



Australian Government
Australian Fisheries Management Authority

AFMA Privacy Policy

Contents

Contents	2
Introduction.....	3
Purpose.....	3
Kinds of personal information	3
Legislation	3
Consideration of personal information privacy	4
Transparency in personal information management (APP1).....	4
Personal information handling practices:	4
Accessing and correcting personal information:	5
Complaining against breaches:	5
Storage and disposal of personal information.....	6
Permitted general situation.....	6
Anonymity and pseudonymity (APP2)	6
Collection of personal information	7
Solicited personal information (APP3)	7
Unsolicited personal information (APP4)	7
Notification (APP5).....	7
Dealing with personal information	7
Use or disclosure (APP6).....	7
Direct marketing (APP7)	8
Cross-border disclosure (APP8).....	8
Adoption, use or disclosure of government related identifiers (APP9).....	8
Integrity of personal information	9
Quality (APP10).....	9
Security (APP11)	9
Access to, and correction of, personal information	9
Access (APP12)	9
Correction (APP13).....	10

Introduction

The Australian Fisheries Management Authority (AFMA), is an Australian Government entity that seeks to maximise net economic returns to the Australian community through the ecologically sustainable development of Commonwealth fisheries. In doing so, AFMA deals with the personal information of stakeholders including commercial, recreational and indigenous fishers.

Purpose

This policy details AFMA's personal information management practices. This includes how we collect, maintain, store, use and disclose personal information. The policy also provides contact details for AFMA's Privacy Officer for requesting access to personal information, providing comment or making a complaint about AFMA's personal information management procedures. This policy will be reviewed and updated annually.

Kinds of personal information

Personal information is defined as any information or an opinion about an identified individual, or an individual who is reasonably identifiable.

Sensitive information is a subset of personal information about an individual's racial or ethnic origin, political opinion, religion, philosophical beliefs, sexuality, criminal record or health.

Legislation

All personal information collected by AFMA is protected by the *Privacy Act 1988* (the *Privacy Act*), the Australian Privacy Principles (APPs) and the *Australian Government Agencies Privacy Code* (the Code) and other relevant legislation. Information on the *Privacy Act*, the APPs and the Code can be found on the website of the Office of the Australian Information Commissioner (<https://www.oaic.gov.au/>).

The *Fisheries Management Act 1991*, the *Torres Strait Fisheries Act 1984* and the *Fisheries Administration Act 1991* provide AFMA with authority to collect and disclose information (including personal information) in the performance of its functions.

Consideration of personal information privacy

Transparency in personal information management (APP1)

While AFMA may collect and hold a variety of information in the pursuit of its objectives, this policy is only concerned with *Personal* and *Sensitive information*.

Examples of personal and sensitive information are provided in Table 1:

Table 1: Types of Personal and Sensitive information AFMA may collect

Information type	Description/example
Personal information	<ul style="list-style-type: none">• name• age and gender• contact details (including address, phone and email addresses)• bank account details• photos, videos• employment records (including occupation, qualifications, CV and remuneration)• education details (level of education, study assistance and courses)• financial information (ABN)
Sensitive information	<ul style="list-style-type: none">• racial, ethnic and country of origin• religious beliefs or affiliations• philosophical beliefs• trade or professional associations and memberships• union membership• criminal record• APS code of conduct breach records• health (physical, mental and disability) information.

Personal information handling practices:

Personal information may be collected directly by AFMA, or by people or organisations acting on AFMA's behalf (eg. contracted service providers). It may be collected directly from individuals, or on their behalf from representatives they have authorised or from other sources if reasonably required. Sources may include other entities, generally available publications, web browsing or surveillance cameras (eg. security cameras, Vessel Monitoring Systems and Electronic Monitoring).

AFMA will take reasonable steps for identifying and managing privacy risks at each stage of the information lifecycle, including collection, use, disclosure, storage, destruction or de-identification. We will also conduct a Privacy Impact Assessment (PIA) for new projects in which personal information risks are rated as 'High' after a risk assessment. Personal information risks will be assessed and a PIA will also be conducted where changes are proposed to personal information management procedures. AFMA will provide regular staff training and information on how the APPs apply and will supervise staff, including contractors and observers that regularly handle personal information.

While AFMA has a social media presence, it does not collect, store or retain personal information of those who interact with AFMA's social media. All communication via social media remains the property of the platform operator. For more information AFMA has a Policy for use of social media in place which can be viewed on the AFMA website (<http://www.afma.gov.au>).

Accessing and correcting personal information:

Individuals whose personal information we may collect and hold, have a right to request access to that information. You also have a right under the *Privacy Act* to request corrections to any personal information that AFMA holds about you if you think the information is inaccurate, out-of-date, incomplete, irrelevant or misleading.

AFMA will take reasonable and practicable steps to provide you access and/or make a correction to your personal information within 30 calendar days, unless AFMA considers there is a sound reason under the *Privacy Act* or other relevant law to withhold the information, or not make the changes.

If AFMA does not provide you access to your personal information, or refuses to correct your personal information, where reasonable, AFMA will:

- provide you with a written notice including the reasons for the refusal;
- provide you with information regarding available complaint mechanisms; and
- at your request, take reasonable steps to associate a statement with the personal information that you believe it to be inaccurate, out of date, incomplete, irrelevant or misleading.

Otherwise, if AFMA corrects your personal information, at your request, AFMA will also take reasonable steps to notify other agencies or organisations (bound by the *Privacy Act*) of the correction if AFMA has previously disclosed your personal information to those agencies or organisations.

Complaining against breaches:

If you believe AFMA has breached the APPs or mishandled your personal information, you can:

- I. *Contact the AFMA Privacy Officer:* Privacy concerns or complaints should be reported to AFMA's privacy team. This can be done by email to privacy@afma.gov.au or call 1300 723 621 and ask for the AFMA Privacy Officer.
- II. *Submit your concern or complaint in writing to AFMA:* In general, all official complaints regarding breaches or mishandling of personal information should be first made in writing to AFMA's privacy team, either by email at privacy@afma.gov.au, or post to

AFMA Privacy Officer
Box 7051, Canberra BC,
CANBERRA ACT 2610.

- III. *Reasonable amount of time:* AFMA will acknowledge your concern or complaint promptly upon receipt, if you provide your contact details. AFMA is committed to an efficient, considered and fair resolution of concerns or complaints. All complaints are taken seriously and you can expect to be treated fairly and equitably.
- IV. *If you are unhappy with AFMA's response or reply:* You also have the option of contacting the Privacy Commissioner within the OAIC. The Privacy Commissioner can be contacted on:

Phone: 1300 363 992

Email: enquiries@oaic.gov.au

Mail: OAIC, GPO Box 5218 Sydney NSW 2001

Storage and disposal of personal information

All information collected by AFMA is stored in accordance with the *Archives Act 1983*. In some circumstances, AFMA may be required to maintain personal information for an extended period of time, if it forms part of a Commonwealth record. Consistent with relevant legislation, where possible and when no longer required, AFMA will delete or destroy records containing personal information in a secure manner.

Permitted general situation

In certain circumstances, AFMA may release personal information if AFMA has a reason to suspect unlawful activity or misconduct, and reasonably believes that the collection, use or disclosure of personal information is necessary in order for appropriate action to be taken. This is referred to as a “permitted general situation”.

Anonymity and pseudonymity (APP2)

Where possible AFMA will allow you to remain anonymous or use a pseudonym when dealing with AFMA such as the reporting of illegal fishing through the AFMA website or CRIMFISH hotline (<http://www.afma.gov.au/monitoring-enforcement/report-illegal-fishing-activity/>). AFMA will inform you if you are unable to remain anonymous or use a pseudonym.

This principle does not apply if:

- AFMA is required or authorised by or under an Australian law, or a court/tribunal order, to deal with individuals who have identified themselves; or
- It is impracticable for AFMA to deal with individuals who have not identified themselves or used a pseudonym.

Collection of personal information

Solicited personal information (APP3)

AFMA may only solicit and collect personal information that is reasonably necessary for one or more of its functions or activities, or directly related to, one or more of its functions or activities. In addition to such requirements, AFMA may only solicit and collect sensitive information if the individual consents to the sensitive information being collected, unless an exception applies.

Unsolicited personal information (APP4)

If AFMA receives unsolicited personal information, AFMA will, within a reasonable period, determine whether that information is directly related to one or more of its functions or activities. If the information could be collected under APP 3, AFMA will notify you of the purpose of collection and AFMA's intended uses and disclosures according to the requirements of the APPs, unless it is impracticable or unreasonable for AFMA to do so. If this cannot be determined, AFMA will, as soon as practicable, destroy or de-identify the information.

Notification (APP5)

In case of AFMA's direct collection of personal information, AFMA will take reasonable steps to notify individuals of certain matters. Where possible, this notification will occur at the time of collection. Under the APPs, AFMA will only collect information for a lawful purpose that is reasonably necessary or directly related to one or more of its functions and activities under AFMA's governing legislation, or where otherwise required or authorised by law.

Dealing with personal information

Use or disclosure (APP6)

AFMA collects information from a number of sources in the conduct of its business. AFMA recognises the information often has personal or commercial value and protects it accordingly. AFMA will only use or disclose the personal information about an individual that was collected for a particular purpose (the **primary purpose**), unless an exception applies for another purpose (the **secondary purpose**) having the individual's consent to do so.

AFMA may disclose your personal information to other Commonwealth departments or agencies who perform services for AFMA as part of the Shared Service Centre or have an agreement with the Shared Service Centre. For more information about the Shared Service Centre please refer to: <http://ssc.gov.au>. No information is disclosed to other organisations or individuals, unless it's in accordance with one of AFMA's functions or powers.

If AFMA engages a contractor to perform services on its behalf, the provision of personal information to that contractor will not be considered a disclosure, as such handling procedures are in AFMA's effective control.

In case of accidental or unauthorised disclosure of personal information, AFMA follows the OAIC's [Data breach notification — A guide to handling personal information security breaches](#).

Direct marketing (APP7)

AFMA does not use or disclose personal information for use by AFMA or third parties for direct marketing, unless it has been collected for this purpose with consent from individuals.

Cross-border disclosure (APP8)

AFMA may, on occasion, disclose personal information to overseas recipients. The situations in which AFMA may disclose personal information overseas include:

- publications on the AFMA website that may contain personal information, such as annual reports, enforcement reports and other documents, photographs and posts and comments on AFMA's social media platforms;
- the provision of personal information to overseas researchers or consultants (where consent has been given for this or AFMA is otherwise legally able to, or required to, provide this information); and
- the provision of personal information to foreign governments and law enforcement agencies (in limited circumstances and where authorised by law or obliged under international treaty or convention).

AFMA will not disclose your personal information to an overseas recipient unless one of the following applies:

- the recipient is subject to a law or binding scheme substantially similar to the APPs, including mechanisms for enforcement;
- you consent to the disclosure after being expressly informed that AFMA will not be taking reasonable steps to ensure that the overseas recipient does not breach the APPs;
- disclosure is required or authorised by law; or
- disclosure is reasonably necessary for an enforcement related activity to a recipient that performs similar enforcement functions to AFMA.

Adoption, use or disclosure of government related identifiers (APP9)

AFMA will not adopt any government related identifier of an individual as its own identifier of the individual unless:

- the adoption of the government related identifier is required or authorised by or under an Australian law or a court/tribunal order.

AFMA will not use or disclose a government related identifier of an individual unless:

- the use or disclosure of the identifier is reasonably necessary for the organisation to verify the identity of the individual for the purposes of the organisation's activities or functions.

Integrity of personal information

Quality (APP10)

AFMA will take reasonable steps to ensure that the personal information it holds:

- is accurate, up-to-date and complete;
- is accurate, up-to-date, complete and relevant when it is used or disclosed; and
- is protected against loss, unauthorised access, modification or disclosure or other misuse.

Security (APP11)

All personal information held by AFMA is stored securely in accordance with AFMA's Security Policy, ICT Security Policy and Records and Information Management Policy. AFMA will take reasonable steps to ensure that the personal information it holds is protected:

- from misuse, interference and loss; and
- from unauthorised access, modification or disclosure.

Where AFMA no longer needs personal information for any purpose for which the information may be used or disclosed, AFMA will take reasonable steps to destroy the information or ensure that it is de-identified. This requirement applies except where:

- the personal information is part of a Commonwealth record, or
- AFMA is required by law or a court/tribunal order to retain the personal information.

Access to, and correction of, personal information

Access (APP12)

AFMA will, on request, give individuals access to their personal information held by AFMA, unless it is required or authorised to refuse such access by or under:

- The *Freedom of Information Act 1982*; and
- Any other Act of the Commonwealth or tribunal/court order.

In case of any refusal to access, AFMA will give a written notice to the individual explaining the reasons for the refusal and procedures of complaint about the refusal.

Correction (APP13)

AFMA will take reasonable steps to correct personal information to ensure that, having regard to the purpose for which it is held, the information is accurate, up to date, complete, relevant and not misleading if:

- AFMA is satisfied that the information is inaccurate, out of date, incomplete, irrelevant or misleading to the purpose for which the information is held; or
- the individual requests AFMA to correct the information.

AFMA will respond in a timely manner to an individual's request to correct personal information or to associate a statement with the personal information without any charge to an individual for making a request to correct personal information.

In accordance with the *Australian Government Guidelines on the Recognition of Sex and Gender* upon the receipt of a request and sufficient evidence, AFMA will amend or correct a person's sex and/or gender information.

Upon request by an individual whose personal information has been corrected, AFMA will take reasonable steps to notify another APP entity of a correction made to personal information that was previously provided to that other entity.

In case of refusal to correct personal information, AFMA will give a written notice to an individual, including the reasons for the refusal and the complaint procedures available to the individual.