advice on privacy issues, acting as a point of contact for the Office of the Australian Information Commissioner and investigating any privacy complaints.

Approval and Review

39. This policy is approved by the Board of the NPGA.
40. This policy should be reviewed every 12 months in accordance with APP1.
41. Upon approval, all previous versions of this policy are revoked.

Further information

For further information, please contact the policy owner Governance and Risk Manager.

References

[Privacy Act 1988](#)

[Public Governance, Performance and Accountability Act 2013](#)

[Freedom of Information Act 1982](#)

[Protective Security Policy Framework](#)

[Australian Government Information Security Manual](#)

[Archives Act 1983](#)

Appendix A: Australian Privacy Principles

Dated 12 March 2014, from the [Office of the Australian Information Commissioner](#).

Principle	Title	Purpose
APP 1	Open and transparent management of personal information	Ensures that APP entities manage personal information in an open and transparent way. This includes having a clearly expressed and up to date APP privacy policy .
APP 2	Anonymity and pseudonymity	Requires APP entities to give individuals the option of not identifying themselves, or of using a pseudonym. Limited exceptions apply.
APP 3	Collection of solicited personal information	Outlines when an APP entity can collect personal information that is solicited. It applies higher standards to the collection of sensitive information .
APP 4	Dealing with unsolicited personal information	Outlines how APP entities must deal with unsolicited personal information.
APP 5	Notification of the collection of personal information	Outlines when and in what circumstances an APP entity that collects personal information must tell an individual about certain matters.
APP 6	Use or disclosure of personal information	Outlines the circumstances in which an APP entity may use or disclose personal information that it holds.
APP 7	Direct marketing	An organisation may only use or disclose personal information for direct marketing purposes if certain conditions are met.
APP 8	Cross-border disclosure of personal information	Outlines the steps an APP entity must take to protect personal information before it is disclosed overseas.
APP 9	Adoption, use or disclosure of government related identifiers	Outlines the limited circumstances when an organisation may adopt a government related identifier of an individual as its own identifier, or use or disclose a government related identifier of an individual.
APP 10	Quality of personal information	An APP entity must take reasonable steps to ensure the personal information it collects is accurate, up to date and complete. An entity must also take reasonable steps to ensure the personal information it uses or discloses is accurate, up to date, complete and relevant, having regard to the purpose of the use or disclosure.
APP 11	Security of personal information	An APP entity must take reasonable steps to protect personal information it holds from misuse, interference and loss, and from unauthorised access, modification or disclosure. An entity has obligations to destroy or de-identify personal information in certain circumstances.
APP 12	Access to personal information	Outlines an APP entity's obligations when an individual requests to be given access to personal information held about them by the entity. This includes a requirement to provide access unless a specific exception applies.
APP 13	Correction of personal information	Outlines an APP entity's obligations in relation to correcting the personal information it holds about individuals.