

NSW Institute of Sport Privacy Management Plan

Privacy Management Plan



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Privacy Management Plan



Contents

1	Purpose	5
2	Scope	Error! Bookmark not defined.
3	Policy statement	5
4	NSWIS functions and activities	5
5	Personal and health information	6
5.1	Personal Information.....	6
5.2	Health Information.....	6
5.3	Why we collect personal and health information.....	6
5.4	Personal and health information held by NSWIS.....	7
5.5	How we store information.....	7
6	Privacy Principles	7
6.1	Information Protection Principles (IPPs)	7
6.1.1	Collection	7
6.1.2	Storage	8
6.1.3	Access and accuracy	8
6.1.4	Use	8
6.1.5	Disclosure	8
6.1.6	Exemptions to the IPPs	8
6.1.7	Public Registers.....	9
6.1.8	Offences	9
6.2	Health Privacy Principles (HPPs).....	9
6.2.1	Collection	9
6.2.2	Storage	9
6.2.3	Access and accuracy	9
6.2.4	Use	10
6.2.5	Disclosure	10
6.2.6	Identifiers and anonymity	10
6.2.7	Transfers and linkage	10
6.2.8	Exemptions to the HPPs.....	10
6.2.9	Offences	10
7	Other laws that affect how we comply with the IPPs and HPPs.....	11
7.1	Crimes Act 1900	11

Privacy Management Plan



7.2	Government Information (Public Access) Act 2009 (GIPA Act) and Government Information (Public Access) Regulation 2009	11
7.3	Government Information (Information Commissioner) Act 2009 (GIIC Act).....	11
7.4	Independent Commission Against Corruption Act 1988	11
7.5	Public Interest Disclosures Act 1994 (PID Act)	12
7.6	State Records Act 1998 and State Records Regulation 2010.....	12
8	Procedures.....	12
8.1	How to access and amend personal and health information	12
8.1.1	Informal request.....	12
8.1.2	Formal application.....	Error! Bookmark not defined.
8.1.3	Why we might not give access to or amend personal or health information.....	12
8.1.4	Limits on accessing or amending other people’s information	12
8.2	Internal Reviews.....	13
8.2.1	Internal Review Process	13
8.2.2	The Privacy Commissioner’s role in internal reviews	14
8.2.3	External Review Process	14
9	Roles and Responsibilities	14
9.1	Our Staff.....	14
9.2	Executive Team	15
10	Public awareness.....	15
11	Contacting Us.....	15
11.1	Privacy Contact Officer	15
11.2	Our contact details	15
11.3	Information and Privacy Commission Contact.....	16

Privacy Management Plan



1. Purpose

To document how NSWIS manages personal information in line with the *Privacy and Personal Information Protection Act 1998* (NSW) (PIIP Act) and health information under the *Health Records and Information Privacy Act 2002* (HRIP Act).

2. Policy statement

NSWIS takes the privacy of our clients and stakeholders seriously and will protect privacy in accordance with this Privacy Management Plan and the NSWIS Privacy Policy.

S33(2) of the PIIP Act sets out the requirements of this plan. This plan must include:

- information about how policies and practices are developed in line with the PIIP Act and the HRIP Act
- how staff are trained in these policies and practices
- the internal review procedures
- anything else that is relevant to the plan in relation to privacy and the personal and health information held by NSWIS

NSWIS is committed to ensuring that personal information is:

- only collected where directly required for an activity or service provided, and when doing so the purpose, intended recipients and whether it is required by law or is voluntary is clearly stated
- only collected directly from the individual to whom the information relates, unless the individual has authorised the collection from someone else or the information relates to a person under the age of 16 years and has been provided by their parent or guardian
- protected with necessary safeguards against loss, unauthorised access, misuse, modification or disclosure
- not kept for longer than necessary and is disposed of securely
- accessible on request from the individual on whom the information is held

3. NSWIS functions and activities

The New South Wales Institute of Sport (“**NSWIS**”) of Level 1, Building B, 6 Figtree Drive Sydney Olympic Park in the State of New South Wales 2127, is constituted under the *Institute of Sport Act 1995* (NSW). NSWIS is constituted as a statutory body representing the Crown.

Under the *Institute of Sport Act 1995* (NSW), NSWIS’s objectives are:

1. to provide resources, services and facilities to enable New South Wales sportspeople to pursue and achieve excellence in sport while also furthering their educational, vocational and personal development;
2. to foster the development and co-ordination of high performance and talent development programs for New South Wales sportspeople; and
3. to assist the development of Australian sporting performance at international levels through co-operatively developed, and complementary, national programs.

4. Personal and health information

4.1 Personal Information

Personal information is defined in s4 of the PPIP Act and is essentially any information or opinions about a person where that person's identity is apparent or can be reasonably ascertained.

There are a number of exceptions to the definition of personal information. These include:

- information about someone who has been deceased for more than 30 years
- information about someone that is contained in a publicly available publication
- information about someone that is contained in a public interest disclosure within the meaning of the *Public Interest Disclosures Act 1994* or that has been collected in the course of an investigation arising out of a public interest disclosure,
- information or an opinion about a person's suitability for employment as a public sector official
- health information is generally excluded as it is covered by the HRIP Act

For further information relating to the relating to personal information and the types of personal information that NSWIS collects, please refer to the NSWIS Privacy Policy.

4.2 Health Information

In the HRIP Act, health information means:

- (a) Personal information that is information or an opinion about:
 - (i) The physical or mental health or disability (at any time) of an individual, or
 - (ii) an individual's express wishes about the future provision of health services to him or her, or
 - (iii) a health service provided, or to be provided, to an individual, or
- (b) other personal information collected to provide, or in providing, a health service, or
- (c) other personal information about an individual collected in connection with the donation, or intended donation, of an individual's body parts, organs or body substances, or
- (d) other personal information that is genetic information about an individual arising from a health service provided to the individual in a form that is or could be predictive of the health (at any time of the individual or of a genetic relative of the individual, or
- (e) health care identifiers

but does not include the health information, or class of health information or health information contained in a class of documents, that is prescribed as exempt health information for the purposes of this Act generally or for the purposes of specified provisions of this Act.

4.3 Why we collect personal and health information

NSWIS collects and holds personal and health information about employees, athletes, coaches, contractors, officials, volunteers and other individuals who interact with NSWIS.

NSWIS will not collect personal information from a person if the purpose for which the information is intended to be collected is not permitted under the Act, including the Information Protection Principles.

Privacy Management Plan



NSWIS collects health information so that NSWIS can provide athletes with the benefits of being a scholarship holder. NSWIS only collects information that is relevant and necessary for this purpose. For further information in relation to the collection of health information please refer to the NSWIS Consent to the Collection, Retention, Use and Disclose of “Health Information” waiver (‘Health Waiver’).

4.4 Personal and health information held by NSWIS

The NSWIS Privacy Policy outlines the types of personal information collected and held by NSWIS. The NSWIS Health Waiver outlines the types of health information collected and held by NSWIS.

Generally, personal information is collected directly from the individual to whom the information relates or from their parent or guardian. There are occasions where it is necessary to collect information from third parties. Disclosure by NSWIS of personal information to third parties is outlined within the NSWIS Privacy Policy.

4.5 How we store information

NSWIS stores information in secure databases in our electronic document and records management system or access controlled paper-based files. We have taken steps to ensure the protection of personal information from misuse, loss, unauthorised access and modification or disclosure.

We also take steps to destroy or de-identify information that we no longer require in accordance with the *State Records Act 1988*.

5. Privacy Principles

Privacy Principles refer to the combination of the Information Protection Principles set out in the PPIP Act and the Health Privacy Principles in the HRIP Act, which are summarised here as a set of principles.

NSWIS will only collect personal information when it is reasonably necessary for a lawful purpose directly related to our functions.

When developing new services, business processes, online forms or other material or resources, our staff will refer to the Information & Privacy Commission’s (IPC) *Privacy for NSW public sector agency staff checklist* (available on www.ipc.nsw.gov.au).

5.1 Information Protection Principles (IPPs)

Part 2, Division 1 of the PPIP Act contains 12 IPPs with which we must comply. Here is an overview of the principles as they apply to NSWIS.

5.1.1 Collection

- We collect personal information only for a lawful purpose that is directly related to our functions and activities
- We collect personal information directly from the person concerned unless:
 - they have authorised information to be collected from someone else, or

- the information relates to a person under the age of 16 and has been provided by their parent or guardian
- We inform people why their personal information is being collected, what it will be used for, and to whom it will be disclosed. We tell people how they can access and amend their personal information and any possible consequences if they decide not to give their personal information to us
- We ensure that personal information is relevant, accurate, is not excessive and does not unreasonably intrude into the personal affairs of people

5.1.2 Storage

- We store personal information securely, keep it no longer than necessary and destroy it appropriately. We protect personal information from unauthorised access, use or disclosure
- Personal information will be kept for no longer than is reasonably necessary and will be stored, used, retained and disposed of in accordance with the State Records Act and approved retention and disposal authorities

5.1.3 Access and accuracy

- We are transparent about the personal information we store about people, why we use the information and about the right to access and amend it
- We allow people to access their own personal information without unreasonable delay or expense
- We allow people to update, correct or amend their personal information where necessary by making a request to the Privacy Officer
- We make sure that personal information is relevant and accurate before using it

5.1.4 Use

- We only use personal information for the purpose we collected it for unless the person consents to us using it for an unrelated purpose

5.1.5 Disclosure

See the NSWIS Privacy Policy for disclosure information

5.1.6 Exemptions to the IPPs

- Part 2, Division 3 of the PPIP Act contains exemptions that may allow us not to comply with IPPs in certain situations
- We do not use exemptions on a regular basis however if we did use one, we aim to be clear about the exemption we have used and the reasons for using it
- In limited circumstances privacy codes of practice and public interest directions can modify the IPPs for any NSW public sector agency. Public interest directions are available on the Information and Privacy Commissioners website www.ipc.nsw.gov.au
- There are limited exceptions to IPPs to enable law enforcement or investigative functions

- Non-compliance with the IPPs may be expressly or impliedly authorised in other legislation
- Disclosure may also be authorised or required by a subpoena, warrant or statutory notice to produce
- In certain circumstances personal information may be exchanged between public sector agencies including for the purposes of dealing with correspondence from a Minister or member of Parliament. This exemption does not apply to health information

5.1.7 Public Registers

The PPIP and HRIP Acts govern how personal and health information is managed in public registers. NSWIS does not have any public registers that contain personal or health information.

5.1.8 Offences

Offences can be found in s62-68 of the PPIP Act.

It is an offence for us to:

- intentionally disclose or use personal information accessed in doing our jobs for an unauthorised purpose
- offer to supply personal information that has been disclosed unlawfully
- hinder the Privacy Commissioner or a member of the Commissioner's staff from doing their job

5.2 Health Privacy Principles (HPPs)

Schedule 1 to the HRIP Act contains 15 HPPs that we must comply with. Here is an overview of the principles as they apply to NSWIS.

5.2.1 Collection

- We collect health information only for a lawful purpose that is directly related to our functions and activities
- We ensure that health information is relevant, accurate, is not excessive and does not unreasonably intrude into the personal affairs of people
- We collect health information directly from the person concerned
- We inform people why their health information is being collected, what it will be used for, and to whom it will be disclosed. We tell people how they can access and amend their health information and any possible consequences if they decide not to give their health information to us

5.2.2 Storage

- We store health information securely, keep it no longer than necessary and destroy it appropriately
- We protect health information from unauthorised access, use or disclosure

5.2.3 Access and accuracy

- We are transparent about the health information we store about people, why we use the information and about the right to access and amend it

Privacy Management Plan



- We allow people to access their own health information without unreasonable delay or expense
- We allow people to update, correct or amend their health information where necessary
- We make sure that health information is relevant and accurate before using it

5.2.4 Use

- We only use health information for the purpose we collected it for unless the person consents to us using it for an unrelated purpose

5.2.5 Disclosure

- We only disclose health information with people's consent unless they were already informed of the disclosure when we collected the health information.

5.2.6 Identifiers and anonymity

- As we generally collect health information for the purposes of a person participating in a sport program and it is essential for the relevant health information to be linked to the identifiable participant in case the participant needs medical attention or we are requested to transfer relevant health information to your nominated treating medical, specialist and allied health professionals, to another treating health service or hospital

5.2.7 Transfer of information

- In line with standard medical practice, we only share health information for the beneficial care of an individual, with consent
- For further information on how we store and share health information, please see the NSWIS Medical and Records Policies

5.2.8 Exemptions to the HPPs

- Exemptions are located mainly in Schedule 1 to the HRIP Act, and may allow us not to comply with HPPs in certain situations
- We do not use exemptions on a regular basis, however if we did use one we aim to be clear about the exemption we have used and our reasons for using it
- Health privacy codes of practice and public interest directions can modify the HPPs for any NSW public sector agency. These are available on the Information and Privacy Commissioner's website www.ipc.nsw.gov.au.

5.2.9 Offences

Offences can be found in s68-70 of the HRIP Act.

It is an offence for us to:

- intentionally disclose or use health information accessed in doing our jobs for anything else other than what we are authorised to do
- offer to supply health information that has been disclosed unlawfully
- attempt to persuade a person to refrain from making or pursuing a request for health information, a complaint to the Privacy Commissioner or the NSW Civil and Administrative Tribunal (NCAT), or an application for internal review under the PPIP Act, or to withdraw such a request, complaint or application

6. Other laws that affect how we comply with the IPPs and HPPs

This section contains information about the other laws that affect how we comply with the IPPs and HPPs.

6.1 Crimes Act 1900

Under this law we must not access or interfere with data in computers or other electronic devices unless we are authorised to do so.

6.2 Government Information (Public Access) Act 2009 (GIPA Act) and Government Information (Public Access) Regulation 2009

Under this law people can apply for access to government information we hold.

Sometimes this information may include personal or health information which will usually be redacted from the information provided. If a person has applied for access to someone else's personal or health information we must consult with affected third parties. If we decide to release a third party's personal information, we must not disclose the information until the third party has had the opportunity to seek a review of our decision.

When accessing government information of another NSW public sector agency about a review, the Information Commissioner must not disclose this information if the agency claims that there is an overriding public interest against disclosure.

6.3 Government Information (Information Commissioner) Act 2009 (GIIC Act)

Under this law the Information Commissioner has the power to access government information held by other NSW public sector agencies for conducting a review, investigation or dealing with a complaint under the GIPA Act and GIIC Act. The Information Commissioner also has the right to enter and inspect any premises of a NSW public sector agency and inspect any record.

This Act also allows the Information Commissioner to provide information to the NSW Ombudsman, the Director of Public Prosecutions, the Independent Commission Against Corruption or the Police Integrity Commission.

6.4 Independent Commission Against Corruption Act 1988

Under this law we must not misuse information we have obtained while doing our jobs.

6.5 Public Interest Disclosures Act 1994 (PID Act)

Under the PID Act people working within a NSW public sector agency can make a public interest disclosure (PID) to the Information Commissioner about a failure to properly fulfil functions under the GIPA Act.

We note that the definition of personal information under the PPIP Act excludes information contained in a public interest disclosure. This means that “personal information” received or collected under the PID Act is not subject to the IPPs or HPPs.

6.6 State Records Act 1998 and State Records Regulation 2010

This law sets out when we can destroy our records. It also authorises the State Records Authority to establish policies, standards and codes to ensure that NSW public sector agencies manage their records appropriately.

7. Procedures

7.1 How to access and amend personal and health information

Subject to the Act, you have the right to access your personal information. If we do not allow you access to any part of the personal information which we hold about you, we will tell you why.

For security purposes, if you would like to access personal information that NSWIS holds about you, we require that you put that request in writing. NSWIS will not charge you for lodging such a request to access your personal information; however, NSWIS may charge you for NSWIS’s reasonable costs in supplying you with access to this personal information.

If you would like to access the personal information that NSWIS holds about you, please write to the NSWIS Privacy Officer at Level 1, Building B, 6 Figtree Drive Sydney Olympic Park NSW 2127 or send an email to nswis.privacy@nswis.com.au.

You may also write to NSWIS, c/- The Manager, People and Culture, PO Box 476 Sydney Olympic Park in the State of New South Wales 2129.

7.1.1 Why we might not give access to or amend personal or health information

If we decide not to give access to or amend personal or health information, we will clearly explain our reasons.

If a person disagrees with the outcome of an application, they have the right to seek an internal review.

If NSWIS and the individual disagree about whether personal information held by NSWIS is accurate, complete and up to date, NSWIS will, at the request of the individual, attach a statement provided by the individual of the amendments requested.

7.1.2 Limits on accessing or amending other people’s information

Privacy Management Plan



NSWIS is restricted from giving people access to someone else’s personal and health information. The PPIP Act and the HRIP Act give people the right to access their own information; they generally do not give people the right to access someone else’s information.

Under s26 of the PPIP Act, a person can give us consent to disclose their personal information to someone that would not normally have access to it.

Under s7 and s8 of the HRIP Act, an “authorised person” can act on behalf of someone else. The HPPs also contain information about other reasons we may be authorised to disclose health information, such as in the event of a serious and imminent threat to the life, health and safety of the individual, to find a missing person or for compassionate reasons.

If none of the above scenarios are relevant, a third party could also consider making an application for access to government information under the GIPA Act.

7.2 Internal Reviews

People have the right to seek an internal review under the PPIP Act if they think that NSWIS has breached the PPIP Act or HRIP Act relating to their own personal or health information.

NSWIS encourages people to try to resolve privacy issues informally first before going through the review process or making a complaint to the Privacy Commissioner. We recommend individuals contact the NSWIS Privacy Officer before lodging an internal review to discuss the issue.

It is not possible for someone to seek an internal review for a breach of someone else’s privacy, unless they are authorised representatives of the other person.

Internal review applications need to be received within six months of individuals becoming aware of the breach. In exceptional cases late applications may be considered for internal review.

7.2.1 Internal Review Process

A person can seek an internal review by requesting an internal review application by contacting our Privacy Officer via - **NSWIS Privacy Officer at Level 1, Building B, 6 Figtree Drive Sydney Olympic Park NSW 2127 or send an email to nswis.privacy@nswis.com.au.**

The Privacy Officer will conduct the internal review unless the internal review is about the conduct of the Privacy Officer. In this case another suitably qualified employee within our office will be appointed to conduct the internal review.

We aim to:

- acknowledge receipt of an application for internal review within 7 calendar days

Privacy Management Plan



- complete an internal review within 60 calendar days.
- The Privacy Officer will inform the person of the progress of the internal review, particularly if it is likely to take longer than first expected.

The Privacy Officer will respond to the person in writing within 14 calendar days of deciding the internal review. This is a requirement under the PPIP Act.

If a person disagrees with the outcome of an internal review or is not notified of an outcome within 60 days, they have the right to seek an external review.

7.2.2 The Privacy Commissioner's role in internal reviews

When we receive an internal review application, we must notify the Privacy Commissioner of the internal review and of the proposed outcome.

The Privacy Commissioner is entitled to make submissions to us of their view on the matter.

7.2.3 External Review Process

A person can seek an external review with respect to a breach of the PPIP Act or HRIP Act if they are unhappy with the outcome of the internal review we have conducted or do not receive an outcome within 60 calendar days.

To seek an external review, a person must apply to the NSW Civil and Administrative Tribunal (NCAT). Generally, a person has 28 calendar days from the date of the internal review decision to seek an external review. A person must seek an internal review before they have the right to seek an external review.

NCAT has the power to make binding decisions on an external review.

For more information about seeking an external review including current forms and fees, please contact the NCAT:

Website: www.ncat.nsw.gov.au

Phone: 1300 006 228

NCAT cannot give legal advice, however the NCAT website has general information about the process it follows and legal representation.

8. Roles and Responsibilities

8.1 Our Staff

All staff must comply with the PPIP and HRIP Acts.

Privacy Management Plan



The People and Culture department is responsible for the ongoing training and education of staff about their obligations under the PPIP Act and HRIP Act by:

- ensuring this Plan remains up to date
- informing staff of any changes to the Plan
- conducting or arranging staff training sessions on privacy matters as required

The People and Culture department is responsible for ensuring this Plan is included in the online induction for all new employees.

8.2 Executive Team

Our Executive team is committed to:

- Making privacy a regular agenda item in Executive meetings
- Reporting on privacy issues in our annual report in line with the *Annual Reports (Departments) Act 1985* (NSW)
- Confirming support for privacy compliance in the Code of Conduct
- Identifying privacy issues when implementing new systems
- Promoting the Privacy Policy as part of induction for new staff

9. Public awareness

We are required to make this plan publicly available as open access information under the GIPA Act.

We promote public awareness of this plan by:

- writing the plan in plain English
- publishing the plan on our website
- telling people about the plan when we answer questions about how we manage personal and health information

10. Contacting Us

10.1 Privacy Officer

The Privacy Officer:

- responds to enquiries about how we manage personal and health information
- responds to requests for access to and amendment of personal or health information
- provides guidance on broad privacy issues and compliance
- conducts internal reviews about possible breaches of the PPIP Act and HRIP Act (unless the subject of the review is the conduct of the Privacy Contact Officer).

10.2 Our contact details

Privacy Management Plan



For further information about this plan or the personal and health information we hold, or to raise any concerns please feel free to contact us.

Please write to the NSWIS Privacy Officer at Level 1, Building B, 6 Figtree Drive Sydney Olympic Park NSW 2127 or send an email to nswis.privacy@nswis.com.au.

You may also write to NSWIS, c/- The Manager, People and Culture, PO Box 476 Sydney Olympic Park in the State of New South Wales 2129.

10.3 Information and Privacy Commission Contact

Website: www.ipc.nsw.gov.au

Email: ipcinfo@ipc.nsw.gov.au

Phone: 1800 472 679

Mail: Information & Privacy Commission
GPO Box 7011
SYDNEY NSW 2000

Address: Level 17, 201 Elizabeth Street
SYDNEY NSW 2000

Appendix A:

Privacy complaint - Internal review application

<p>This is an application for review of conduct under (please tick one)</p> <p><input type="checkbox"/> s53 of the <i>Privacy and Personal Information Protection Act 1998</i> (PIIP Act)</p> <p><input type="checkbox"/> s21 of the <i>Health Records and Information Privacy Act 2002</i> (HRIP Act)</p>	
YOUR DETAILS	
Name:	
Postal Address:	
Telephone:	
Email:	
COMPLAINT	
<p>What is the specific conduct you are complaining about? <i>("Conduct" can include an action, decision or inaction by an agency)</i></p>	
<p>Please tick which of the following describes your complaint: <i>(you may tick more than one option).</i></p>	<p><input type="checkbox"/> collection of my personal or health information</p> <p><input type="checkbox"/> security or storage of my personal or health information</p> <p><input type="checkbox"/> refusal to let me access or find out about my own personal or health information</p> <p><input type="checkbox"/> accuracy or my personal or health information</p> <p><input type="checkbox"/> use of my personal or health information</p> <p><input type="checkbox"/> disclosure of my personal or health information</p> <p><input type="checkbox"/> other</p> <p><input type="checkbox"/> unsure</p>
<p>What date did the conduct occur? <i>(please be as specific as you can)</i></p>	

Privacy Management Plan



<p>What date did you first become aware of this conduct?</p>	
<p>What effect did the contact have on you?</p>	
<p>What effect might the conduct have on you in the future?</p>	
<p>What would you like to see the agency do about the conduct? (e.g.: an apology, a change in policies or practices, your expenses paid, damages paid to you, training for staff, etc)</p>	
<p>You need to lodge this application within six months of the date you became aware of the conduct. If you have taken more than six months please explain why.</p>	
<p>I understand that this form will be used by the agency to process my request for an internal review. I understand that details of my application will be referred to the Privacy Commissioner in accordance with: section 54(1) of the <i>Privacy and Personal Information Protection Act</i>, or section 21 of the <i>Health Records and Information Privacy Act</i>, and that the Privacy Commissioner will be kept advised of the progress of the internal review.</p>	
<p>Signature:</p>	
<p>Date:</p>	
<p>LODGEMENT OF FORM</p>	
<p>Please e-mail completed forms to: nswis.privacy@nswis.com.au OR Post to: Privacy Officer NSWIS PO Box 476 SYDNEY MARKETS NSW 2129</p>	
<p>PLEASE KEEP A COPY OF THIS FORM FOR YOUR RECORDS NOTE: It is not a requirement under the PPIP Act or the HRIP Act that you complete an application form. This form is designed for your convenience only. However, you must make a written request in some form to the agency for the matter to be a valid internal review.</p>	