



LAND
REGISTRY
SERVICES

Privacy Statement

www.nswlrs.com.au

February 2018

This privacy statement sets out the NSW Land Registry Services (**NSW LRS**) policy in relation to our privacy obligations to you. It also explains how we manage the personal information that we collect about you when you use our services and products.

At NSW LRS, protecting your privacy is very important to us. We respect your personal information and your right to privacy.

Legal requirements

NSW LRS is required to comply with both NSW privacy legislation (the *Privacy and Personal Information Protection Act 1998* (**PIIP Act**)) and Commonwealth privacy legislation (the *Privacy Act 1988 (Cth)* (**Privacy Act**)). If there is any conflict or inconsistency between any of NSW LRS' privacy obligations under the PIIP Act or the Privacy Act, NSW LRS must comply with its obligations under the Privacy Act to the extent of such conflict or inconsistency.

Personal information, as defined in the Commonwealth and State legislation, means information about an individual whose identity can be reasonably ascertained from that information.

These regulate how your personal information is to be handled by NSW LRS and recognises that a balance must be achieved between the protection of your privacy and legitimate community rights to information.

NSW LRS has statutory obligations to make certain information available from the public registers that it maintains. The following public registers maintained by NSW LRS are exempt from the provisions of the privacy legislation:

- 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 and
- 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 legislation establishes certain privacy principles which regulate how NSW LRS must collect, manage, store, process, use and disclose your personal information. These principles deal with:

- the collection of personal information;
- checking the accuracy of personal information before using it;
- the management of personal information;
- maintaining the quality of personal information;
- the storage and security of personal information;
- the use and disclosure of personal information; and
- the right of individuals to access and correct their personal information.

Exemptions included in the legislation mean that, in certain circumstances, NSW LRS does not have to comply with the privacy legislation. Examples include where:

- personal information is required for law enforcement purposes (e.g. where unlawful activity or serious misconduct is suspected);
- personal information is required for the protection of the public revenue; or
- it is lawfully authorised by another Act

How we collect information

NSW LRS will collect personal information by whatever lawful means are reasonably necessary for performing NSW LRS' functions. We may collect personal information directly from you or your agent (solicitor, surveyor, etc.) acting on your behalf, to the extent necessary to maintain public registers, meet associated statutory obligations, provide an NSW LRS 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 that 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 NSW LRS service or product.

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

How we store and secure your personal information

NSW LRS takes all reasonable steps to protect your personal information from loss, misuse or unauthorised disclosure, modification or destruction. NSW LRS' 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

We understand that you may be concerned about the security of the personal information that we collect from you online. Accordingly, we have systems in place to ensure that 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.nswlrs.com.au.

How we use your personal information

NSW LRS must only use or disclose your personal information to the extent necessary to perform its functions or exercise its rights. Otherwise, it must not disclose your personal information to any other person without the prior written consent of the Registrar General.

NSW LRS 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.

NSW LRS 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 Valuer General for distribution to Office of State Revenue, local councils and 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.

NSW LRS has licensing agreements with information brokers which allow them to access and use some of the data collected by NSW LRS. 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 that 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. This includes fees associated with supplying personal information held on public registers.

Correction of your personal information

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

If you find that the personal information that 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 NSW LRS 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

NSW LRS will not disclose your personal details unless the disclosure is authorised by the PIPP Act, the Privacy Act or other relevant legislation.

Your consent to disclose information for particular purposes may be sought by NSW LRS 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 NSW LRS product or service to you.

Notifiable Data Breaches

Effective from 22 February 2018, the amendments to the Privacy Act require NSW LRS to notify the Australian Information Commissioner and affected individuals of certain types of data breaches.

A notifiable data breach happens when there is unauthorised access to, unauthorised disclosure of, or loss of, personal information which is likely to result in serious harm to the individual to whom the information relates.

NSW LRS has updated its Data Breach Response Plan to ensure that it complies with the new requirements and is able to respond quickly to any suspected data breaches.

Office of the Registrar General

The Office of the Registrar General (**ORG**) oversees the operations of NSW LRS.

Except where it would be unlawful to do so, NSW LRS must comply with all requests or directions of the ORG concerning the suppression of personal information. NSW LRS must notify the ORG promptly upon becoming aware of any breach of its obligations under the privacy legislation.

Suppression of personal information

NSW LRS may suppress personal information from its public registers in response to a direction from the ORG, following 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 **Information and Privacy Coordinator**; Office of the Registrar General; McKell Building, 2-24 Rawson Place, SYDNEY NSW 2000.

Making a privacy complaint

Internal review – NSW LRS functions

If you believe that NSW LRS has breached one or more of its privacy obligations in the performance of its functions (e.g. in maintaining one of the public registers), you can apply for an internal review of NSW LRS' conduct. NSW LRS will carry out an internal review of how it handled your personal information. Part 5 of the PPIP Act establishes guidelines for conducting an internal review.

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

Lodging a complaint with the Australian Information Commissioner – personal information

If you believe that NSW LRS has breached one or more of its privacy obligations in the handling of your personal information, you may lodge a complaint with the Office of the Australian Information Commissioner (**OAIC**); however, before lodging the complaint with the OAIC, you should firstly lodge a complaint directly with NSW LRS. You should give NSW LRS 30 days to respond to your complaint. If you do not receive a response after 30 days or if you are not satisfied with the response, you can then lodge a complaint with the OAIC.

Further information on lodging a privacy complaint with the OAIC can be found at www.oaic.gov.au.

Further information on privacy

If you would like more information about NSW LRS' privacy policy, please contact the NSW LRS Privacy Coordinator by mail addressed to:

The Privacy Coordinator
NSW Land Registry Services
Legal and Dispute Resolution
GPO Box 15
SYDNEY NSW 2001

Alternatively, you can contact the NSW LRS Customer Service Centre on **T: 1300 052 637** or email GeneralEnquiry@nswlrs.com.au.

Further information on privacy can be obtained at www.nswlrs.com.au

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