

Policy: 301.0
Effective: 1 March 2017
Revised:
Subject: Privacy Policy
Reference:

HRNSW – PRIVACY POLICY

1. BACKGROUND

1.1 Harness racing New South Wales is a body corporate established under the *Harness Racing Act (NSW) 2009*.

Functions of HRNSW

HRNSW has the functions conferred or imposed on it by the *Harness Racing Act* and any other law, including to:

- a) control, supervise and regulate harness racing in the State,
- b) register harness racing clubs, harness racing horses, owners, trainers and drivers of harness racing horses, bookmakers for harness racing and other persons associated with harness racing,
- c) initiate, develop and implement policies considered conducive to the promotion, strategic development and welfare of the harness racing industry in the State,
- d) distribute money received as a result of commercial arrangements required by the *Totalizator Act 1997*,
- e) allocate to harness racing clubs the dates on which they may conduct harness racing meetings.

HRNSW may affiliate with such organisations, whether in or out of New South Wales, as HRNSW considers appropriate. The functions of HRNSW are not limited by the rules and are to be exercised independently of Harness Racing Australia or any successor.

2. PRIVACY LEGAL AND POLICY FRAMEWORK

2.1 Overview

HRNSW is subject to limited privacy-related obligations. In that regard:

- The Commonwealth *Privacy Act* does not apply to State authorities and therefore does not apply to HRNSW.
- The NSW *Privacy and Personal Information Protection Act 1998* does not apply to HRNSW because HRNSW is not a public sector agency for the purposes of that Act. The *Health Records and Information Privacy Act 2002* does not apply to HRNSW for the same reason.
- The NSW *Government Information (Public Access) Act 2009* does apply to HRNSW. It provides rights of access to information, including personal information held about you. For information about your rights under this Act, you may wish to consult the overview of this Act available at <https://www.ipc.nsw.gov.au/information-access-laws>.

HRNSW understands that your personal information is important to you and, as a matter of desirable practice, has adopted these privacy guidelines, even though HRNSW is subject to limited privacy requirements.

HRNSW is committed to the protection of your personal information and will request that you provide such information only if it is necessary for one or more of its functions. The types of personal information that HRNSW requests will depend on the category of licence or registration that you are applying for or the nature of the investigation being conducted. HRNSW respects that individuals should have known what information it holds about them, subject to any countervailing public interests, such as the need to protect the confidentiality of a source or of an investigation.

What is personal information?

For the purposes of these guidelines, personal information means information from which your identity can be established or that relates to your personal attributes. This information typically includes your private address, contact details, age, marital status and matters such as health reports and character references. However, information is not personal information if it is publicly available. For example, if you are a company director, your address will commonly be available in ASIC records. Many social media users also make attributes such as age and marital status available on social media.

Please also note that these guidelines apply to stakeholders and members of the public with whom HRNSW interacts. They do not apply to HRNSW officers and employees, for whom there is a set of internal policies and procedures.

2.2 Purpose of collection

Information is collected by HRNSW to perform its functions and, most commonly, to assist it in making licensing, registration and integrity/inquiry determinations. Among other things, this includes the assessment of an applicant's fitness and propriety to hold or be issued with a particular category of registration or licence. The information collected may also be used for the purpose of investigations and inquiries conducted by HRNSW. Applicants are also required to be truthful in their applications and on occasion HRNSW may investigate the veracity of the information provided to support an application. These investigations can vary from a simple character reference to a police check, for example.

2.3 How is the information collected

Information is usually collected by means of a standard form for the purpose of licensing, registration and subscription. Occasionally, information will be collected from overseas or interstate controlling bodies or from other investigative bodies. In the normal course, the information is collected:

- a) Direct from the person
- b) From a third party with written consent
- c) From the NSW Police Service or an interstate law enforcement agency

In the case of an investigation, personal information is sometimes collected through surveillance. In that regard HRNSW investigators are required to comply with all requirements in surveillance-related legislation in force in New South Wales and to conduct themselves in a courteous manner.

2.4 Data security

HRNSW will take reasonable steps to secure personal information from misuse, loss, unauthorised access, modification and disclosure. The information will usually be stored in either hard copy or on computer hard drives and databases. Information can only be accessed by authorised staff.

2.5 Access

At any time, you can request access to the information that HRNSW holds about you. If you wish to have access to the information held about you, you should contact HRNSW directly. As a general policy HRNSW will refuse access only where there is a good reason to do so, such as the confidentiality of a source or the ongoing nature of an investigation. You are also entitled to make a formal request for access to information relating to you under the *Government Information (Public Access) Act 2009*.

2.6 Consequences of not providing information requested

You may, for whatever reason, choose not to supply HRNSW with information that it has requested. However, if you do not supply the information requested, HRNSW may be unable to process any application for registration, licence or subscription. If the request is made in relation to any investigation or inquiry HRNSW may utilise the powers given to it under the *Harness Racing Act 2009* or the Australian Harness Racing Rules.

2.7 Disclosure

HRNSW will not use or disclose your personal information except to perform its functions for any purpose which you would reasonably expect us to use the information. These disclosures include the following examples and those outlined in sections 2.8, 2.9 and 2.10 below:

- Disclosure to a law enforcement or investigative body.
- Disclosure to a body with powers to compel disclosure, such as ICAC. In these cases HRNSW may choose to make disclosure without requiring that these powers to be exercised.
- Disclosure to a foreign agency, such an agency investigating money laundering or other suspicious activity.
- Disclosure to a professional adviser to HRNSW, such as a lawyer, accountant or investigator advising HRNSW.

2.8 Harness Racing Gazette

HRNSW Gazette is the official magazine and publication of HRNSW. It contains various types of notices including;

- a) Trainer, Driver contact details
- b) Penalties
- c) Nominations refused
- d) Licensing decisions
- e) Suspensions

- f) Fines
- g) Disqualifications
- h) Bleeders
- i) Racing Colours
- j) Special Notices

2.9 Transborder data flows

The information that you supply to HRNSW may be passed on to other interstate or overseas controlling bodies in certain circumstances. For example, any horse or licensee requiring a clearance from/to another controlling body prior to competing in NSW.

2.10 Contractors

On occasions, HRNSW will use third party providers to assist with matters such as investigations and large mail outs. Any third party contractor must agree to adhere to the National Privacy Principles.

2.11 Complaints

This privacy policy does not have force of law and does not create rights under Commonwealth and NSW privacy legislation, for the reasons set out at section 2.1. Nevertheless, if you have a complaint about the application of this policy, HRNSW will seek to resolve it with you. You may make a complaint by contacting the CEO whose details are listed below.

CEO
HRNSW
22 Meredith Street
BANKSTOWN NSW 2200
Phone: (02) 9722 6600