

Indigenous Land Corporation—Privacy Policy

Privacy obligations

This privacy policy has been prepared to meet the Indigenous Land Corporation's (ILC) obligations under the *Privacy Act 1988* (Cth).

For the purposes of this privacy policy personal information is any information or an opinion about an identified individual or an individual who is readily identifiable.

Any personal information collected or held by the ILC is controlled by the Indigenous Land Corporation (ABN: 59 912 679 254) of Level 7, 121 King William Street in the State of South Australia.

The ILC may change this privacy policy from time to time.

The privacy policy as it relates to the use of ILC's website can be found at <http://www.ilc.gov.au/Privacy>

Personal Information collected by the ILC

The ILC is established pursuant to the *Aboriginal and Torres Strait Islander Act 2005* (Cth) for two main functions, being:

1. To acquire land and make grants of land to Aboriginal and Torres Strait Islander corporations; and
2. To assist with the sustainable management and development of Indigenous held land.

To successfully carry out these functions the ILC collects a variety of personal information.

Much of the personal information collected by the ILC relates to individual members of Aboriginal and Torres Strait Islander corporations that apply under the ILC's land acquisition or land management programs. This information may include:

1. Names and contact details of individuals;
2. Information on traditional links that individuals may have to land that is subject to a land acquisition or land management applications;
3. Information on the skills and experiences that individuals may have to manage land or undertake land management programs;
4. Credit history checks on individuals who are involved with land acquisition or land management applications; and
5. Other associated information.

The ILC collects personal information on individuals and employees of corporations that enter into contracts with the ILC. Examples include but are not limited to information relating to individuals who sell land to the ILC or who enter into contracts to perform services on land owned by the ILC.

The ILC collects personal information, including for the production of visual evaluation reports, from program participants through formal program evaluation processes. The collection of evaluation data is

subject to specific consent by participants and is used to inform the review and development of ILC programs.

The ILC also collects personal information on its own trainees and employees as well as the trainees and employees of its subsidiaries as necessary for human resource management.

How the ILC collects Personal Information

The ILC usually collects personal information directly from the individual concerned. However, in some circumstances, this is not practicable. For example, if a representative of an Aboriginal and Torres Strait Islander corporation fills out a land acquisition or land management application form, then that representative may include personal information relating to other members of the applicant corporation in the form. This personal information provided to the ILC will be held even if it was not collected directly from the individual concerned.

The ILC may also collect personal information from publicly available sources. For example, the ILC may collect personal information contained in publicly available records held by the Office of the Registrar of Indigenous Corporations, the Australian Securities and Investments Commission, and/or lands titles registers. Personal information will only be collected from these publicly available sources if necessary for the ILC to carry out its functions.

The Purposes for which the ILC collects, uses and discloses Personal Information

The ILC only collects personal information for purposes that are directly related to ILC's functions. These purposes include:

1. Assessing land acquisition or land management applications from Aboriginal and Torres Strait Islander corporations;
2. Negotiating and carrying out land transactions;
3. Engaging service providers to undertake land management activities in relation to ILC-held land;
4. Taking and answering enquires about the ILC's land management and land acquisitions programs;
5. Conducting commercial enterprises on land held by the ILC;
6. Engaging Indigenous trainees and facilitating their transition to employment;
7. Engaging employees and keeping employee records;
8. Managing the activities of ILC subsidiaries; and
9. Engaging with stakeholders.

The ILC will usually only use or disclose personal information for the purpose for which it was collected. For example, if the ILC has collected personal information about the members of an Indigenous and Torres Strait Islander corporation through an application for land management assistance, the ILC will only use and disclose that information for the purpose of assessing and responding to that application.

The ILC may use personal information for a purpose other than the purpose for which it was collected, but only if the individual concerned would expect the ILC to use or disclose the personal information for

that secondary purpose, and that secondary purpose is related to the primary purpose for which it was collected.

The ILC will not use or disclose personal information for any other reason without the consent of the individual concerned or if necessary to prevent threats to life or health, or if required by law.

Disclosure of Personal Information to overseas recipients

If disclosure of personal information is necessary it will usually be made to the Commonwealth Government, a Commonwealth agency or a law enforcement body, or an entity that provide IT related products or services to the ILC but ILC may disclose personal information to other entities.

The ILC may disclose personal information to overseas recipients that provide IT and/or communications related services to the ILC:

1. In whole or in part from an overseas location; or,
2. Through subcontractors who are based in overseas locations.

Access and correction of Personal Information

Individuals can access any personal information that the ILC holds about them provided release of the information is not exempt under the *Freedom of Information Act 1982* (Cth). The ILC may require anyone who asks to access their personal information to verify their identity to ensure that personal information is not disclosed to unauthorised people.

If the ILC holds personal information about an individual then, if the information is incorrect, the individual concerned can ask that the ILC correct the personal information. If the ILC is satisfied that its records are incorrect it will correct those records and will otherwise comply with the *Privacy Act 1988* (Cth) in relation to such requests.

The ILC will undertake to ensure that any personal information about an individual held by the ILC is correct and up to date as far as practicable.

Notifiable Data Breaches

The ILC will comply with the notifiable data breach scheme by:

1. Notifying individuals whose personal information is involved in a data breach that is likely to cause serious harm.
2. Notifying the Australian Information Commissioner about any data breach that is likely to cause serious harm.
3. Investigating any suspicion that there may have been a serious data breach.
4. Taking appropriate remedial action to reduce potential harm if a data breach or suspected data breach.

Complaints and Contact

Any requests to access personal information; requests to correct records; or, complaints about the ILC's obligations under the *Privacy Act 1988* (Cth) should be made in writing to Indigenous Land Corporation care of the Freedom of Information Officer at GPO Box 652 Adelaide, SA 5001.