

LPI privacy statement

This privacy statement sets out the Land and Property Information Division's (LPI) policy in relation to our privacy obligations to you. It also explains how we manage the personal information we collect about you when you use our services and products.

We respect your personal information and your right to privacy

At LPI, protecting your privacy is very important to us and to the way we serve you.

Legal requirements

LPI is a division of the NSW Department of Lands (Lands) and is therefore required to comply with the provisions of NSW privacy legislation.

Personal information, as defined in the PPIP Act, means information (including information forming part of a database) about an individual whose identity is apparent or can reasonably be ascertained from the information.

The PPIP Act contains provisions to safeguard your personal information and recognises a balance must be achieved between the protection of privacy and legitimate community rights to information.

LPI has statutory responsibilities to make certain information available from the public registers it maintains. The following LPI public registers are exempt from the public register provisions of Part 6 of the PPIP Act.

- The Torrens Title Register, kept under the *Real Property Act 1900*.
- The Water Access Licence Register kept under the *Water Management Act 2000* on behalf of the Department of Natural Resources.
- The General Register of Deeds, kept under the *Conveyancing Act 1919*.
- Any index kept under section 198 of the *Conveyancing Act 1919*.

- The Central Register of Restrictions kept under Part 24 of the *Conveyancing Act 1919*.
- The Purchasers' Index, the Street Address Index and the Owners' Index that are kept in connection with the Torrens Title Register.
- The Register of Land Values kept under the *Valuation of Land Act 1916*.

The PPIP Act establishes twelve information protection principles to protect your privacy and regulate how LPI manages your personal information. In summary these principles deal with:

- the collection of personal information
- the storage and security of personal information
- checking the accuracy of personal information before using it and using it only for purposes relevant to LPI's functions
- access to and correction of personal information
- disclosure of personal information.

Exemptions provided in the PPIP Act mean that in certain circumstances NSW public sector agencies do not have to comply with one or more of the Information Protection Principles. Examples include:

- personal information used for law enforcement purposes
- personal information used for protection of the public revenue
- where lawfully authorised by another Act. The *Real Property Act 1900*, the *Water Management Act 2000*, the *Conveyancing Act 1919* and the *Valuation of Land Act 1916* require the collection, retention and public access to personal information related to land and property matters.

How we collect information

LPI will collect personal information by lawful means which is reasonably necessary for performing LPI's functions.

We may collect personal information directly from you or an agent (solicitor, surveyor, etc.) acting on your behalf, to the extent necessary to maintain public registers, meet associated statutory obligations, provide an LPI product or service or to carry out our internal administrative operations. We may collect personal information about you when you lodge for registration a land or water access licence transaction (e.g. purchase or mortgage) or a plan affecting land you own.

We may also collect personal information when you deal with us over the telephone, ask us to contact you after visiting our website, have contact with us in person or ask us to provide you with, or give you access to, a particular LPI service or product.

The type of personal information we collect from you may include name, address, date of birth, contact details (including phone, fax and email) and information collected as a result of you using or acquiring particular LPI products or services.

How we store and secure your personal information

LPI takes reasonable steps to protect your personal information from loss, misuse, unauthorised disclosure or destruction. We have in place generally accepted standards of technology and operational security in order to keep your personal information safe.

LPI's code of conduct and information security policies prohibit employees looking at, recording or disclosing personal information about you except in the performance of their duties.

Website security and privacy

The Internet has changed the way we do business. We can supply many of our products and services directly to your own home or office.

We understand that you may be concerned about the security of the personal information we collect from you online. Accordingly, we have systems in place to ensure our online dealings with you are as secure as your dealings with us in person, or on the telephone. For details on our website privacy statement visit www.lands.nsw.gov.au.

How we use your personal information

LPI may use your personal information for the purpose for which it was collected, for other directly related purposes supporting state economic and social development and the efficient planning and provision of services to the community or other purposes required by law.

LPI will take reasonable steps to ensure personal information that it keeps is accurate, up-to-date and relevant to the purposes for which it is to be used.

There are situations where we are required by legislation to disclose your personal information. For example personal information collected as part of the conveyancing process is provided to the Office of State Revenue, local councils, other rating authorities and utilities.

Under certain circumstances we may be compelled to provide personal information about you to law enforcement agencies, emergency service agencies and other organisations engaged in the planning and provision of services to the community.

LPI has licensing agreements with information brokers which allow them to access and use some of the data collected by LPI. Use by these third parties of any personal information about you is protected by provisions in the licensing agreements that restrict its use.

The personal information we collect from you allows us to provide you and the NSW community with better service.

Access to your personal information

You can ask us to provide you with details of the personal information about you that we hold. Your request should be in writing. You can expect us to respond in a reasonable time - usually within 30 days of receipt of your request.

There is a charge for lodging a request and we may recover from you our reasonable costs incurred in providing you with the information including fees associated with supplying personal information held on public registers.

Correction of your personal information

LPI takes reasonable steps to ensure the personal information we collect, use and disclose is accurate, complete and up-to-date.

If you find that the personal information we hold about you is inaccurate, incomplete or out-of-date, please contact us immediately and we will take reasonable steps to ensure it is corrected. There may be a fee associated with amendment of personal information held on our public registers.

Where LPI does not agree with your view about the accuracy of the information and if you ask us to do so, we will take reasonable steps to note your claim where that information is stored and accessed.

Disclosure of your personal information

LPI will not disclose your personal details unless the disclosure is authorised by the PIPP Act and Regulations.

Your consent to disclose information for particular purposes may be sought by LPI or given by yourself for a specific purpose. In some cases if you do not consent to certain uses of your personal information we may not be able to provide that particular LPI product or service to you.

Internal review

An internal review is a process where LPI handles complaints about how it has dealt with personal information. Part 5 of the PPIP Act establishes guidelines for conducting an internal review.

You can apply for a review of LPI conduct if you believe we have breached an information protection principle or a code of practice which applies to LPI. The stages of our internal review process are:

- applications for an internal review must be lodged with LPI within six months of you becoming aware of the alleged breach
- LPI must make a determination on internal review applications within 60 days of receiving the application
- LPI will advise of the determination and any subsequent action to be taken within 14 days of the determination being made.

If you are not satisfied with the result of the internal review or how LPI handled the review, you can seek further review from the NSW Administrative Decisions Tribunal.

Suppression of personal information

LPI may suppress personal information from its public registers in response to a request from a member of the public advising that their well-being or safety is at risk because the register may disclose their whereabouts.

Requests for suppression of personal information from public registers should be in writing and forwarded to the Privacy Coordinator at the address below.

Further information on privacy

If you would like more information about LPI's privacy policy please contact the LPI Privacy Coordinator on 02 9236 7729 or by mail addressed to:

The Privacy Coordinator
Land and Property Information New South Wales
GPO Box 15
SYDNEY NSW 2001

Further information on privacy can be obtained at www.lawlink.nsw.gov.au.

Disclaimer

Information contained herein is of a general nature and is not intended to address the circumstances of any particular individual or entity. Advice from a professional adviser (e.g. a solicitor or licensed conveyancer as appropriate) should be sought if there is doubt as to the applicability of this information to individual circumstances.

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