



# **LGSS Pty Limited**

---

## **PRIVACY POLICY**

**FEBRUARY 2011**

LGSS Pty Limited  
ABN 68 078 003 497 AFSL 383558  
Trustee of the Local Government Superannuation Scheme  
Pool A - ABN 74 925 979 278 and Pool B – ABN 28 901 371 321

Level 12, Local Government House, 28 Margaret Street, Sydney NSW, 2000.

**Table of contents**

- 1. Introduction..... 3**
  
- 2. National Privacy Principles (NPPs) ..... 3**

  - 2.1 NPP 1 – Collection.....3**
  - 2.2 NPP 2 – Use & Disclosure .....5**
  - 2.5 NPP 5 – Openness.....7**
  - 2.6 NPP 6 – Access & Correction.....8**
  - 2.7 NPP 7 – Identifiers .....10**
  - 2.8 NPP 8 – Anonymity .....10**
  - 2.9 NPP 9 – Trans border Data Flows .....10**
  - 2.10 NPP 10 – Sensitive Information .....10**

## **1. Introduction**

LGSS Pty Limited ACN 078 003 497 (the Trustee) is the Trustee of the Local Government Superannuation Scheme (LGS). The Trustee, on behalf of LGS, must only collect, retain, use and disclose personal information necessary for the efficient operation of its activities and under strict controls as detailed in the Commonwealth Privacy Act 1988, particularly the National Privacy Principles (NPPs).

## **2. National Privacy Principles (NPPs)**

### **2.1 NPP 1 – Collection**

#### **Policy**

The Trustee will only collect personal information which is necessary for the efficient operation of LGS. Whenever such information, including sensitive information, (refer to NPP10 for further details) is collected from an individual, the Trustee will ensure that the individual is aware of:

- the name of the organization collecting the information;
- their right to access their personal information and how they can contact LGS to gain access to their personal information;
- the reason for collecting the personal information;
- the other organisations to whom the personal information is usually disclosed;
- the laws that require the particular information to be collected; and
- what happens if the member does not provide the personal information.

#### **Implementation**

##### ***Collection of Personal Information***

- When designing forms, the Trustee will ensure that only necessary personal information and/or sensitive information is sought from an individual or about an individual from other parties e.g. an employer.
- The Trustee will ensure that individuals are properly advised about this Privacy Policy, their right to see it and their rights to make complaints and to have incorrect personal information corrected. These objectives will be achieved by:
  - > providing written notice to that effect in material sent to members and in forms;
  - > providing a brief automated message in the Call Centre with an option being available for more detailed personal information;
  - > providing a written notice in prominent locations where members visit in person; and

- > providing a readily accessible link to the material on the web site.
- The Trustee will not use an access by an individual to its web site to collect personal information from such an individual unless the access is specifically for the purpose of providing personal information (such as a change of address) and then only that specific information will be collected.
- The Trustee will not seek personal information in situations where the Trustee is aware that information can be overheard by others.
- If it is necessary to collect sensitive information – eg in order to underwrite insured cover or in order to process a claim for a death or invalidity benefit – the Trustee will advise the claimant of that fact and that the Trustee will treat that information as sensitive information with restricted access within the administrative procedures of the Trustee.

### ***Collection of Unwanted Personal Information***

- If an individual submits personal information which has not been sought and which is not necessary for the Trustee's operations, that additional personal information is not to be kept but is to be returned to the individual or destroyed (in this respect, return would be appropriate where the individual had submitted original documents while destruction would be indicated where the individual had simply provided items of personal information).
- If additional personal information is part of a document which contains necessary personal information, then the unwanted personal information should be blanked out before the document is scanned.

### ***Compliance with other regulations***

- The Trustee will, at all times, ensure that it does not infringe any other regulations in relation to the collection of information.

In particular, personal information which might be passed to the Trustee which the Trustee is aware was collected illegally by another party will not be used by the Trustee. In all cases where investigations are carried out in relation to claims for invalidity benefits where doubt exists as to the bona fides of the claimant, only lawful and fair means will be used in pursuing those investigations and in the collection of relevant personal information and/or sensitive information.

- The Trustee will not engage in any deceptive conduct in any marketing program (eg the Trustee will not telephone prospective members and deceive them by representing the call as being anything other than what it is) nor will the Trustee be unreasonably intrusive in such marketing programs (eg by telephoning at unreasonable times).
- The Trustee will take particular care in dealing with children and the bereaved and ensure that the person is fully aware of their rights.
- The Trustee will not use unreasonable pressure to get the person to make a particular decision.

The Trustee must disclose personal information as required by the Family Law Act 1975 (including all amendments to the Act).

### ***Disclosure of information to other entities***

- The Trustee will not provide or allow access to personal information, including sensitive information, to other entities except as set out in this policy, with the individual's consent or as required by law and will advise individuals that such provision or access of such information may occur.
- In relation to the Trustee's service providers, the Trustee will advise individuals that personal information, including sensitive information, will be disclosed to or accessed by those entities only in association with a contractual requirement that those entities abide by the NPPs and the Act in the same manner as the Trustee, and apply the relevant aspects of the Trustee's Privacy Policy.
- From time to time, because of the nature of superannuation, the Trustee will collect personal information about a member from the employer of that member. Where the Trustee collects personal information about a member from that member's employer, the Trustee will ensure that:
  - > the member is aware of the reason for collection;
  - > the other organisations to whom the personal information is usually disclosed;
  - > the laws that require the particular information to be collected; and
  - > the member's right to access the personal information.

## **2.2 NPP 2 – Use & Disclosure**

### **Policy**

The Trustee will not use personal information collected for the purpose of allowing the efficient operation of LGS for any other purpose without the implied or express consent or expectation of the individual unless required by law.

The Trustee believes that advising individuals of the provision of related superannuation services, such as pre-retirement and post-retirement services or ancillary investment services, is an activity which individuals would reasonably expect the Trustee to use or disclose the personal information (including disclosing an individual's personal information for this purpose to other entities providing services to Local Government Super).

### **Implementation**

- Personal information will not be disclosed to any other organisation (i.e. to any organisation not closely related to the Trustee) for any other purpose unless:
  - > the individual consents as above;
  - > the transfer is to service providers to LGS who will be contractually bound to abide by the NPPs and the Act in the same manner as the Trustee and observe the aspects of this Privacy Policy that are relevant to them;
  - > it is required or authorised by law;
  - > it is reasonably necessary for the enforcement of
    - criminal law, or
    - a law imposing a pecuniary penalty, or
    - for the protection of public revenue;

> it will prevent or lessen serious and imminent threat to somebody's life or health.

- If the Trustee is required to disclose personal information to an entity under law, the Trustee will ensure that a notation is made on the individual's file that such personal information has been disclosed unless lawfully asked to refrain from doing so.

## **2.3 NPP 3 – Data Quality**

### **Policy**

The Trustee will take reasonable steps to make sure that the personal information it collects, uses or discloses is accurate, complete and up-to date.

### **Implementation**

- When personal information is provided to individuals, the Trustee must provide them with the opportunity to correct or complete any of the information which the Trustee holds.
- If the Trustee discovers that personal information held is incorrect, it will change that personal information and add a notation to the individual's file to that effect.
- In relation to nominated beneficiaries, the Trustee will seek to ensure that the nomination is still current before processing a payment.
- The Trustee will require its service providers to periodically run checks on data items, where practicable, to determine the quality of the data (eg checking for duplicate members, checking that ages are reasonable, etc).
- If the Trustee is advised by an individual that personal information held about that individual is incorrect, the Trustee will take immediate steps to ensure that the personal information is corrected.

## **2.4 NPP 4 – Data Security**

### **Policy**

The Trustee will ensure that all data held is protected from misuse, and that access is restricted to those who need such access to enable the Trustee to meet its obligations. Personal information will be de-identified when identification is no longer required.

### **Implementation**

#### ***Security of Information***

- The Trustee will restrict access to personal information to those staff who require access to use that personal information in carrying out their duties.

- Restricted information is personal information, including sensitive information, relating to the health of an individual (i.e. medical questionnaires and reports), information relating to an individual's personal relationships (such as becomes available in determining death benefit beneficiaries), and information relating to an individual's financial situation (such as becomes available in cases relating to early release of benefits on financial hardship grounds).
- The Trustee will ensure that all staff with access to restricted information are required to periodically sign a confidentiality agreement so that they are aware of their responsibilities regarding use and disclosure of personal information.
- The Trustee will ensure that all staff are trained in the requirements imposed by this Privacy Policy.

### ***Security of physical records***

- The Trustee will ensure that physical access to personal information is restricted by means of security locks on all areas where that information is kept.
- Where physical records are maintained (ie where material is not scanned and physical material is in the process of being scanned), the material will be kept in lockable cupboards (which will be locked at the end of each day's business).
- Records must be maintained of any physical records being moved to ensure their location is known at all times.
- The Trustee will implement a Security Policy which will include the following matters:
  - > The Trustee will ensure that the security of the computer systems is regularly audited and that security is maintained at the highest level at all times.
  - > All data will be backed up regularly and off-site copies maintained.
  - > All systems will be audited to ensure that only appropriate means can be used to change data and that appropriate procedures are being followed in this respect.
  - > Access privileges will be regularly reviewed to ensure that they remain appropriate.
  - > Appropriate measures will be put in place to ensure that the data cannot be accessed by unauthorised persons using the Internet.
- When a person ceases to be a member of LGS and a period of 10 years has passed since all potential claims in relation to the member have been paid out, personal information held about that member will be de-identified or destroyed; this will require that the personal information can no longer be identified if it is held in electronic form or that it is shredded if it is a physical record.

## **2.5 NPP 5 – Openness**

### **Policy**

A copy of the Trustee's Privacy Policy is to be made available to anyone who requests a copy or uses the LGS website.

### **Implementation**

- The Trustee will ensure that a copy of this Privacy Policy is made available to any individual who asks to see it.
- The Trustee will ensure that all LGS members are made aware that this Privacy Policy exists and that they have a right to see it.
- A brief summary of this Privacy Policy and a pre-collection statement will be included in all the Trustee's information gathering activities. The Policy will be included as an easily accessible page on the web site and will be made available in writing if requested.

## 2.6 NPP 6 – Access & Correction

### Policy

The Trustee will make personal information held about an individual available to that individual, on application, in accordance with its obligations under the NPPs and the Act, subject to the following exceptions:

- (a) in the case of personal information other than health information—providing access would pose a serious and imminent threat to the life or health of any individual; or
- (b) in the case of health information—providing access would pose a serious threat to the life or health of any individual; or
- (c) providing access would have an unreasonable impact upon the privacy of other individuals; or
- (d) the request for access is frivolous or vexatious; or
- (e) the personal information relates to existing or anticipated legal proceedings between the Trustee and the individual, and the personal information would not be accessible by the process of discovery in those proceedings; or
- (f) providing access would reveal the intentions of the Trustee in relation to negotiations with the individual in such a way as to prejudice those negotiations; or
- (g) providing access would be unlawful; or
- (h) denying access is required or authorised by or under law; or
- (i) providing access would be likely to prejudice an investigation of possible unlawful activity; or
- (j) providing access would be likely to prejudice:
  - (i) the prevention, detection, investigation, prosecution or punishment of criminal offences, breaches of a law imposing a penalty or sanction or breaches of a prescribed law; or
  - (ii) the enforcement of laws relating to the confiscation of the proceeds of crime; or
  - (iii) the protection of the public revenue; or
  - (iv) the prevention, detection, investigation or remedying of seriously improper conduct or prescribed conduct; or
  - (v) the preparation for, or conduct of, proceedings before any court or tribunal, or implementation of its orders by or on behalf of an enforcement body; or

- (k) an enforcement body performing a lawful security function asks the Trustee not to provide access to the personal information on the basis that providing access would be likely to cause damage to the security of Australia; or
- (l) providing access would reveal evaluative information generated by the Trustee in connection with a commercially sensitive decision-making process (in which case the Trustee may give an explanation for the decision instead).

## **Implementation**

### ***Access to information***

- If an individual seeks access to the personal information held about that individual, the Trustee will provide that personal information as a listing of current information held, including any historical information, unless the request is subject to one or more of the exceptions outlined above.
- The Trustee will advise individuals that they have a right to see the personal information held about them.
- The Trustee will only make personal information about an individual available to that individual, unless the individual has provided a written authority for the personal information to be made available to another person.
- Requests for access to personal information are to be responded to without delay and in all cases within 30 days.
- The Trustee reserves the right to charge for the provision of personal information requested in the form of hard copies of documents.
- If requested personal information cannot be found, the Trustee will explain why the material cannot be found and suggest alternative sources if appropriate (eg the records of the individual's employer).
- The Trustee does not expect that there will be many cases where access to personal information will be denied but, if such cases do occur, the Trustee will:
  - > state the reasons why, unless prevented by law; and
  - > describe the review process the individual can follow; and
  - > explain that the individual can lodge a complaint with the Privacy Commissioner.
- If access to personal information is denied on the grounds that to release the personal information including sensitive information would be prejudicial to the individual's health (ie on the advice of a medical practitioner), the Trustee will attempt to meet the request by releasing the information to an intermediary who is acceptable to both parties e.g. another medical practitioner .

### ***Correction of information***

- The Trustee will change the personal information it holds if an individual provides correcting information. A record will be kept of what was changed and what other consequent actions were taken.

- If a dispute arises between the Trustee and an individual as to which personal information is correct, LGS's dispute resolution procedures are to be followed. The individual's right to have the information they believe is correct recorded on their file is to be met by attaching a notation outlining the details of the dispute on the individual's record together with any material submitted by the individual.

## **2.7 NPP 7 – Identifiers**

### **Policy**

The Trustee will not use any identifiers that have been assigned by a Commonwealth government agency, except as required or authorized by law.

## **2.8 NPP 8 – Anonymity**

### **Policy**

The Trustee must give people the option to interact anonymously whenever it is lawful and practicable to do so.

### **Implementation**

The Trustee will provide general information about LGS, such as financial planning, superannuation and other services provided, on an anonymous basis but, clearly, any personal information specific to an individual must be made available only when that individual has been appropriately identified.

## **2.9 NPP 9 – Trans border Data Flows**

### **Policy**

The Trustee will only transfer personal information to a recipient in a foreign country where the information has appropriate protection.

### **Implementation**

The Trustee will not transfer personal information to any foreign country without the individual's consent or unless the recipient is bound by appropriate privacy standards.

## **2.10 NPP 10 – Sensitive Information**

### **Policy**

The Trustee must not collect sensitive information unless the individual has consented, it is required by law or in other special specified circumstances, for example, relating to health services provision and individual or public health or safety.

*Sensitive information means:*

- (a) *information or an opinion about an individual's:*
  - (i) *racial or ethnic origin; or*

- (ii) *political opinions; or*
  - (iii) *membership of a political association; or*
  - (iv) *religious beliefs or affiliations; or*
  - (v) *philosophical beliefs; or*
  - (vi) *membership of a professional or trade association; or*
  - (vii) *membership of a trade union; or*
  - (viii) *sexual preferences or practices; or*
  - (ix) *criminal record;*
  - (x) *that is also personal information; or*
- (b) *health information about an individual.*

**Health information means:**

- (a) *information or an opinion about any of the following aspects of an individual:*
  - (i) *the health or a disability (at any time) of an individual; or*
  - (ii) *an individual's expressed 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;*
- (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, by the individual of his or her body parts, organs or body substances.*

## **Implementation**

The Trustee will not collect sensitive information about individuals except

- to the extent that such information may be required:
  - > in determining the beneficiary when a member dies or is incapable of administering their own affairs; or
  - > for the purposes of determining applications for death or invalidity cover; or
  - > for assessing claims for death or invalidity benefits;
- where the individual has given their consent or it is required or authorised by law and such information, as well as financial information, may be made available in facilitating an application by the individual for a home or investment loan or for the purpose of completing financial plans.