



## Privacy fact sheet 2

### National Privacy Principles

April 2011

This fact sheet provides the text of the ten National Privacy Principles extracted from Schedule 3 of the *Privacy Act 1988* as amended to 14 September 2006. For the latest version visit the ComLaw website: [www.comlaw.gov.au](http://www.comlaw.gov.au).

#### 1. Collection

- 1.1 An organisation must not collect personal information unless the information is necessary for one or more of its functions or activities.
- 1.2 An organisation must collect personal information only by lawful and fair means and not in an unreasonably intrusive way.
- 1.3 At or before the time (or, if that is not practicable, as soon as practicable after) an organisation collects personal information about an individual from the individual, the organisation must take reasonable steps to ensure that the individual is aware of:
  - (a) the identity of the organisation and how to contact it; and
  - (b) the fact that he or she is able to gain access to the information; and
  - (c) the purposes for which the information is collected; and
  - (d) the organisations (or the types of organisations) to which the organisation usually discloses information of that kind; and
  - (e) any law that requires the particular information to be collected; and
  - (f) the main consequences (if any) for the individual if all or part of the information is not provided.
- 1.4 If it is reasonable and practicable to do so, an organisation must collect personal information about an individual only from that individual.

- 1.5 If an organisation collects personal information about an individual from someone else, it must take reasonable steps to ensure that the individual is or has been made aware of the matters listed in subclause 1.3 except to the extent that making the individual aware of the matters would pose a serious threat to the life or health of any individual.

#### 2. Use and disclosure

- 2.1 An organisation must not use or disclose personal information about an individual for a purpose (the secondary purpose) other than the primary purpose of collection unless:
  - (a) both of the following apply:
    - (i) the secondary purpose is related to the primary purpose of collection and, if the personal information is sensitive information, directly related to the primary purpose of collection;
    - (ii) the individual would reasonably expect the organisation to use or disclose the information for the secondary purpose; or
  - (b) the individual has consented to the use or disclosure; or
  - (c) if the information is not sensitive information and the use of the information is for the secondary purpose of direct marketing:
    - (i) it is impracticable for the organisation to seek the individual's consent before that particular use; and
    - (ii) the organisation will not charge the individual for giving effect to a request











