



Australian Government

Indigenous Land and Sea Corporation



The ILSC GROUP

# Indigenous Land and Sea Corporation Privacy Policy

## 1. Privacy obligations

The indigenous Land and Sea Corporation (ILSC) Privacy Policy has been developed in compliance with the *Privacy Act 1988* (Cth) and the Australian Privacy Principles.

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 ILSC is controlled by the Indigenous Land and Sea Corporation (ABN: 59 912 679 254) of Level 7, 70 Franklin Street in the State of South Australia.

The ILSC may change this privacy policy from time to time. The privacy policy as it relates to the use of ILSC's website can be found at <https://www.ilsc.gov.au/about/ilsc-publications/privacy-policy/>


## 2. Personal Information collected by the ILSC

The ILSC is established pursuant to the *Aboriginal and Torres Strait Islander Act 2005* (Cth) to assist First Nations Peoples to acquire and manage land and water-related rights so as to provide economic, environmental, social and cultural benefits.

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

Much of the personal information collected by the ILSC relates to individual members of Aboriginal and Torres Strait Islander corporations that apply under the ILSC's programs to acquire land and manage land, water and water related interests. 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 water- based acquisition or undertake land or water management programs;
4. Credit history checks on individuals who are involved with land or water acquisition or land or water-based management applications; and
5. Other associated information.



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

The ILSC collects personal information, including producing 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 ILSC programs.

The ILSC 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.

### **3. How the ILSC collects Personal Information**

The ILSC 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 water or land or water 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 ILSC will be held even if it was not collected directly from the individual concerned.


The ILSC may also collect personal information from publicly available sources. For example, the ILSC 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 or water titles registers. Personal information will only be collected from these publicly available sources if necessary for the ILSC to carry out its functions.


### **4. The Purposes for which the ILSC collects, uses and discloses Personal Information**

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

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

The ILSC will usually only use or disclose personal information for the purpose for which it was collected.





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

The ILSC 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 ILSC 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 ILSC 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.

## **5. 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 ILSC, but ILSC may disclose personal information to other entities.

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


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

## **6. Access and correction of Personal Information**

Individuals can access any personal information that the ILSC holds about them provided release of the information is not exempt under the *Freedom of Information Act 1982* (Cth). The ILSC 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 ILSC holds personal information about an individual then, if the information is incorrect, the individual concerned can ask that the ILSC correct the personal information. If the ILSC 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 ILSC will undertake to ensure that any personal information about an individual held by the ILSC is correct and up to date as far as practicable.



## 7. Notifiable Data Breaches

The ILSC 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.

## 8. Complaints and Contact

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

## 9. Implementation, Monitoring and Review.

1. The ILSC Privacy Policy will be entered into the ILSC Policies, Guidelines and Procedures Database and implemented in accordance with its implementation plan.
2. It will be reviewed at the time of a trigger such as a significant change in the operating environment or at the end of two (2) years following the endorsement of this policy, whichever is sooner.

Name	Type	Version	Owner	Approval Date	Review Date
ILSC Privacy Policy	Policy	1.0	Legal	30/01/2018	30/01/2020
ILSC Privacy Policy	Policy	2.0	Legal	08/03/2024	08/03/2026