



Australian Government



Northern Australia Infrastructure Facility

Privacy Policy

February 2019

www.naif.gov.au

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Document Review and Approval

VERSION	AUTHOR/REVIEWER	REVISION	APPROVAL	DATE OF APPROVAL	NEXT REVIEW DATE
1.0	NAIF Management	Original	Board	10 February 2017	February 2018
2.0	NAIF Management	Annual review	Board	20 June 2017	June 2018
3.0	Manager, Governance, Compliance and Risk	Annual review	Board	23 August 2018	August 2019
4.0	Manager, Risk & Compliance	Privacy Act Amendments	Board	February 2019	February 2020
4.1	Chief Operating Officer	Review	COO	February 2019	February 2020

Document purpose

The NAIF Privacy Policy (Policy) describes how the Northern Australia Infrastructure Facility (NAIF) collects, uses and discloses personal information and implements the requirements of the *Privacy Act 1988 Cth* (*Privacy Act*) and any rules, regulations or principles made under that Act.

1. Policy Statement

NAIF is committed to protecting the personal information it holds and complying with the Privacy Act. The Privacy Act sets out standards that agencies and organisations must meet in collecting, using, disclosing and handling personal information.

This Policy applies to any personal information (as defined in the Privacy Act) provided to NAIF and any personal information NAIF collects about individuals from other sources.

NAIF publishes this Policy on its website.

2. Definitions

Data Breach occurs when personal information (as defined in section 6 of the Privacy Act) held or controlled by NAIF is lost or subjected to unauthorised access, modification, use or disclosure or other misuse or interference

EFA refers to the Export Finance Australia.

Financing Mechanism as defined in the NAIF Investment Mandate.

Investment Decision as defined in the NAIF Investment Mandate.

Investment Mandate refers to the Northern Australia Infrastructure Facility Investment Mandate Direction 2018.

NAIF Act refers to the Northern Australia Infrastructure Facility Act 2016 (Cth).

Investment Proposal as defined in the NAIF Investment Mandate.

Office of the Australian Information Commissioner (OAIC) is the national data protection authority for Australia.

Privacy Officer is the Manager, Risk & Compliance, or another Staff member appointed by the CEO from time to time.

Project Proponent refers to the entity responsible for projects which are seeking financial assistance from NAIF under the NAIF Investment Mandate.

Staff refers to persons employed by, or operating under an employment or similar contract with NAIF including full time or part time employees, consultants, contractors, and EFA personnel working on NAIF matters under its service level agreement with EFA.

3. Review and Approval

This Policy will be reviewed by, or on behalf, of the NAIF Executive annually, or more frequently if required, to ensure it remains aligned with governing legislation and best practice. The Board approves all material changes and reviews this policy at least every two years.

The Manager, Risk & Compliance will ensure material changes to the Policy are communicated to Staff in a timely manner.

4. Why NAIF collects personal information

NAIF collects personal information in the course of undertaking its functions under the NAIF Act and Investment Mandate and to manage its rights and obligations in relation to those functions.

NAIF may also collect personal information for secondary purposes such as to enable it to develop, establish and administer alliances and other arrangements with other organisations in relation to the promotion and administration of its functions.

5. Types of personal information NAIF collects

The types of personal information NAIF collects include:

- information about users of NAIF's website, including the user's server address;
- identification information about individuals including their name, mailing address, telephone and facsimile numbers and e-mail address;
- financial and other information about individuals associated with Project Proponents via a Financing Mechanism; and
- in certain circumstances, sensitive information about individuals, for example information about an individual's membership of professional or trade associations.

Where NAIF considers an Investment Proposal or considers making an Investment Decision, NAIF will collect and store the personal information collected in connection with these functions. This enables NAIF to provide information or respond to questions Project Proponents or other parties may have in the course of dealing with NAIF.

If a Project Proponent or other party does not provide NAIF with the personal information it (or other relevant third parties) needs, NAIF may not be able to fulfil its functions under the NAIF Act and Investment Mandate.

6. How NAIF collects personal information

NAIF collects personal information in the following ways:

- directly from the individual to whom the information relates, including by telephone and through paper and electronic documents completed by individuals authorised to provide the information to NAIF;
- from NAIF's representatives, advisers and third parties;
- from financiers and representatives of Project Proponents to whom the information relates;
- from NAIF's records of contacts who have contacted NAIF or subscribed to information published by NAIF;
- from publically available sources; and
- from NAIF's website.

7. Collection of personal information via the NAIF website

NAIF's website hosting provider makes a record of visits to the website and logs the following information for statistical purposes:

- the user's server address;
- the date and time of the site visit;
- the pages accessed and documents downloaded; and
- the type of browser used.

No attempt is made to identify users or their browsing activities except in the unlikely event of an investigation, where a law enforcement agency may exercise a warrant to inspect the service provider's logs.

Cookies are used on the NAIF website to supplement the site visit data described above. As with that information, NAIF makes no attempt to identify users or their browsing activities except in the unlikely event of an investigation, where a law enforcement agency may exercise a warrant to inspect the service provider's logs.

A cookie is a tiny piece of text that a website server gives to a browser the first time the user visits the site and updates with each return visit. Cookies can store information such as user name and password and what parts of the site were visited. Accepting a cookie does not give access to your computer nor to your personal information. The website server saves the information the cookie contains about the user and the user's browser does the same (if it supports cookies).

Information supplied to NAIF via the website is held secure in NAIF's in-house database and only used as set out in this Privacy Policy. However, you need to be aware that communications via the internet are not entirely secure and information you send to NAIF is not necessarily secure during transmission. If you are concerned about sending us information over the Internet, then contact NAIF's Privacy Officer using the details listed below.

8. Use and disclosure of personal information

NAIF uses and discloses personal information to carry out and fulfil its functions under the NAIF Act and Investment Mandate.

NAIF also uses and discloses personal information for secondary purposes (e.g. for promotional opportunities and administration of its functions) that are otherwise permitted under the APPs, including where:

- the individual consents;
- the individual would reasonably expect the use or disclosure and the secondary purpose is related to the primary purpose;
- the use or disclosure is required or authorised by law or court order; or
- the use or disclosure is reasonably necessary for one or more enforcement related activities conducted by, or on behalf of, an enforcement body.

NAIF discloses personal information to third parties located in Australia or overseas where it believes such disclosure is necessary to assist NAIF to fulfil its functions. For example, NAIF may disclose personal information:

- to Staff;
- to Commonwealth, State or Territory government agencies and departments in accordance with the NAIF Act and any regulations or legislative instruments made under it;
- to its external advisers (for example, lawyers, accountants and auditors);
- to its insurers and financiers;
- to external service providers engaged by NAIF to assist it perform its functions and duties;
- as required by laws, regulations or codes that NAIF is required to comply with; and
- for any other purpose which individuals whose personal information NAIF has collected, have consented to.

NAIF may disclose personal information to third parties by electronic means, including via the internet.

When disclosing personal information to third parties within Australia and overseas NAIF will take reasonable steps to ensure that those third parties treat the information in accordance with the Privacy Act and subject to NAIF's confidentiality requirements.

NAIF is required by law to manage information it collects under, for example, the *Anti-Money Laundering and Counter-Terrorism Financing Act 2006* (Cth) and the *Archives Act 1983* (Cth).

9. Provision of personal information to NAIF

If a third party provides personal information about an individual to NAIF, NAIF relies on that party to have made the individual aware:

- that the information is being provided to NAIF;
- of the purposes for which NAIF will use the information;
- of the types of third parties to whom NAIF may disclose the information to; and
- of how the individual may obtain access to the personal information relating to them.

Where the personal information is sensitive information, NAIF relies on the third party to have obtained the relevant individual's consent to disclose the information to NAIF. If the third party does not have the consent of the individual, the third party must advise NAIF of this before providing the information.

10. Security of personal information

NAIF endeavours to protect any personal information it holds from misuse, interference and loss and to protect it from unauthorised access, modification and disclosure.

NAIF ensures the maintenance of physical security over its premises, electronic data stores and computer network. Most electronic data stores are located in Sydney, Australia, while some data is located internationally including in the Asia Pacific region Microsoft Cloud. Electronic data stores are owned by NAIF and maintained by EFA on behalf of NAIF, through a service level agreement.

NAIF has also implemented the following measures to protect personal information held by it:

- identity and access management systems;
- security obligations imposed on Staff; and
- privacy policy training for Staff.

NAIF also imposes confidentiality obligations on third parties that handle personal information on its behalf.

If NAIF becomes aware of a data breach or possible data breach, NAIF will take action in accordance with NAIF's data breach response plan. NAIF will notify the OAIC and affected individuals of any data breaches which meet the criteria for an 'eligible data breach' as required by the Notifiable Data Breaches scheme (established under Part IIIC of the Privacy Act).

11. Accuracy and access

NAIF takes reasonable steps to ensure that it collects accurate, complete and up-to-date personal information and that, having regard to the purpose for which it is being used or disclosed, the personal information is relevant.

NAIF will, on request, provide an individual with access to the personal information NAIF holds about them (including to enable the individual to correct that information) subject to exceptions permitted by law. For example, NAIF will not provide access to personal information if we have a duty of confidentiality in relation to that information.

An individual can request the correction of their personal information if they believe information held by NAIF is out-of-date, inaccurate, incomplete, irrelevant or misleading. Where NAIF refuses to correct the personal information it holds about an individual, on request, NAIF will take reasonable steps to record a statement on the file noting the contrary view of the individual.

NAIF will provide access to and/or correct personal information within 30 days of a request without any cost to the individual.

An alternative mechanism for requesting access to personal information held by NAIF is to lodge a formal application under the *Freedom of Information Act 1982* (Cth). For more information on how to lodge a Freedom Of Information application with NAIF please consult the NAIF Freedom of Information Policy.

11.1. Opting out of receiving information

If NAIF sends an individual information about its products or services that an individual does not wish to receive, the individual can inform NAIF that he/she wishes to opt out of receiving the information.

11.2 Complaints

If a person has a complaint about the way NAIF has treated their personal information, they can contact NAIF using the information below. NAIF will then investigate the circumstances of the complaint and endeavour to understand and resolve the complaint as soon as possible. NAIF will keep a record of all complaints received and keep complainants updated regarding how their complaints are being handled by NAIF.

If a complaint is made and the matter has not been resolved satisfactorily, the person can write to the OAIC, preferably using the OAIC online Privacy Complaint form.

For further information about making a privacy complaint using the online Privacy Complaint form click [here](#). A complaint can be made directly to the OAIC rather than to NAIF. In most cases, however, it is likely that the OAIC would refer the complaint to NAIF, in the first instance, to see if the complaint can be resolved without requiring the involvement of the OAIC.

11.3 How to contact us

If you wish to:

- obtain access to or seek correction of your personal information;
- opt out of receiving information;
- lodge a complaint about a breach of your privacy;
- query how your personal information is collected or used; or
- ask questions about NAIF's Privacy Policy,

you may contact NAIF's privacy officer during business hours at:

NAIF Privacy Officer
P.O. Box 4896
Cairns QLD 4870

Telephone: 1300 466 243

E-mail: naif@naif.gov.au

NAIF will respond to your query or complaint as soon as possible and will try to resolve any complaint within 5 working days. If this is not possible, NAIF will contact you within that time to let you know how long NAIF estimates it will take to resolve your complaint.