



Privacy Impact Checklist (PIC) – New or changing projects and systems

Section A: General information

Purpose of this form

The *Privacy Act 1988* (Privacy Act) imposes obligations on the Department of Agriculture (department) in relation to the collection, storage, use and disclosure of personal information. These obligations are contained in 13 Australian Privacy Principles (the APPs), which on 12 March 2014, replaced the Information Privacy Principles. The department must comply with requirements under the APPs.

It is departmental policy that project or system sponsors **must** complete the below PIC in the planning stage of all new or changing projects or systems. Completing the PIC is intended to identify how personal information is sourced and flows in a project or system. It will identify the possible privacy impacts, potential problems, solutions to manage issues, and encourage good privacy practice.

Ensuring compliance with the Privacy Act is the responsibility of project or system line areas. If any assistance is required, the [privacy team](#) in the Corporate and Commercial Services Section, Office of the General Counsel should be contacted.

What is personal information?

Personal information

Under the Privacy Act personal information is defined as:

‘Information or an opinion about an identified individual, or an individual who is reasonably identifiable:

- *whether the information or opinion is true or not; and*
- *whether the information or opinion is recorded in material form or not’.*

Even basic information, such as an individual’s name or email address is personal information. Put simply, if the information or opinion is about an identified individual, then it is likely to be personal information.

Sensitive information

Sensitive information is a subset of personal information with additional requirements under the Privacy Act. Sensitive information is defined in the Privacy Act as information or an opinion about an individual’s racial or ethnic origin, political opinions, membership of a political association, religious beliefs or affiliations, philosophical beliefs, membership of a professional or trade association, membership of a trade union, sexual preferences or practices, criminal record, health information, genetic information, biometric information that is to be used for the purpose of automated biometric verification/identification and biometric templates.

To complete a PIC

The PIC is intended to be filled out electronically.

Enter data into all relevant fields, then print and have the document signed by the approving officer.

Scan the document, then process according to either:

- a. If you answer ‘yes’ to all of the questions within the PIC, it will need to be approved by the project or system Sponsor (SES band 1 or above) and kept on an official Commonwealth file, as a record of the department having considered the privacy impact of the project or system.
- or
- b. If you answer ‘no’ to any question, you must submit your PIC to the [privacy team](#) in the Corporate and Commercial Services Section, within the Office of the General Counsel for review. More information and assistance will be provided by the team about how to proceed.

**Do I need to
conduct a PIC?**

To decide whether you need to conduct a PIC, please answer the following questions:

Does the project/system you are working on involve any one or more of the following?

- Collection of personal information

No

Yes

- Storage of personal information

No

Yes

- Use of personal information (across the department)

No

Yes

- Disclosure of personal information outside the department

No

Yes

If you answered yes to **any** of the above, please proceed with the PIC.

If you answered no to **all** of the above, you do not need a PIC.

Please note:

Before completing the PIC, please review the '[10 things to know about reforms to the Privacy Act](#)' on mylink. It will provide some useful context.

After completing this PIC, the [privacy team](#) may request you undertake a more comprehensive Privacy Impact Assessment. Further information about [Privacy Impact Assessments](#) is available on mylink.

The questions in the PIC are generic but they capture the basic elements of the APPs. The questions may need to be reframed if they do not suit your particular circumstances. If this is necessary, or if you have any other questions regarding the PIC, please contact the [privacy team](#) in the Corporate and Commercial Services Section, Office of the General Counsel.

Section B: PIC assessment

Project or system name

Division/branch

Delegate (SES band 1 or above)

Delegate position

Tick the appropriate box:

New project Upgraded/change in project

New system Upgraded/change in system

Briefly describe the new or changed project/system (provide attachments if necessary)

Briefly describe how the personal information flows through the project or system (provide attachments if necessary)

1 APP1 – Open and transparent management of personal information

Have you read and are you familiar with the department's privacy policy?
The department's [privacy policy](#) is available on mylink.

No

Yes

2 APP2 – Anonymity and pseudonymity

If practical, has the option of anonymity or pseudonymity been made available?

No

Yes

N/A

Where practicable, individuals must be given the option of not identifying themselves when dealing with the department. For example, if a person calls the department requesting general information about a grant process, they should not be required to identify themselves. However, if a person requests information about their specific grant application they will need to identify themselves.

3 APP3 – Collection of solicited personal information

Personal information

Is the personal information (other than sensitive information – see the definition above) collected reasonably necessary for, or directly related to, one of more of the department’s functions or activities?

No

Yes

‘Reasonably necessary’ means that the personal information collected is required to perform the function or activity of the department. That is, the department could not properly undertake the function or activity without collecting the particular personal information.

To be ‘directly related’ to, a clear and direct connection must exist between the personal information being collected and a departmental function or activity.

The department’s functions will be set out either by legislation (including a subordinate legislative instrument) or an executive scheme or arrangement established by government. Activities of the department will be related to its functions. Activities of the department include incidental and support activities, such as human resource, corporate administration, property management and public relations activities.

Sensitive information

If you are collecting sensitive information (definition above), have you sought advice from the Privacy and Discretionary Claims Section (and if applicable, has that advice been implemented)?

No

Yes

N/A

The collection of sensitive information imposes additional requirements on the department. The department may only collect sensitive information if the individual consents to the sensitive information being collected, unless an exception applies. If you are proposing to collect sensitive information the Privacy and Discretionary Claims team must advise how to meet these additional requirements.

Is **all** the personal information being sought (including any ‘sensitive personal information’) necessary for the purposes of the project/system?

No

Yes

If not, the personal information must **not** be collected. For example, if a form requests an individual’s date of birth, but this information is not necessary to perform the function or activity, the question should be removed.

If the project or system proposes to collect personal information from a third party (i.e. a person other than the individual), have you sought advice from the Privacy and Discretionary Claims Section (and if applicable, has that advice been implemented)?

No

Yes

N/A

4 APP5 – Notification of the collection of personal information

Have you used the department's privacy notice template when collecting personal information?

No

Yes

Are the privacy notices being provided to individuals at the time of, or before, collection of the personal information (or as soon as practicable afterwards)?

No

Yes

Please attach a copy of your privacy notice/s for the project/system.

Attached

The department has developed a [privacy notice template](#) which is available on mylink. This template **must** be used for all privacy notices.

When personal information is being collected about an individual, a [privacy notice](#) **must** be provided to that individual. This applies to all personal information collected about an individual, either directly from the individual or from a third party. A privacy notice ensures the individual is aware of the department's purpose for collecting personal information, what the personal information will be used for and to whom it will be disclosed.

If the personal information is being collected directly from an individual who completes a form (either hard copy or online) or online systems (such as a database) the privacy notice must be clearly and prominently displayed. For online systems, it is acceptable for a link to the privacy notice to be provided, with a checkbox confirming it has been reviewed before the personal information is provided (such as at a login screen).

If the personal information is being collected directly from an individual over the phone, a privacy notice script should be provided to the individual before the personal information is collected. If a script is unable to be provided to the individual before collection, a privacy notice must be provided via email (or post) as soon as possible.

If your project or system proposes to collect information from a third party, has privacy notice advice from the Privacy and Discretionary Claims Section been received and implemented?

No

Yes

N/A

5 APP6 – Use or disclosure of personal information

Is the personal information only being used and/or disclosed for the purpose it was collected?

No

Yes

If personal information is being sourced from existing records (that have been previously collected by the department) does this project or system propose to use and/or disclose it for the same purpose for which it was collected?

No

Yes

N/A

If the department collects and/or holds personal information for a particular purpose, it must not use that personal information for any other purpose unless an exception applies. For example, if personal information is collected for the purposes of assessing and processing an export application, it must only be used for assessing and processing that export application, unless an exception applies.

If the project or system proposes to use and/or disclose personal information for a purpose other than that it was collected for, you must contact the Privacy and Discretionary Claims Section for advice.

If the project or system requires entering into a contract with another party (which includes both contracts for services and funding agreements), has a standard departmental template been used, or has your document been approved by the Office of the General Counsel?

No

Yes

N/A

Where a contract or an agreement with a third party relates to the delivery of an activity, or the provision of a service/function for or on behalf of the department, the Privacy Act requires that contract or agreement to include certain clauses. The contract or agreement must require the third party not to do anything that would be a breach of the Australian Privacy Principles. The department's standard form contracts and funding agreements include standard clauses to satisfy this requirement. To check if you are using a standard department contract or agreement, or to check if your document is compliant with Privacy Act requirements, please contact the [Office of the General Counsel](#).

6 APP8 – Cross-border disclosure of personal information

If personal information within the project or system will be disclosed to any overseas recipient (government, private sector or individual), have you sought advice from the Privacy and Discretionary Claims Section (and if applicable, has that advice been implemented)?

No

Yes

N/A

There are strict requirements under the Privacy Act that relate to the disclosure of personal information to any overseas recipient. If you propose to disclose personal information (including sensitive information) to any overseas recipient, you must contact the Privacy and Discretionary Claims Section for advice.

Please complete after receiving advice from the Privacy and Discretionary Claims Section:

If the project or system will disclose personal information to an overseas recipient, who is the recipient and to what countries will the information be disclosed?

If the project or system will disclose information to an overseas recipient, please explain the nature of the disclosure (including the appropriate arrangement that is in place):

7 APP10 – Quality of personal information

Have processes been implemented to ensure that any personal information collected is kept accurate, up to date, complete and relevant?

No

Yes

Under the Privacy Act, the department must take reasonable steps to ensure that the personal information it uses or discloses is accurate, up to date, complete and relevant.

For example, processes should be put in place to ensure the project or system's personal information holdings are reviewed. For larger projects or systems a process could be implemented for this to happen twice yearly.

8 APP11 – Security of personal information

Systems

Has an Information Security Division's Application Security Plan (ASP) been approved, including arrangements to protect the personal information from misuse, interference, loss, unauthorised access, modification and disclosure?

No

Yes

N/A

Projects

Are measures in place to protect the personal information from misuse, interference, loss, unauthorised access, modification and disclosure?

No

Yes

N/A

This relates to both official paper and electronic files, as well as emails and information stored on shared drives. For example, controls must be put in place to ensure only those staff with a genuine 'need to know' have access to the personal information. Also, the information should be stored securely, and staff whom have access should understand their security responsibilities.

Are there arrangements in place to destroy or de-identify the personal information when it is no longer needed for the purpose for which it was collected (if the information has not formed part of an official Commonwealth record)?

No

Yes

In some circumstances, Examples of the personal information to be destroyed or de-identified could be included in emails, documents and drafts documents on shared drives. The length of time required to keep non Commonwealth records will depend on the individual project or system.

If the information forms part of a Commonwealth record, or if you are unsure if the information is a Commonwealth record, advice on requirements under the Archives Act is available from the [Information Management Section](#) in Information Services Division.

9 APP12 and APP13 - Access to and correction of personal information

Are there arrangements in place so that individuals can contact the department to access, update and correct their personal information?

No

Yes

Important

If you answered 'yes' to all of the questions within the PIC, it will need to be approved (below) by the project or system Sponsor (SES band 1 or above) and kept on an official Commonwealth file, as a record of the department having considered the privacy impact of project or system.

If you answered 'no' to any question, you must submit your PIC to the [privacy team](#) in the Corporate and Commercial Services Section, within the Office of the General Counsel for review. More information and assistance will be provided by the team about how to proceed.

Section D: Sponsor declaration

This declaration must be signed by the nominated delegate listed in Section C of this application.

Sponsor signature

Date (dd/mm/yyyy)

Sponsor name (SES Band 1 or above)