



Australian Government

Department of Health

Gene Technology Regulator Privacy Policy

**Privacy Policy
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Privacy Policy

About this Privacy Policy

The Office of the Gene Technology Regulator (OGTR) is part of the Commonwealth Department of Health (the Department).

The Gene Technology Regulator (the Regulator) is a Statutory Officer appointed by the Governor-General to administer the Commonwealth Gene Technology Act 2000 (the Act), and corresponding State laws, as part of a nationally consistent scheme for the regulation of dealings with genetically modified organisms (GMOs). The scheme is established pursuant to the understanding between the Commonwealth and State and Territory governments recorded in the Gene Technology Agreement (GTA). The Regulator is an entity under the Privacy Act and is required to have a Privacy Policy.

The Regulator is assisted in his/her work by staff of the Department, and those staff are required to follow the principles detailed in this Privacy Policy. The Department also has a [Privacy Policy](#) which is relevant to records held by the Department and which staff assisting the Regulator are required to follow in relation to those records.

This Privacy Policy provides detailed information about the personal information handling practices relevant to records held by the Regulator, and the activities of the staff assisting the Regulator, in discharging his or her statutory functions. Where convenient the Regulator and staff are collectively referred to in this document as the OGTR.

If you would like to access this Privacy Policy in an alternate format or language, such as for the vision impaired, or those from non-English speaking backgrounds, please contact the OGTR at the contact details at the end of this document. The OGTR will take reasonable steps to provide you with alternate access.

Overview

In administering the gene technology regulatory system the Regulator has specific responsibility to protect the health and safety of people, and to protect the environment, by identifying risks posed by or as a result of gene technology, and by managing those risks through regulating certain dealings with GMOs.

- The following list describes the Regulator's functions that are set out in section 27 of the Act:
- to perform functions in relation to GMO licences as set out in Part 5 of the Act. This includes all the activities required to assess and decide applications for GMO licences;
- to develop draft policy principles and policy guidelines, as requested by the Ministerial Council. The Ministerial Council refers to the body made up of the Commonwealth and States and Territories under the GTA1;
- to develop codes of practice in relation to dealings with GMOs and gene technology;

¹ Now referred to as the Legislative and Governance Forum on Gene Technology

- to issue technical and procedural guidelines in relation to GMOs;
- to provide information and advice to other regulatory agencies about GMOs and GM products;
- to provide information and advice to the public about the regulation of GMOs;
- to provide advice to the Ministerial Council about:
 - the operations of the Regulator and the Gene Technology Technical Advisory Committee; and
 - the effectiveness of the legislative framework for the regulation of GMOs, including in relation to possible amendments of relevant legislation;
- to undertake or commission research in relation to risk assessment and the biosafety of GMOs;
- to promote the harmonisation of risk assessments relating to GMOs and GM products by regulatory agencies;
- to monitor international practice in relation to the regulation of GMOs;
- to maintain links with international organisations that deal with the regulation of gene technology and with agencies that regulate GMOs in countries outside Australia;
- such other functions as are conferred on the Regulator by the Act, the regulations or any other law. These include the regulation of Notifiable Low Risk Dealings (NLRDs), the GMO Register, certification of facilities and accreditation of organisations, monitoring and compliance activities, including the appointment of inspectors under the Act; and making inspectors available to carry out functions under the *National Health Security Act 2007*.

The Regulator’s obligations under the Privacy Act

The Privacy Act sets out 13 Australian Privacy Principles (APPs) which outline how the Regulator and staff assisting her/him must collect, use, hold and disclose your personal information, and how you may access and correct personal information held about you. The Regulator is bound by the APPs in the Privacy Act.

Both personal information and sensitive information about you may be collected by the OGTR.

Personal information

The Privacy Act defines ‘personal information’ 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 a material form or not.’*

It will depend on the circumstances as to whether information about you will be considered ‘personal information’.

For example, information about your name, date of birth or a photo of you is likely to be considered personal information as you can be identified from this information.

Depending on the circumstances, information that does not include your name and date of birth may still be personal information.

Sensitive information

Sensitive information is a subset of personal information. The Privacy Act defines 'sensitive information' as:

- racial or ethnic origin
- political opinion or association
- religious belief or affiliations
- philosophical belief
- trade or professional associations and memberships
- union membership
- criminal record
- health or genetic information
- biometric information.

For example, sensitive information could include a copy of a medical certificate or information about your membership of a professional association.

Remaining anonymous or using a pseudonym

You may wish to remain anonymous, or use a pseudonym, when interacting with the OGTR. Where possible, the OGTR will allow you to interact with it anonymously or using a pseudonym. For example, the OGTR may not need your personal information if you seek general information about gene technology regulation or a consultation process.

However, in some circumstances, it may be impracticable to remain anonymous or use a pseudonym, or the OGTR may be legally required to deal with you in an identified form. For example, the OGTR is not able to process an application for a licence to deal with a GMO from an organisation without collecting the name of a person authorised to act on behalf of the organisation, and details of individuals to whom relevant licence conditions apply. The OGTR will generally require individuals making submissions on a consultation process to be identified.

How the Regulator collects and holds your personal information

Collecting your personal information

In most cases, personal information about you will be collected directly from you. However, there may be circumstances in which the OGTR will collect personal information about you from your representative or a third party.

The Regulator is authorised to collect personal information under the Act and a range of other legislation. The personal information may be collected directly by the OGTR or by people or organisations acting on behalf of the Regulator, for example, contracted service providers.

The Regulator may also obtain personal information about you that is collected by other government agencies and organisations. For example, the OGTR may collect information about you from:

- the Department of Health
- the Department of Agriculture, Water and Environment
- other regulatory bodies such as the Australian Pesticides and Veterinary Medicines Authority, and Food Standards Australia and New Zealand
- State and Territory government departments and agencies
- Universities, and academic and research organisations
- Local government
- contracted service providers that provide services to the Regulator, such as contract research organisations
- contracted service providers that assist in the provision by the Department to the Regulator of human resources, communications, information technology or other corporate services
- courts and tribunals
- licence holders or applicants for GMO licences
- applicants for, or holders of, accreditation, certified facilities and NLRDs
- foreign or international governments and organisations involved in research, regulation and risk assessment relating to gene technology and GMOs, such as the OECD

This list is not exhaustive and the OGTR may collect information about you from other Australian Government agencies or from other bodies.

Methods of collection

The OGTR collects personal information about you through a range of different channels including:

- paper-based and electronic forms (including the Australian Government [SmartForm service](#))
- face to face meetings
- databases
- telephone, email and facsimile communications
- the Department's and OGTR websites (including online portals)
- social media websites and accounts.

When the Regulator collects your personal information, where it is reasonable to do so, the OGTR will issue you with a privacy notice explaining how your personal information will be handled.

Unsolicited personal information

The OGTR may, on occasion, receive unsolicited personal information (that is information that has not been requested) about you from individuals or other entities.

The OGTR will deal with any unsolicited personal information in accordance with the APPs. If it is not contained in a Commonwealth record, and it could not have been lawfully collected in accordance with the APPs, then it will be destroyed.

Personal information held by third parties

Under the Privacy Act, the Regulator is required to take measures to ensure that when your personal information is to be held by a third party under a contractual arrangement, that the third party complies with the same privacy requirements applicable to the Regulator.

The Regulator includes privacy clauses in his/her contractual agreements with third parties, including consultancy and services contracts and various other ad hoc contractual agreements. This is to ensure that the third parties handle personal information in accordance with the APPs.

Storage and data security

Storage of personal information

The Regulator performs his/her functions under the Act as an independent statutory office holder and is assisted by staff made available by the Department. Corporate and administrative services to support the activities of the Regulator are supplied by the Department. All records, information and data held by the Regulator that are stored on electronic media are administered by the Department, including storage in the Department's Electronic Document and Records Management System and cloud computing solutions. Personal information is also held on paper files.

Electronic and paper records are protected in accordance with Australian Government security policies, including the *Attorney-General Department's Protective Security Policy Framework* and the *Department of Defence Information Security Manual*.

Access to records by staff and contractors is restricted to authorised officers on a need to know basis.

The Department's networks and websites have security features in place to protect the information that the Department holds from misuse, interference and loss from unauthorised access, modification or disclosure.

The Department stores and disposes of personal information in accordance with the *Archives Act 1983* and relevant records authorities. For more information, see the [National Archives of Australia website](#).

The Department has its own [Privacy Policy](#).

Retention and destruction of personal information

The Regulator will take reasonable steps to destroy or de-identify your personal information if it is no longer needed for the purpose it was collected, unless required by law or a court/tribunal order to retain the information, or if it is contained in a Commonwealth record.

The kinds of personal information collected and held by the Regulator

The OGTR collects and holds a variety of personal information relating to:

- employment, occupational health and safety, and personnel matters
- the performance of the Regulator's legislative and administrative functions and activities
- the management of contracts and procurement processes
- statutory committees, reference and working groups
- individuals signed up to distribution and mailing lists
- the management of monitoring activities, compliance investigations and audits
- correspondence from members of the public to the Regulator, the Department and Ministers and Assistant Ministers
- correspondence referred to the Regulator by the Department, Ministers or Assistant Ministers
- complaints (including privacy complaints) made and feedback provided to the Regulator or the Department
- requests for access to documents held by the Regulator or the Department, including requests under the *Freedom of Information Act 1982* (the FOI Act)
- the provision of legal advice by internal and external lawyers.

The personal information that the OGTR collects may include:

- your name, address and contact details (for example, phone, email and fax)
- information about your financial affairs (for example, payment details and bank account details)
- information about your research projects, academic qualifications and areas of scientific or other expertise relevant to gene technology
- information about your professional affiliations with organisations or other bodies
- information about your identity (for example, date of birth, country of birth, passport details, visa details and driver's licence)
- information about your employment (for example, work history, referee comments and remuneration)
- information about your background (for example, educational qualifications, the languages you speak and your English proficiency).

The sensitive information that the OGTR collect may include:

- your health, where relevant to reporting obligations under a GMO licence, or in relation to other dealings with a GMO, responding to an incident reported in relation to a certified facility, or contained in any submission in relation to an application for a GMO licence
- your health where relevant to assessing an employment application, making reasonable adjustments in a recruitment process or the management of staff
- membership of a professional association where it is relevant to the Regulator's functions under the Act
- information about your political, religious or philosophical affiliations or beliefs, where related to the work of the Gene Technology Ethics and Community Consultation Committee established under the Act

- information about your political, religious or philosophical affiliations or beliefs where related to your submissions or any community consultation activities undertaken by the Regulator

The OGTR will take reasonable steps to ensure that personal information it collects about you is accurate, up-to-date, complete, relevant and not misleading.

Purposes for which personal information is collected

The Regulator can only use and disclose your personal information for a purpose for which it was collected, unless you have consented to the secondary use or disclosure or an exception in the Privacy Act applies.

At the time of collection, or as soon as practicable after, you will generally be given information about the OGTR’s handling of your personal information.

The table below outlines the purpose for which information is generally collected, and includes information about the circumstances of its use and disclosure in accordance with that purpose.

Personal information is only accessed by OGTR staff, including where relevant Inspectors appointed under the Act, on a ‘need to know’ basis.

There may be other circumstances that are not set out in the table below in which the OGTR may collect and use your personal information. In these circumstances, the OGTR will ensure that it handles your personal information in accordance with the Privacy Act.

Purpose of collection	Circumstances of use and disclosure
Consideration of GMO licence applications	Personal information will be used by OGTR scientific evaluators, OGTR staff with relevant experience including legal advisors, the Regulator and delegated decision makers for the purposes of considering and making decisions on GMO licence applications and related matters. Personal information may be disclosed for these purposes to statutory committees and Commonwealth, State and Territory government entities for the purposes of statutory consultation, and may also be disclosed to external legal advisors.
Consideration of accreditation and certification applications for organisations and facilities to conduct work with GMOs.	Personal information will be used by OGTR administrative staff and scientific evaluators, and other staff with relevant experience to make decisions on the accreditation of organisations and the certification of facilities.

Purpose of collection	Circumstances of use and disclosure
<p>Monitoring activities to ensure compliance with the Act, conditions of GMO licences, facility certification conditions and NLRDs, in order to protect human health and safety and the environment. Investigation of suspected breaches of the Act.</p>	<p>Personal information will be used by OGTR staff, including Inspectors appointed under the Act, for the purposes of ensuring compliance with the Act and for detecting and investigation breaches of the Act. The Regulator may use the information to inform further compliance activities or investigations and the preparation of briefs of evidence for prosecution. Personal information may be disclosed to other Commonwealth and State departments and enforcement bodies; review, audit, investigation and intelligence bodies; and consultants and legal advisors.</p>
<p>Monitoring activities to ensure compliance with the <i>National Health Security Act 2007</i> and investigation of suspected breaches of that Act in relation to the regulation of security-sensitive biological agents.</p>	<p>Personal information will be used by Inspectors made available by the Regulator to be appointed under the <i>National Health Security Act 2007</i> for the purposes of ensuring compliance with that Act and for detecting and investigation breaches of that Act. Personal information may be disclosed to other Commonwealth and State departments and enforcement bodies; review, audit, investigation and intelligence bodies; and consultants and legal advisors.</p>
<p>Undertaking the development of codes of practice, technical and procedural guidelines, and advice to the Legislative and Governance Forum on Gene Technology on legislation and operation of the scheme.</p>	<p>Personal information will be used by OGTR staff for these purposes. The information may be disclosed to other Commonwealth, and State and Territory, government entities.</p>
<p>Undertaking activities in relation to the Regulator's functions in promoting the harmonisation of risk assessments, monitoring international practice, and maintaining links with international organisations.</p>	<p>Personal information will be used by OGTR staff for these purposes. The information may be disclosed to international organisations and governments outside Australia, other Commonwealth, and State and Territory, entities.</p>
<p>Managing and responding to correspondence and enquiries from members of the public.</p>	<p>Personal information is used for the purpose of corresponding with the public and distributing OGTR publications.</p>

Purpose of collection	Circumstances of use and disclosure
To undertake research and surveys relating to gene technology.	Personal information may be disclosed to individual researchers or other Commonwealth, and State and Territory, entities. If your personal information has been collected for another purpose or for one particular research or survey purpose, it will not be disclosed for other research or survey purposes without your prior consent.
Contract management.	Personal information may be collected as part of the tender process, even where the tenderer is not successful. Sensitive information may also be obtained

In addition to the above table, the OGTR may disclose your personal information as required or authorised by or under a law or court order or where otherwise allowed under the Privacy Act and the APPs.

As a general guide, the Regulator routinely discloses personal information to:

- the Department
- the Department of Agriculture, Water and Environment, and its portfolio agencies
- State and Territory departments
- international organisations such as the OECD

Disclosure of personal information overseas

The Regulator may disclose personal information to overseas recipients where the disclosure relates to the Regulator’s international functions and is generally limited to personal information of OGTR staff in relation to the attendance at conferences and international meetings.

Access and correction

You have a right under the Privacy Act to access personal information that is held by an entity under the APPs. You also have a right to request correction of your personal information if it is inaccurate, out of date, incomplete, irrelevant or misleading.

Your right of access is subject to the Regulator’s right to refuse access under the FOI Act. In the first instance, you should seek access to your own personal information under the FOI Act and not the Privacy Act.

You can request access to documents containing your own personal information by emailing the FOI officer at OGTR@health.gov.au. There is no charge under the FOI Act for making a request or for the provision of your own personal information.

Alternatively, you can request access to your personal information under the Privacy Act by contacting the OGTR via the contact details set out at the end of this Privacy

Policy. The OGTR will take reasonable steps to provide you with access and/or make a correction to your personal information within 30 calendar days, unless the Regulator consider there is a sound reason under the Privacy Act or other relevant law to withhold the information, or not make the changes.

If the Regulator does not provide you with access to your personal information, or refuses to correct your personal information, where reasonable:

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

If the Regulator corrects your personal information, at your request, the OGTR will also take reasonable steps to notify other agencies or organisations that the OGTR has previously disclosed your personal information to, and that are bound by the Privacy Act, of the correction.

Complaints and how to contact the OGTR

If you believe the Regulator, or staff assisting him or her in the discharge of his or her statutory functions, has breached the Privacy Act or the APPs or mishandled your personal information, you should take the following steps:

1. Contact the OGTR: in the first instance, any privacy concern or complaint should be reported directly to the OGTR. The OGTR can be contacted on:

Phone: freecall 1800 181 030
Online: the online enquiries form at www.ogtr.gov.au
Email: ogtr@health.gov.au
Post: Office of the Gene Technology Regulator (MDP 54)
GPO Box 9848
CANBERRA ACT 2601

2. Submit your concern or complaint in writing: in order to be able to fully investigate your complaint, it is preferable that you make your complaint in writing at the details set out above. The complaint should include information about the claimed privacy breach and your contact details. Please note that if you do not provide sufficient information, the Regulator may not be able to fully investigate and respond to your complaint.
3. Reasonable amount of time: the OGTR will acknowledge your concern or complaint upon receipt, if you provide your contact details. The OGTR will try to respond to your privacy concern or complaint within 30 days from the date that it is received. The OGTR will notify you if the Regulator cannot respond to you within this time period.

If you are not happy with the response, you can complain directly to the Office of the Australian Information Commissioner (OAIC). The Australian Information Commissioner's details are:

Telephone: 1300 363 992
Email: enquiries@oaic.gov.au
Post: Australian Information Commissioner
Office of the Australian Information Commissioner
GPO Box 5218
Sydney NSW 2001

Please note that the OAIC generally requires that a complaint first be raised with an APP entity before the OAIC will investigate.

How to contact the Department of Health

If you wish to contact the Department in relation to a privacy concern, you can do so on:

Phone: (02) 6289 1555 or freecall 1800 020 103
Online: See the online enquires form on the [Health Website](#)
Email: privacy@health.gov.au
Post: Department of Health
GPO Box 9848,
CANBERRA ACT 2601

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