



Australian Government
National Capital Authority

Privacy Policy

National Capital Authority

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Context and application

Introduction

1. The National Capital Authority (**NCA**) is established under the *Australian Capital Territory (Planning and Land Management) Act 1988* (**PALM Act**). The NCA is a non-corporate Australian Government agency within the Infrastructure, Transport, Regional Development and Communications Portfolio.
2. The NCA performs the role as trustee of Australia's National Capital, Canberra, and in this capacity, serves the interests of the Australian Government, the nation and its people.
3. The NCA is responsible for shaping the National Capital into the future; managing and enhancing the nationally significant parts of Canberra; and educating and informing people about Australia's National Capital. The key activities of the NCA include:
 - a) preparing, reviewing and administering the National Capital Plan;
 - b) preparing development control plans, urban design guidelines, master plans and draft amendments to the National Capital Plan;
 - c) commissioning, assessing and approving applications to undertake works on National Land;
 - d) promoting awareness of Canberra as the National Capital by:
 - encouraging participation, appreciation and celebration in the National Capital, e.g. by encouraging public and private events to be held on National Land; and
 - providing education about the Capital, e.g. through the National Capital Exhibition;
 - e) managing and maintaining assets and land on behalf of the Australian Government, including:
 - renewal works to enhance or protect national assets e.g. refurbishment of monuments and fountains;
 - construction of public infrastructure e.g. roads, parking, pathways and lighting; and
 - development of the landscape settings for new building sites, public parks and places for commemoration and celebration; and
 - f) administering pay parking on National Land.
4. More information about the NCA is available from the website at www.nca.gov.au.

The NCA's privacy obligations

5. As an Australian Government agency, the NCA is bound by the Australian Privacy Principles (APPs) contained in Schedule 1 of the *Privacy Act 1988* (**Privacy Act**). The APPs regulate how agencies collect, hold, use, disclose, and correct records containing personal information.

6. In addition to the APPs, the NCA is bound by the *Privacy (Australian Government Agencies- Governance) APP Code 2017 (Code)*, which sets out specific requirements and key practical steps that agencies must take as part of complying with APPs.
7. The NCA values privacy and promotes good privacy governance within the agency. The NCA respects rights to privacy under the Privacy Act and complies with all the Privacy Act's requirements in respect of the collection and management of personal information.

Purpose of this privacy policy

8. The purpose of this privacy policy is to provide a clear understanding of the sort of personal information the NCA collects, holds, uses and discloses in undertaking the NCA's activities.

An individual's right to be anonymous

9. Where possible, the NCA will allow an individual to interact with the NCA anonymously or using a pseudonym. For example, an individual may contact the NCA's reception on telephone (02) 6271 2888 with a general inquiry, without the NCA requiring that individual's name unless that is necessary to adequately handle the inquiry.
10. However, where an individual chooses not to provide certain personal information to the NCA, it may mean that the NCA is not able to provide the products and services sought, or to the level of service sought.

Personal Information Handling Practices

Why the NCA collects personal information

11. The Privacy Act defines "personal information" as information or an opinion about an identified individual, or an individual who is reasonably identifiable whether it is true or not and whether it is recorded in a material form or not.¹
12. The NCA collects personal information that is reasonably necessary for, or directly related to, the NCA's functions and activities as a statutory agency within the Australian Public Service, including under the PALM Act and pursuant to other legislation, for example the *National Land (Road Transport) Ordinance 2014* and powers delegated by the Minister under the *Australian Capital Territory Land (Leased) Ordinance 2022* and the *Australian Capital Territory Land (Unleased) Ordinance 2022*, and their applied provisions relating to the management and control of the national capital estate.
13. The NCA also collects, holds, uses and discloses personal information in relation to its role as an employer under the *Public Service Act 1999*.

¹ *Privacy Act 1988* s6.

Types of personal information the NCA collects and what it is used for

14. The personal information the NCA collects and holds will vary depending on what is required to perform the NCA's functions and activities. The types of personal information that the NCA generally collects during the course of its functions and activities include, but are not limited to:
 - a) names, contact details and other information about individuals, such as age and/or birth date, gender, profession, occupation or job title;
 - b) financial and bank details;
 - c) photographic images, pictorial representations, audio and/or video recordings;
 - d) vehicle and driver licence information;
 - e) 'sensitive information' as defined in the Privacy Act, such as health information and information about ethnicity, political opinions, religious beliefs and sexual preferences;
 - f) cookie and clickstream data (only limited personal information may be collected via cookies and clickstream data and individuals who do not wish to receive cookies may disable this function on their web browser);
 - g) any additional information provided to the NCA directly through use of the NCA website or to NCA representatives; and
 - h) any information provided through NCA Reception, information email address (info@nca.gov.au), public consultation, customer surveys or visits by NCA representatives from time to time.
15. The NCA only uses personal information for the purposes for which it was collected, or as otherwise permitted by the Privacy Act.
16. The NCA collects, holds, uses and discloses personal information primarily for the purposes of:
 - a) providing services and sending communications requested, for example, through the NCA email list, website and social networking services;
 - b) responding to enquiries or complaints and providing information or advice about the NCA and its activities, including the assets and land the NCA manages;
 - c) assessing and approving applications for development and renewal works;
 - d) conducting planning, product or service development, and program evaluation, quality control and research for the purposes of the NCA, its contractors or service providers;
 - e) managing pay parking areas, and administration of boats, on National Land;
 - f) managing incidents that occur on National Land;
 - g) assessing the performance, and improving the operation of, the NCA website;
 - h) updating NCA records and keeping contact details up-to-date;
 - i) taking regulatory action within NCA functions and powers; and
 - j) complying with any Australian law; orders of courts or tribunals; any rule, regulation, lawful and binding determination, decision or direction of a regulator; or in co-operation with any governmental authority.

17. Sensitive information may be collected in relation to some personnel (employees and contractors), for example, those who identify as a person of ethnic descent, health information (for example medical reports or certificates) or through police history checks. Sensitive information may also be collected where a security incident, injury or hazard has occurred or been identified.
18. **Schedule 1** to this privacy policy outlines in more detail the kinds of personal information collected by the NCA, the purposes for which the personal information is collected, held and used and to whom it may be disclosed outside of the NCA.

How the NCA collects personal information

19. The NCA usually collects personal information directly from individuals, for example, when handling an application, enquiry or complaint.
20. The ways in which the NCA collects personal information may include, but is not limited to:
 - a) conversations via telephone and in person;
 - b) written correspondence, including email;
 - c) access and use of the NCA website (www.nca.gov.au)²² and interactions through NCA social networking services, such as Facebook and Twitter;
 - d) applications submitted to the NCA;
 - e) attendances at events, or visiting attractions and memorials, or parking on National Land;
 - f) membership of an NCA committee, panel or participation in a meeting or consultation with the NCA, including public forums;
 - g) publicly available sources to enable the NCA to contact stakeholders who may be interested in the NCA's work or in participating in community consultations; and
 - h) when the NCA is required or authorised by law, or by a court or tribunal to do so.
21. From time to time, the NCA may collect personal information from third parties including, but not limited to:
 - a) persons with authority to act, for example, where the individual is a child;
 - b) an employer, for example, where the employer is submitting an application or tender or submission to the NCA;
 - c) another Australian Government or State or Territory department or agency, for example, Ministerial correspondence provided to the NCA; or
 - d) law enforcement agencies.
22. The NCA may also receive personal information from individuals or companies who supply personal information belonging to others in the documents they provide. This is referred to as "unsolicited personal information". In these circumstances the NCA will consider whether the NCA could have collected the information had it solicited the information and will handle it in accordance with the Privacy Act.

² For further information about data collected from the NCA's website portal, refer to the [NCA's Website Privacy Policy](#).

How the NCA holds and protects personal information

23. Most personal information held by the NCA is stored on electronic media, including the NCA's electronic document and records management system, on servers that are located in Australia. (As discussed in paragraph 32 below, some limited personal information using contracted tools is stored outside of Australia). Personal information is also held on paper files.
24. Electronic and paper records are protected in accordance with Australian Government security policies, including the Attorney-General Department's [Protective Security Policy Framework](#) and the [Australian Government Information Security Manual](#).
25. The NCA stores and disposes of personal information in accordance with the *Archives Act 1983* and relevant records authorities. For more information, see the [National Archives of Australia website](#).
26. The NCA's networks and websites have security features in place to protect the information that the NCA holds from misuse, interference and loss from unauthorised access, modification or disclosure.
27. The NCA takes steps to protect information, including personal information, from unauthorised access, unauthorised use, modification or disclosure, and against other misuse. These steps include:
 - a) applying appropriate security classifications to documents and restricting access to records by personnel to officers on a 'need to know' basis;
 - b) only allowing authorised users to access NCA's electronic information and communication systems and databases, for example through the use of appropriate passwords;
 - c) securing paper-based files with personal information in locked cabinets or rooms with physical access restrictions;
 - d) regularly assessing the risk of misuse, interference, loss, and unauthorised access, modification or disclosure of that information;
 - e) taking measures to address those risks, for example, the NCA may keep a record (audit trail) of when someone has accessed, added, changed or deleted personal information held in the NCA's electronic databases and regularly checks that personnel only access those records when they need to for work purposes;
 - f) where personal information is held by NCA contracted service providers, contractually requiring those service providers to protect the information to the same standards as the NCA in accordance with the Privacy Act; and
 - g) where necessary, conducting audits to assess whether the NCA has adequately complied with or implemented these risk mitigation measures.
28. If a data breach occurs, resulting in unauthorised access to, or disclosure of, or loss of, personal information, the NCA will respond in accordance with the NCA Data Breach Response Plan and its obligations under the Privacy Act.

Disclosure of personal information

29. The NCA will not disclose personal information to anyone outside the NCA unless the individual concerned has given their consent, or disclosure is otherwise permitted by

the APPs. Examples of exceptions include disclosure being necessary to prevent a serious threat to a person's life, health or safety, or for law enforcement purposes.

Disclosure to service providers

30. The NCA uses a number of service providers to whom it discloses personal information. These include providers that:
 - a) manage and deliver ICT or audit services;
 - b) manage the NCA's human resources information, including the delivery of payroll services;
 - c) arrange and/or book travel for personnel and other individuals; and
 - d) assist the NCA in the administration of pay parking or other services on National Land.
31. To protect the personal information disclosed, the NCA enters into agreements that require the service providers to only use or disclose the information for the purposes of these agreements including special privacy requirements where necessary.

Disclosure of personal information overseas

32. A very limited amount of personal information may be disclosed by the NCA to overseas recipients as provided for in APP 8. For example:
 - a) the NCA's service providers located outside Australia may, in limited circumstances, be given access to personal information, or be permitted to store personal information outside of Australia (including in the United States of America), in order to provide services to the NCA. The NCA takes reasonable steps to ensure that overseas recipients of personal information do not breach the privacy obligations relating to personal information. However, it may be subject to local legislation;
 - b) communication using a social network provider such as Facebook and Twitter may also mean that the social network provider collects, holds and uses an individual's personal information overseas.

Accessing and correcting personal information, or reporting a breach

How you can access and correct your personal information

33. An individual may request access to the personal information the NCA holds about that individual and to request its correction if inaccurate, out of date, incomplete, irrelevant or misleading, by contacting the NCA. The NCA must respond within 30 days. The Privacy Act permits access to be refused in certain cases, including where an exemption under the *Freedom of Information Act 1982* (FOI Act) would apply.
34. To request access to or correction of personal information held by the NCA, please contact the NCA's Privacy Officer using the details outlined at the 'Contacting the NCA' section below. The NCA will be able to provide guidance, where necessary, on whether

the individual's request is better dealt with under the Privacy Act, the FOI Act or another arrangement, which will depend on the particular circumstances.

How to contact the NCA about a possible breach of privacy

35. Possible breaches of the APPs or this privacy policy, should be immediately referred to the NCA Privacy Officer using the contact information below, including details of the incident so that it can be investigated.
36. Complaints may be submitted to the NCA anonymously. However, to permit proper consideration, the complaint should include a description of the privacy concern, any action or dealings with the NCA to address the privacy concern and, if a response is sought, preferred contact details.
37. The NCA will respond to privacy complaints within 30 days of receipt. If dissatisfied with the NCA's response to a complaint, an individual can make a complaint to the Office of the Australian Information Commissioner (OAIC). Information on how to make a complaint can be found on the [OAIC website](#).

Contacting the NCA

38. Any questions about this privacy policy, any concerns or a complaint regarding the treatment of privacy or a possible breach of privacy, may be referred to the NCA Privacy Officer at:

Privacy Officer

National Capital Authority

Address: Treasury Building, King Edward Terrace, Parkes ACT 2600, Australia

Post: GPO Box 373, Canberra ACT 2601, Australia

Email: privacy@nca.gov.au (please include 'Privacy Matter' in the subject line of the e-mail)

Telephone: (02) 6271 2888

39. Requests and complaints will be resolved in as timely and appropriate a manner as circumstances allow.

Changes to our privacy policy

40. The NCA may from time to time, review and update this privacy policy. Any updated versions of this privacy policy will be posted on our website.

Schedule 1

Schedule 1 outlines the kinds of personal information collected and held by the NCA and the purposes for which the personal information is collected, held, used and disclosed.

NCA Business Unit	Purpose of Collection	Kinds of personal information the NCA collects and holds	To whom disclosures may be made outside the NCA ¹
Finance and Business Resources	To facilitate effective and efficient management of personnel and payroll functions, including executive remuneration.	May include name and personal details (contact details, home address, date of birth, occupation, AGS number, gender, qualifications, equal opportunity data), contents of APS personnel files, attendance and overtime records, leave balances, applications and approvals, medical records, payroll and pay related records (including pay, allowances and bank details), tax file number, declaration of interests, superannuation information, performance appraisals, records relating to remote working, records relating to learning and development, records relating to personal welfare matters, contracts and conditions of employment, and next of kin and emergency contact details. May also include sensitive personal information such as records of physical and mental health, racial or ethnic origin, security clearance details, disciplinary investigations and actions, adverse performance and security assessments, relationship details, personal financial information and employment history.	Appropriate disclosures are or may be made to the NCA's payroll and other HR service providers (EAP, salary packaging), the Australian Taxation Office, the Australian Public Service Commission and other APS agencies when relevant HR records are transferred.
Finance and Business Resources	To facilitate effective and efficient management of recruitment processes.	May include records relating to curricula vitae, interview details, referee reports, details of ratings and shortlisting, records relating to relocation of staff and removals of personal effects and records relating to character checks and security clearances.	Appropriate disclosures are or may be made to recruitment service providers, other APS agencies and Australian Government Security Vetting Agency (or their external service providers).
Business Systems	To facilitate effective and efficient management of personnel security functions.	May include name, date of birth, contact details, employment and education history, and other personal information relevant for	Appropriate disclosures are or may be made to the Australian Federal

¹ Including if required or authorised by or under an Australia law or a court/tribunal order.

		obtaining or maintaining a security clearance, copies of birth certificate, Deed Poll or change of name certificate, naturalisation/citizenship certificate, marriage certificate, divorce documentation, passport details, armed services discharge certificate, education certificates, driver's licence, personal particulars, employee photograph, police record checks and supervisor/referee reports, and working with vulnerable people checks. May also include sensitive personal information such as financial information, racial or ethnic origin, membership of political groups, professional or trade associations, or trade unions, religious beliefs or affiliations, sexual orientation or practices, alcohol and/or drug use, and criminal records.	Police and the Australian Government Security Vetting Agency (or their external service providers).
Finance and Business Resources	To facilitate effective and efficient personnel management processes and functions.	May include records of accidents or injuries, compensation case files, complaints and grievances, recommendations for honours and awards, and records relating to counselling and discipline matters (including disciplinary, investigation and action files, legal files, and records of criminal convictions).	Appropriate disclosures may be made to Comcare, the Australian Federal Police (AFP), external service providers and other APS agencies.
Finance and Business Resources	A record of gifts received by employees of the NCA.	May include name of the recipient of gift, presenter of gift, details of gift.	Appropriate disclosures are, or may be made to the relevant Minister's office or the Department of Infrastructure, Transport, Regional Development and Communications.
Governance and Legal Services	To process Freedom of Information requests made to the NCA or consultation on Freedom of Information requests to the NCA.	Personal information may relate to the Freedom of Information applicant and/or third parties to whom the information requested relates. Details may include names, gender, occupation, email, postal address, telephone number, and on occasion credit card and bank details.	Appropriate disclosures may be made to the OAIC, the Department of Infrastructure, Transport, Regional Development and Communications or other relevant APS agencies.

Governance and Legal Services	To facilitate the effective and efficient processing of Ministerial and NCA correspondence.	May include name, gender, email and/or postal address, occupation, and other personal information provided by the author.	Appropriate disclosures are or may be made to the relevant Minister's office, the Portfolio Department, or other relevant APS agencies.
Governance and Legal Services	To facilitate the effective and efficient processing of Insurance Claims	May include name, gender, email and/or postal address, occupation, relevant medical and financial information, and other personal information provided by the author.	Appropriate disclosures are or may be made to Comcover, legal representatives and Courts, Tribunals, Commissions or Regulators.
Governance and Legal Services	To facilitate the effective and efficient processing of complaints	May include name, email and/or postal address and other personal information provided by the author.	Appropriate disclosures are or may be made to the Commonwealth Ombudsman, other regulatory bodies, or to our contracted service providers.
Governance and Legal Services	To facilitate fraud and compliance investigations and audits both internally and externally	Personal information may be used to undertake fraud and compliance investigations regarding employees, consultants, contractors and other bodies. May include name, gender, email and/or postal address, occupation, relevant medical and financial information, and other personal information.	Appropriate disclosures are or may be made to AFP, external providers, other APS agencies and Courts, Tribunals, Commissions or Regulators.
Public Affairs, Education and Marketing	To administer and manage the Volunteer Programs.	May include details of each volunteer or potential volunteer such as name, gender, email, postal address and telephone numbers.	Biographical information may be disclosed on the NCA's website, media announcements and/or publications.
Estate Management	To administer and manage: <ul style="list-style-type: none"> • boat permits for Lake Burley Griffin • applications to conduct an event on National Land • the patrons program for the Old Parliament House Rose Gardens • incident reports for incidents occurring on the National Capital Estate 	May include name, gender, occupation, email, postal address, telephone numbers, and on occasion credit card and bank details.	Appropriate disclosures are or may be made to relevant external service providers, and other relevant government bodies including police, fire and ambulance services, Roads ACT, Events ACT, ACT City Renewal Authority, Australian Tax Office, and/or Comcover.
Estate Management	To administer and manage pay parking on National Land including any action	May include personal and financial details relating to the operator or owner of a vehicle, including when a PIN has been issued where:	Appropriate disclosures are or may be made to the relevant State and

	relating to the payment or non-payment of parking infringement notices (PINs).	<ul style="list-style-type: none"> the PIN is in dispute the PIN payment has not been paid by the due date a refund is being sought. Details may include name, gender, email, home address, postal address, telephone numbers, motor vehicle registration details, driver's licence details, relevant medical or financial details, photographs of vehicles (including licence plate numbers), and credit card and bank details.	Territory parking bodies, relevant NCA contracted service providers in relation to operations, debt collection or Court action and a Court of law.
Estate Management and Chief Planner	To administer and manage applications for works approval under section 12 of the <i>Australian Capital Territory (Planning and Land Management) Act 1988</i> .	May include applicant, lessee or third party provider names, gender, email, postal address, telephone numbers, occupation, detail of works, and credit card and bank details; for comments on works proposals, details may include names, profession/organisation, comments and email address.	The applicant's name and basic details of the proposed works are listed on the NCA's website; for applications requiring public consultation, more detailed information on the proposal is provided.
Finance and Business Resources	To manage financial operations and functions, and to maintain required financial information.	May include names and contact details of individuals and organisations for contracts. Supplier contact and bank account details for accounts payable and receivable processing, and credit card details. May include details of financial hardship or other vulnerabilities.	Appropriate disclosures are or may be made to relevant financial service providers.
Business Systems	To provide information and communication technology services.	Includes all electronic data, including all personal information the NCA collections and holds as set out in this table.	Appropriate disclosures are or may be made to the NCA's ICT service providers.
Business Systems	To manage records including storage, destruction and de-identification.	Includes all electronic data, including all personal information the NCA collections and holds as set out in this table.	Appropriate disclosures are or may be made to the NCA's ICT service providers and to the National Archives of Australia.
Business Systems	To manage the Work, Health and Safety function and committee.	May include name, contact details date of birth, health information and other personal information provided by the author.	Appropriate disclosures are or may be made to other APS agencies with subject matter responsibility, or where required to meet reporting or audit requirements.
Public Affairs, Education and Marketing	To manage volunteers, school visit program, working with vulnerable people checks.	May include name, contact details date of birth, health information and other personal information provided by the author.	Appropriate disclosures are or may be made to other APS agencies with subject matter responsibility, or where required to meet reporting or audit requirements.

Built Assets and Planning	To conduct design competition processes.	May include information about individuals submitting designs to a competition, or individuals who are or will be involved in a design competition submission or preparation of a design, past performance and referee details, and any other relevant personal information that may be required as part of the design competition process.	Appropriate disclosures are or may be made other APS agencies with subject matter responsibility, or where required to meet reporting or audit requirements, and to relevant contracted services providers.
All Business Units	Public awareness, including when people ask to be on an email or mailing list so that the NCA can send them information about the activities and publications Info line requests and correspondence from the public.	May include name, contact details, and other personal information provided by the author.	Appropriate disclosures are or may be made to other APS agencies with subject matter responsibility, or where required to meet reporting or audit requirements, and to contracted service providers.
All Business Units	To facilitate the management of public interest disclosures (PIDs) made under the <i>Public Interest Disclosures Act 2013</i> (PID Act)	Personal information may be used to undertake investigations into PIDs, but will be subject to the provisions of the PID Act.	Personal information may be disclosed to investigators but will be subject to the provisions of the PID Act.
All Business Units	To manage the NCA's procurement and contracting processes.	May include tenders, contracts and other procurement documentation including company details, names of specified personnel, names of sub-contractors, financial information, past performance and referee details, and any other relevant personal information that may be required as part of the procurement process.	Appropriate disclosures are or may be made to other APS agencies with subject matter responsibility, or where required to meet reporting or audit requirements, and to relevant contracted service providers.
All Business Units	To facilitate NCA staff and related party travel processes .	May include name, date of birth, contact details, bank account details, driver's licence details, health information, and any other relevant personal information that may be required to book travel.	Appropriate disclosures may be made to relevant travel and related service providers.

All Business Units	Managing the operations of the Agency's Authority and committees .	Personal information may be used and/or disclosed to decision makers (which may include external parties, including Ministers or the chair and members of committees).	Biographical information may be disclosed on the NCA's website, media announcements and/or publications regarding particular appointments.
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