

QUEENSLAND RACING



**QUEENSLAND
RACING**



PRIVACY PLAN

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1. Introduction

This Privacy Plan is a plan for Queensland Racing's compliance with the information privacy principles under the requirements of the Information Standard 42 and its relevant Information Standard Guidelines. The Information Standard and its relevant Guidelines requires each "Queensland Government Agency" to prepare and implement a Privacy Plan approved by the CEO of each agency before April 2002.

The standard also applies to all statutory bodies as defined under the *Financial Administration and Audit Act 1977*. This includes Queensland Racing.

This plan is drafted in a way which takes account of the diverse range of functions of Queensland Racing's various units. It aims to give:

guidance to members of the public to assist them to understand how personal information is managed by Queensland Racing and how they can exercise their privacy rights in respect of Queensland Racing's activities;

guide officers in Queensland Racing's units who deal with personal information on the requirements of the Information Standard and its guidelines;

a timetable and strategic overview for achieving full compliance with those requirements ; & procedures which can be adopted by Queensland Racing to eliminate or reduce the risk of non compliance.

2. What is Personal Information?

Information Standard 42 and its relevant Guidelines is concerned with "personal information". This is defined in the Information Standard as being:

2.1 Personal Information for the purposes of all Information Privacy Principles other than Information Privacy Principles 6 and 7 means information or an opinion (including information or an opinion forming part of a database), whether true or not, and whether recorded in a material form or not, about an individual whose identity is apparent, or can reasonably be ascertained, from the information or opinion.

2.2 Personal Information for the purpose of Information Privacy Principles 6 and 7 is limited to information concerning an individual's "personal affairs" as the phrase "personal affairs" has been interpreted in the *Freedom of Information Act 1992*.

The information does not have to clearly identify a person. It need only provide sufficient information to lead to the identification of a person. It is not limited to confidential or sensitive personal details. It covers information held in paper or electronic records (and may even extend to body samples or biometric data).

2.3 While the definition of "personal information" is very broad, there are some important exceptions to the definition. There are two sets of exemptions to Information Standard No. 42:

The first set of exemptions relates to bodies that are exempt from all or part of the standard

The second set relates to personal information that is exempt from the standard

2.3.1 Exempt Bodies

The following bodies are exempt from Information Standard No. 42:

- Royal commissions or commissions of inquiry;
- Parents and Citizens Associations as defined in Part 6 of the Education (General Provisions) Act 1989;
- Queensland Department of Health ¹.

Courts and tribunals (including the holders of office) are exempt with respect to their judicial and quasi-judicial functions only. Judicial functions include coroners exercising their powers under the *Coroners Act 1958*.

Law enforcement agencies are exempt from IPPs 2,3,9,10 and 11, for all functions except administrative functions. ²

¹ The Queensland Department of Health is bound by Information Standard No.42A. Statutory bodies (within the meaning of the *Financial Administration and Audit Act 1977*) administered by the Minister for Health are, however, bound by Information Standard No. 42.

2.3.2 Exempt Personal Information ³

The following personal information is exempt from Information Standard No. 42:

Covert activity

Personal information about an individual arising out of or in connection with a controlled operation or controlled activity within the meaning of the *Police Powers and Responsibilities Act 2000*;

Personal information about an individual arising out of or in connection with a covert undertaking of an operation, investigation or function of a law enforcement agency;

Personal information about an individual arising out of a warrant issued under the *Telecommunications (Interception) Act 1979* of the Commonwealth;

Witness protection

Personal information about a witness who is included in a witness protection program under the *Witness Protection Act 2000* or who is subject to other witness protection arrangements made under an Act;

Disciplinary actions and misconduct

Personal information about an individual arising out of a complaint made under Part 7 of the *Police Service Administration 1990*;

Personal information about an individual arising out of an investigation of misconduct or official misconduct under the *Criminal Justice Act 1989*.

Whistleblowers

Personal information about an individual that is contained in a public interest disclosure within the meaning of the *Whistleblowers Protection Act 1994*, or that has been collected in the course of an investigation arising out of a public interest disclosure;

Cabinet and Executive Council documents

Personal information about an individual that is contained in a document of a kind referred to in sections 36 and 37 of the *Freedom of Information Act 1992* (ie Cabinet and Executive Council documents).

Commissions of Inquiry

Personal information about an individual arising out of a Royal Commission or commission or inquiry.

2 This means that law enforcement agencies are bound by IPPs 1,4,5 and 8. As with all agencies the rights of access and correction under IPPs 6 and 7 are limited to existing rights under the *Freedom of Information Act 1992*

3 The provisions pertaining to exempt personal information do not relieve anyone from existing requirements to obtain that personal information through either a legislative authority or under subpoena or warrant

3. Acts under which Queensland Racing operates

- 1 Racing Act 2002
- 2 Financial Administration and Audit Act 1977
- 3 Statutory Bodies Financial Administration Act 1982
- 4 Crime and Misconduct Act 2001
- 5 Freedom of Information Act 1992

4. Personal Information held by Queensland Racing

EMPLOYEE PERSONNEL RECORDS

Due to the commonality of these classes of records amongst the various business areas of Queensland Racing, they have been grouped here as one entry. This necessarily reduces the amount of detail provided. Current and former employees and other persons (for example, spouses and next of kin) who believe that Queensland Racing's personnel records may also contain personal information about them can obtain details of specific record handling practices of particular business area by contacting the Chief Executive Officer.

It should not be assumed that all records described are kept in a common storage facility. Separate security arrangements will typically apply, depending on the sensitivity of the information.

The purpose of these records is to maintain employment history and payroll and administrative information relating to all permanent, contract and temporary staff members and employees.

Personnel and payroll

The records may include any one or more of the following:

- records relating to attendance and overtime;
- leave applications and approvals;
- medical records;
- payroll and pay related records, including banking details;
- tax file number declaration forms;
- declarations of pecuniary interests;
- personal history files;
- performance appraisals, etc;
- records relating to personal development and training;
- trade, skill and aptitude test records;
- completed questionnaires and personnel survey forms;
- records relating to removals;
- travel documentation;
- records relating to personal welfare matters; and
- contracts and conditions of employment.

Recruitment

The records may include any one or more of the following:

- recruitment records;
- records relating to relocation of staff and removals of personal effects; and
- records relating to character checks and security clearances.

Other

The records may include any one or more of the following:

- records of accidents and injuries;
- compensation case files;
- rehabilitation case files;
- records relating to counselling and discipline matters, including disciplinary, investigation and action files, legal action files, records of criminal convictions, and any other staff and establishment records as appropriate;
- complaints and grievances; and
- recommendations for honours and awards.

Contents of personnel records may include: name, address, date of birth, occupation, employee identification number, gender, qualifications, equal employment opportunity group designation, next of kin, details of pay and allowances, leave details, work reports, security clearance details and employment history. It may also include physical and mental health, disabilities, racial or ethnic origin, disciplinary investigation and action, criminal convictions, adverse performance and security assessments, tax file numbers, relationship details and personal financial information.

Personal information on personnel records relates to current and former staff members and employees including contract and temporary staff.

The following staff have access to personnel records: executive and senior personnel, management staff, supervisors and members of selection committees (if appropriate), and the individual to whom the record relates.

Personnel records are kept for variable periods according to the applicable provisions of the Standard Retention and Disposal schedule for staff and establishment records issued by Queensland State Archives.

Information held in personnel records may be disclosed outside Queensland Racing, as appropriate, to:

Australian Taxation Office;
Queensland Racing's Superannuation Scheme Managers; and
Third Party organisations such as Banks and Insurance Companies (Name and account numbers only).

Individuals can obtain information regarding access to their personal information by contacting the Chief Executive Officer (Ph: 3869 9710).

Records relate to all current and former employees of Queensland Racing and are stored on paper, microfiche and electronic media.

FINANCIAL MANAGEMENT INFORMATION SYSTEM

There is commonality amongst these records across Queensland Racing, so they are grouped here as one entry.

The purpose of these records is to process and account for expenditure and revenue.

General content may include name, address and service or goods category.

Sensitive content may include financial information including debts.

The personal information relates to creditors and debtors, including outsourced service providers if they are identified personally.

The following staff have access to this personal information: Finance administration staff. The records are kept according to the categories set out in the standard Retention and Disposal Schedule issued by Queensland State Archives. Separate storage and security arrangements

apply depending on which area of Queensland Racing holds the records and the sensitivity of the information. This information is not usually disclosed to other persons or organisations. Individuals can obtain information regarding access to their personal information by contacting

the Chief Operations Manager in writing at PO Box 63 Sandgate Qld 4017.

The records are stored on paper and electronic media.

INFORMATION SYSTEMS PERSONAL INFORMATION

Queensland Racing's information technology information management systems network routinely carries, enables processing of, and stores, for varying periods, much of the core business and the supporting corporate service business of Queensland Racing. It encompasses both internal electronic transactions and external transactions, including telephone, e-mail, Internet and Intranet activity. The great bulk of those personal information records within that network environment are described above, or are described in the other parts of this plan that deal with the content of core business operations of business areas of Queensland Racing.

In addition to that material, there are some personal information records specifically tailored to IT system administration, namely IT system security identifiers and usage tracking records about staff users of the IT system that are held by central IT administrators and staff supervisors.

That information is not usually disclosed to persons other than staff supervisors, system administrators and the individual officers concerned. Staff are routinely made aware of system usage rules and monitoring procedures concerning collection and use of the information.

The records are stored on paper and electronic media. Individuals can obtain information regarding access to their personal information by contacting the Chief Executive Officer at PO Box 63, Sandgate Qld 4017.

The records are stored on paper and electronic media.

Location: Information Technology and relevant business areas.

LICENSING RECORDS

Queensland Racing currently maintains records of personal information in relation to licensing of participants in accordance with the requirements of the *Racing Act 2002*, Queensland Racing's licensing policies and the Rules of Racing. The records may include one or more of the following:

- details of name, address, and electronic and telephone contact;
- details of current and previous employment within the racing industry;
- details of all racing industry licences ever held;
- details of disciplinary record within the racing industry;
- details of civil and criminal offences and contact with the legal system;
- details of current medical and/or health conditions;
- details of current financial position;
- details of ownership of, or interests in, registered racehorses;
- audio tapes and transcripts of disciplinary proceedings under the Rules of Racing;
- ledgers and records of bets with Racing Bookmakers;
- records of the outcome of swabs and tests of registered racehorses and registered licensees.

These records are maintained in written, magnetic and electronic form at a variety of sites. Access to this information is restricted to authorised staff of Queensland Racing for the purpose of the discharge of functions under the *Racing Act 2002* and the Rules of Racing.

RACING INDUSTRY SUPPORT SYSTEMS

Queensland Racing currently maintains records of personal information as part of systems (HORSES, Registrar of Racehorses, etc) established to facilitate the operations of thoroughbred horse racing in Queensland, other Australian jurisdictions or elsewhere.

These records may include one or more of the following:

- details of name, address and electronic and telephone contact;
- details of GST registration status and ABN number;
- details of bank account number, branch, etc.

These records are maintained in written, magnetic and electronic form at a variety of sites.

Access to information is restricted to authorised staff of Queensland Racing for the purpose of discharge of functions under the *Racing Act 2002* and the Rules of Racing.

5. Existing Contracts, Licences and Out-Sourcing Arrangements

Queensland Racing has in place a contract with Technisyst Computing in relation to the maintenance and development of various computer based information systems.

Technisyst Computing, its staff, and any contractors employed are subject to appropriate confidentiality agreements in relation to any private information of which they might become aware during the course of performance of their contractual obligations.

6. Public Registers Managed within Queensland Racing

- Registers of all Licensees under the *Racing Act 2002*;
- Registers of all owners of all registered race horses.

Please note that access to details in the above registers is restricted to the purpose for which the register is kept, unless legislation or regulation provides otherwise.

7. Implementation Table

Privacy Implementation Plan

Informing staff of their privacy responsibilities will play a critical role in Queensland Racing successfully complying with the requirements of 42 Information Standard and related guidelines and is a significant component of the Privacy Plan. To ensure a general awareness of the issues and the principles involved, mechanisms have been identified below which provide for ready access by staff to information regarding the Plan and the promulgation of the Information Privacy Principles which form the core of Information Standard 42. The Queensland Racing Privacy Officer will coordinate the Plan and report progress of the Privacy Plan to Executive Management.

Goal	Implementation	Date to be Completed
Promulgate awareness of privacy responsibilities	Update QUEENSLAND RACING Administration Manual to include Privacy	30/6/2002
-	Inform staff through QUEENSLAND RACING Intranet and by mailout of the appropriate details of content and implementation steps for the Privacy Plan	30/6/2002
-	Publish the Plan on Queensland Racing intranet and internet websites	30/6/2002
-	Promulgate the plan to executives, managers and work unit supervisors	30/6/2002
-Provide Training on Privacy Issues	Evaluate responsibility statements of executive and line managers with regard to Privacy Incorporate privacy issues in training for executive management	30/6/2002 30/6/2002
-	Incorporate privacy issues in line manager/supervisor training	30/6/2002
-Review relevant policies/guidelines	Incorporate privacy issues in new staff induction Review relevant policies and guidelines to integrate privacy issues where appropriate	30/6/2002 30/9/2002
-	Review and upgrade grievance documentation to include privacy complaints	30/9/2002
-Develop privacy policies/guidelines	Review and upgrade procedures for dealing with subpoenas, law enforcement officers, and external requests for access Develop handout for inclusion in new staff induction kits	30/9/2002 30/9/2002
-	Develop an entry in the client guides regarding clients' rights and responsibilities viz privacy	30/9/2002
-	Develop guidelines to be given to contractors regarding privacy responsibilities; Review and upgrade terms of contracts to progressively accommodate privacy compliance	30/9/2002
-	Develop guidelines for service points at which personal information is collected	30/9/2002

-	Develop guidelines for staff with special responsibilities for personal information (Eg: human resources, counselling, health and safety, employment and service equity)	30/9/2002
-	Develop guidelines for staff generally regarding privacy responsibilities	30/9/2002
Monitor Privacy Awareness	Conduct periodic surveys to monitor changes in privacy practice and awareness at QUEENSLAND RACING	Yearly

8. Procedure to Gain Access to Personal Information

Under the privacy scheme, there are controls on how *personal information* is managed. The rights of access and amendment are dealt with in Information Privacy Principles (IPPs) 6 and 7. Those rights are confined to the person to whom the personal information directly and personally relates.

IPP 6 basically provides that a person is entitled to access any record that contains their *personal information* except where access is restricted by any law.

IPP 7 basically provides that a person is entitled to seek an amendment of any record that contains their *personal information* which is misleading, irrelevant, not up-to-date or incomplete.

However, Information Standard 42, in which Information Privacy Principles 6 and 7 appear, qualifies those access and amendment rights by saying that they are limited to existing rights under the *Freedom of Information Act 1992*. This means that *personal information* for the purpose of IPPs 6 and 7 is limited to information concerning an individual's *personal affairs* in the way that phrase has been interpreted in the *FOI Act*.

In summary, if you want to request access to, or amendment of, your personal information records in Queensland Racing, you need to be aware that:

-the IPPs limit the access and amendment rights and processes to those provided in the *FOI Act*; and.

-any application for documents or application for correction or amendment will therefore be processed under the *FOI Act* provisions.

Any application for access to information pursuant to the Freedom of Information Act 1992 should be directed to the Chief Executive Officer of Queensland Racing, PO Box 63 Sandgate Qld 4017.

9. Complaints and Reviews

Complaints about Queensland Racing's handling of information privacy

If an individual believes that their personal information has not been dealt with in accordance with an

IPP, they may make a complaint to the agency seeking an internal review of handling of their personal information. A request for an internal review must be made in writing and must be made within six months from the date when the breach of any IPP was suspected to have occurred.

Written applications requesting internal review should be sent to the Chief Executive Officer. The postal address is :

Chief Executive Officer Queensland Racing PO Box 63 SANDGATE QLD 4017

Applications for review will be acknowledged in writing within 14 days from the date on which the application was received. Queensland Racing will process each application within 60 days from the date on which the application is received. Applicants will be advised in writing of Queensland Racing's review decision.

If applicants are dissatisfied with the outcome of this complaint/review procedure they may apply for an external review of the Chief Executive Officer's decision by the Information Commissioner (Queensland). More information on external reviews can be accessed at the website of the Office of the Information Commissioner (Queensland) at <http://www.slq.qld.gov.au/infocomm/> or by telephoning 3005 7100.

10. Appendices

10. A. Summary of Information Privacy Principles

Policy Statement

Personal information held by Queensland agencies must be responsibly and transparently collected and managed (including any transfer or sale of personal information held by agencies to other agencies, other levels of Government or the private sector) in accordance with the requirements of the Information Privacy Principles.

Policy Principles

Agencies must comply with eleven IPPs, which govern how personal information is collected, stored, used and disclosed.

The IPPs deal with the following:

- Principle 1: Manner and purpose of collection of personal information;
- Principle 2: Solicitation of personal information from individual concerned;
- Principle 3: Solicitation of personal information generally;
- Principle 4: Storage and security of personal information;
- Principle 5: Information relating to records kept by record-keeper;
- Principle 6: Access to records containing personal information;
- Principle 7: Alteration of records containing personal information;
- Principle 8: Record-keeper to check accuracy, etc., of personal information before use;
- Principle 9: Personal information to be used only for relevant purposes;
- Principle 10: Limits on use of personal information;
- Principle 11: Limits on disclosure of personal information.

Collection of Personal Information (IPPs 1-3)

Information Privacy Principle 1

1. Personal information shall not be collected by a collector for inclusion in a record or in a generally available publication unless:

- (a) the information is collected for a purpose that is a lawful purpose directly related to a function or activity of the collector; and
- (b) the collection of the information is necessary for or directly related to that purpose.

2. Personal information shall not be collected by a collector by unlawful or unfair means.

Information Privacy Principle 2

Where:

- (a) a collector collects personal information for inclusion in a record or in a generally available publication; and
- (b) the information is solicited by the collector from the individual concerned;

the collector shall take such steps (if any) as are, in the circumstances, reasonable to ensure that, before the information is collected or, if that is not practicable, as soon as practicable after the information is collected, the individual concerned is generally aware of:

- the purpose for which the information is being collected;
- if the collection of the information is authorised or required by or under law, the fact that the collection of the information is so authorised or required; and
- any person to whom, or any body or agency to which, it is the collector's usual practice to disclose personal information of the kind so collected, and (if known by the collector) any person to whom, or any body or agency to which, it is the usual practice of that first-mentioned person, body or agency to pass on that information.

Information Privacy Principle 3

Where:

- (a) a collector collects personal information for inclusion in a record or in a generally available publication; and
- (b) the information is solicited by the collector;

the collector shall take such steps (if any) as are, in the circumstances, reasonable to ensure that, having regard to the purpose for which the information is collected:

- the information collected is relevant to that purpose and is up to date and complete; and
- the collection of the information does not intrude to an unreasonable extent upon the personal affairs of the individual concerned.

Storage and Security (IPPs 4-5)

Information Privacy Principle 4

A record-keeper who has possession or control of a record that contains personal information shall ensure:

(a) that the record is protected, by such security safeguards as it is reasonable in the circumstances to take, against loss, against unauthorised access, use, modification or disclosure, and against other misuse; and

(b) that if it is necessary for the record to be given to a person in connection with the provision of a service to the record-keeper, everything reasonably within the power of the record-keeper is done to prevent unauthorised use or disclosure of information contained in the record.

Information Privacy Principle 5

1. A record-keeper who has possession or control of records that contain personal information shall, subject to clause 2 of this Principle, take such steps as are, in the circumstances, reasonable to enable any person to ascertain:

(a) whether the record-keeper has possession or control of any records that contain personal information; and

(b) if the record-keeper has possession or control of a record that contains such information: the nature of that information; the main purposes for which that information is used; and the steps that the person should take if the person wishes to obtain access to the record.

1 A record-keeper is not required under clause 1 of this Principle to give a person information if the record-keeper is required or authorised to refuse to give that information to the person under the applicable provisions of any law of the State that provides for access by persons to documents.

3. A record-keeper shall maintain a record in the form of a privacy plan setting out: the nature of the records of personal information kept by or on behalf of the record-keeper; the purpose for which each type of record is kept; the classes or types of individuals about whom records are kept; the period for which each type of record is kept; the persons who are entitled to have access to personal information contained in the records and the conditions under which they are entitled to have that access; and the steps that should be taken by persons wishing to obtain access to that information.

2 A record-keeper shall make the record maintained under clause 3 of this Principle available for inspection by members of the public.

Access and Alteration (IPPs 6-7)

Information Privacy Principle 6²

Where a record-keeper has possession or control of a record that contains personal information, the individual concerned shall be entitled to have access to that record, except to the extent that the record-keeper is required or authorized to refuse to provide the individual with access to that record under the applicable provisions of any law of the State that provides for access by persons to documents.

Information Privacy Principle 7³

1. A record-keeper who has possession or control of a record that contains personal information shall take such steps (if any), by way of making appropriate corrections, deletions and additions as are, in the circumstances, reasonable to ensure that the record:

is accurate; and

is, having regard to the purpose for which the information was collected or is to be used and to any purpose that is directly related to that purpose, relevant, up to date, complete and not misleading.

1 The obligation imposed on a record-keeper by clause 1 is subject to any applicable limitation in a law of the State that provides a right to require the correction or amendment of documents.

2 Where:

- (a) the record-keeper of a record containing personal information is not willing to amend that record, by making a correction, deletion or addition, in accordance with a request by the individual concerned; and

² This principle deals with right of access. One of the reasons for enactment of the *Freedom of Information Act 1992* was because “Parliament recognises that in a free and democratic society ... members of the community should have access to information held by government in relation to their personal affairs and should be given ways to ensure that information of that kind is accurate, complete, up-to-date and not misleading” [Section 5(1)]. Part 3 of that Act allows for access to documents. Right of access under IPP 6 is limited to existing rights under the *Freedom of Information Act 1992*.

³ This principle deals with the right of amendment or correction. Part 4 of the *Freedom of Information Act 1992* deals with amendment or correction. Right of amendment or correction under IPP 7 is limited to existing rights under the *Freedom of Information Act 1992*.

- (b) no decision or recommendation to the effect that the record should be amended wholly or partly in accordance with that request has been made under the applicable provision of a law of the State;

the record-keeper shall, if so requested by the individual concerned, take such steps (if any) as are reasonable in the circumstances to attach to the record any statement provided by that individual of the correction, deletion or addition sought.

Accuracy (IPP 8)

Information Privacy Principle 8

A record-keeper who has possession or control of a record that contains personal information shall not use that information without taking such steps (if any) as are, in the circumstances, reasonable to ensure that, having regard to the purpose for which the information is proposed to be used, the information is accurate, up to date and complete.

Use and Disclosure (IPPs 9-11)

Information Privacy Principle 9

A record-keeper who has possession or control of a record that contains personal information shall not

use the information except for a purpose to which the information is relevant.

Information Privacy Principle 10

1. A record-keeper who has possession or control of a record that contains personal information that was obtained for a particular purpose shall not use the information for any other purpose unless:
 - (a) the individual concerned has consented to use of the information for that other purpose;
 - (b) the record-keeper believes on reasonable grounds that use of the information for that other purpose is necessary to prevent or lessen a serious and imminent threat to the life or health of the individual concerned or another person;
 - (c) use of the information for that other purpose is required or authorised by or under law;
 - (d) use of the information for that other purpose is reasonably necessary for enforcement of the criminal law or of a law imposing a pecuniary penalty, or for the protection of the public revenue; or
 - (e) the purpose for which the information is used is directly related to the purpose for which the information was obtained.
2. Where personal information is used for enforcement of the criminal law or of a law imposing a pecuniary penalty, or for the protection of the public revenue, the record-keeper shall include in the record containing that information a note of that use.

Information Privacy Principle 11

1. A record-keeper who has possession or control of a record that contains personal information shall not disclose the information to a person, body or agency (other than the individual concerned) unless:
 - (a) the individual concerned is reasonably likely to have been aware, or made aware under Principle 2, that information of that kind is usually passed to that person, body or agency;
 - (b) the individual concerned has consented to the disclosure;
 - (c) the record-keeper believes on reasonable grounds that the disclosure is necessary to prevent or lessen a serious and imminent threat to the life or health of the individual concerned or of another person;
 - (d) the disclosure is required or authorised by or under law; or
 - (e) the disclosure is reasonably necessary for the enforcement of the criminal law or of a law imposing a pecuniary penalty, or for the protection of the public revenue.
- 1 Where personal information is disclosed for the purposes of enforcement of the criminal law or of a law imposing a pecuniary penalty, or for the purpose of the protection of the public revenue, the record-keeper shall include in the record containing that information a note of the disclosure.
- 2 A person, body or agency to whom personal information is disclosed under clause 1 of this Principle shall not use or disclose the information for a purpose other than the purpose for which the information was given to the person, body or agency.