

Got a question or complaint about your privacy?



What privacy laws apply to the State Library?

Like all NSW public sector agencies, the State Library is bound to comply with two Acts which protect privacy:

- the *Privacy and Personal Information Protection Act 1998* (NSW), and
- the *Health Records and Information Privacy Act 2002* (NSW).

These laws establish a number of privacy principles, as well as exemptions to those principles.

The privacy principles explain how we must handle your personal information, whenever we collect, store, use or disclose it.

The privacy principles also give you a right to access your personal information, and correct it if necessary.

What are the privacy principles?

The Library endeavours to achieve best practice in handling personal information, by following the privacy principles below unless authorised by law to depart from them.

The privacy principles are explained in plain language in our factsheet, [Privacy and the Library: privacy obligations](#).

They cover things like:

- Limiting our collections of personal information
- Guiding how we collect personal information
- Requiring us to give a privacy notice when we collect personal information
- Taking security safeguards to keep personal information secure
- Transparency of our processes
- Giving people access to their own personal information
- Correcting personal information where necessary
- Ensuring the accuracy of personal information before we use it
- Limiting how we use personal information
- Limiting what disclosures of personal information we can make
- Limiting our use of unique personal identifiers
- Encouraging our services to be provided on an anonymous basis

What if I think the Library has breached my privacy?

If you believe we have handled your personal information contrary to the privacy principles, you can make a privacy complaint.

What is personal information?

“Personal information” is any information or an opinion about you that either includes your name or has enough other information that you can be identified anyway.

“Personal information” can include for example your name, address or gender, or information about your health, finances or employment. It can also include physical information about you, like your fingerprints, body samples or DNA.

I've got a privacy complaint. Who should I complain to?

For a complaint about how the State Library has handled your personal information, you should make the complaint direct to us to start with.

(If your complaint is about a different kind of privacy issue – such as physical privacy – you should complain directly to the NSW Privacy Commissioner.)

How do I make my complaint?

We suggest you first talk the issue through with our Privacy Contact Officer, to see if it can be resolved quickly and informally.

If you're not satisfied with that process, you can make a formal complaint. This is known as an application for "internal review".

What is an internal review?

An "internal review" means we will conduct an internal investigation into your complaint.

The investigation will be conducted by someone different to the person responsible for the conduct or decision you are complaining about. Usually our Privacy Contact Officer will conduct the internal review.

The process is overseen by the NSW Privacy Commissioner as required under the Act.

The review will assess whether or not we have complied with our privacy obligations. When the review is complete, we will tell you of our findings, and what we propose to do as a result.

Do I need to use an application form?

An application for internal review must be made in writing, and within 6 months of you first becoming aware of the conduct you are complaining about. There is no fee involved.

We suggest you use the State Library's [Privacy Complaint Form](#), but it is not compulsory.

It helps us to investigate your complaint if you can be as specific as possible about the nature of your complaint.

What if I'm still not satisfied?

If your internal review is not completed within 60 days, or if you are unhappy with the result of the internal review, you can ask the NSW Administrative Decisions Tribunal to review the conduct you are complaining about.

The Tribunal will then independently assess whether or not we complied with our privacy obligations.

The Tribunal has the power to order us to make some changes in our practices, issue an apology, or take some steps to remedy any damage you suffered.

There are application fees in the Tribunal, and you must lodge your Tribunal application either:

- **within 28 days** of receiving our report on your internal review, or
- **within 28 days** of passing the due date for the report.

(The due date for the report is 60 days after you lodged your internal review application with us. So if we don't report to you by then, you can lodge your Tribunal application without waiting.)

More information

For more information about privacy laws in NSW, contact the Office of the Privacy Commissioner NSW on (02) 8019 1600 or see their website: <http://www.ipc.nsw.gov.au/>

Questions?

If you have a query about how the Library handles privacy matters, contact the Privacy Contact Officer by:

phone: (02) 9273 1796

fax: (02) 9273 1255

email: privacy@sl.nsw.gov.au

or write to:

Privacy Contact Officer
State Library of New South Wales
Macquarie Street
SYDNEY NSW 2000