



Privacy - Collection of information

Information Act Guideline

IPPs 1, 7.4, 8 and 10 control the collection of personal information by NT government organisations.

What is collection?

Collection includes any way that an organisation obtains information. It includes information that is volunteered. It also includes information that is obtained from another organisation.

Who can the organisation collect information from?

An organisation must collect information about a person from that person if it is reasonable and practicable to do so.

What are the limits on collection?

An organisation must:

- collect only information that is **necessary** for its functions or activities
- collect information by **lawful and fair means**
- not collect information in an **unreasonably intrusive** way.

For some types of information, there are more limits on collection. They are discussed below.

Sensitive information

Sensitive information, including information about health, racial or ethnic origin, and criminal records, can only be collected if:

- the person consents
- collection is required by law
- collection is necessary to establish, exercise or defend a legal claim;
- the individual is incapable of giving consent, and collection is necessary to prevent or lessen a serious and imminent threat to life or health; or
- IPP 10.2 applies (it relates to targeted welfare and educational services) – IPP 10.

All of the following types of information are sensitive information:

- (a) personal information about –
 - (i) racial or ethnic origin;
 - (ii) political opinions;
 - (iii) membership of a political association;
 - (iv) religious beliefs or affiliations;
 - (v) philosophical beliefs;
 - (vi) membership of a professional or trade association;
 - (vii) membership of a trade union;
 - (viii) sexual preferences or practices; or
 - (ix) a criminal record; or
- (b) health information.

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Unique identifiers

An organisation must not require a person to provide a code or number that identifies them (for example, a driver's licence number) unless:

- it is required or authorised by law; or
- it is in connection with the purpose for which the unique identifier was assigned or for a directly related purpose – IPP 7.4.

Anonymity

An organisation must give a person entering into a transaction the option of not identifying himself or herself, unless:

- it is required by law; or
- it is not practicable that the person not be identified – IPP 8.



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This guideline is produced by the Information Commissioner to promote awareness and understanding about the *Information Act*. It is not a substitute for the Act. You should read the relevant provisions of the Act to see how it applies in any particular case. Any views expressed in this guideline about how the Act works are preliminary only. In every case, the Commissioner is open to argument by a member of the public or a public sector organisation that a different view should be taken.