

Biosecurity - Collection, use and disclosure of information

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1. Purpose

This policy aims to ensure that authorised officers, biosecurity certifiers, biosecurity auditors and other staff holding delegated functions under the *Biosecurity Act 2015* (the Act) comply with the requirements of section 387 of the Act in relation to the collection, use and disclosure of information.

2. Scope

This policy applies to staff of the NSW Department of Primary Industries (DPI), an office within the NSW Department of Industry, Local Land Services (LLS), Local Control Authorities (LCA) and other agencies whose staff are authorised and responsible for enforcing, administering or executing functions under the Act.

3. Work Health and Safety

The *Work Health and Safety Act 2011* places an obligation on the agency (NSW DPI) as a person conducting a business or undertaking and workers to provide a safe and healthy workplace. Safe Work Method Statements that support activities included in this procedure must be used in identifying, assessing and controlling risks.

NSW DPI will work to create a safe and supportive work environment when undertaking any activities for this procedure.

4. Objectives

4.1 The collection, use and disclosure of information is conducted in a consistent, transparent, effective and appropriate manner.

- a. The collection, use and disclosure of information is in accordance with the requirements of section 387 of the Act.
- b. The collection, use and disclosure of information is carried out by persons with the appropriate authority and is consistent with any relevant policy and procedure in place for the biosecurity risk.
- c. Authorised officer powers for the collection of information are exercised in accordance with the requirements of section 93, *Power of authorised officers to require information and records* and section 97, *Requiring information in the case of an emergency*, of the Act.

Activities

NSW DPI will:

- Require staff who are responsible for the collection, use and disclosure of information to inform the person to whom the information relates of the intended use of that information and where possible obtain their consent before disclosing the information (4.1a).
- Ensure that the disclosure of information to any other person without the consent of the person, to whom the information relates, only occurs when it has been determined through a risk assessment process, that it is reasonably necessary for the purpose of preventing, eliminating or minimising a biosecurity risk (4.1a)
- Require that any request by NSW DPI for a disclosure of information from another public sector agency is in writing and from the Secretary or a person who has the appropriate delegation (4.1b)
- Provide training and guidance for authorised officers and any other person engaged in the administration of the Act in the collection, use and disclosure of information (4.1c).

4.2 The collection, use and disclosure of information will enable the effective operation and administration of the Act.

- a. The collection, use and disclosure of information will assist in the prevention, elimination, minimisation or management of biosecurity risks.
- b. The collection, use and disclosure of information is consistent with the principle of 'shared responsibility' between government agencies, industries and the community of NSW for biosecurity risk management.

Activities

NSW DPI will:

- develop policy and procedures for biosecurity risk management which will include requirements for the collection, use and disclosure of information (4.2a)
- develop an assessment process for determining when the disclosure of information to any person other than a public sector agency is reasonably necessary for the purpose of preventing, eliminating or minimising a biosecurity risk (4.2a)
- engage with other government agencies to identify and document the roles and responsibilities of staff involved in the collection, use and disclosure of information (4.2b)
- develop systems for the collection, storage, use and disclosure of information which are secure and ensure the confidentiality of that information is maintained at all times (4.2b).

4.3. The effective sharing of information between other public sector agencies and NSW DPI.

- a. The sharing of information between NSW DPI and other public sector agencies will be for the purpose of preventing, eliminating or minimising a biosecurity risk.
- b. The sharing of information between NSW DPI and other public sector agencies will be in an open and transparent manner and within the parameters of the law.

Activities

NSW DPI will:

- engage with relevant public sector agencies, to facilitate procedures for the collection, use and disclosure of information (4.3a)
- identify training requirements for agencies (DPI, LLS and LCAs) in the collection, use and disclosure of information (4.3b)
- provide information and guidance to stakeholders regarding the collection, use and disclosure of information (4.3b)
- allocate the resources required for the administration of the collection, use and disclosure of information under the Act (4.3b).

5. Related procedures

Procedure - Biosecurity collection, use and disclosure of information

6. Definitions and acronyms

NSW DPI NSW Department of Primary Industries

LLS Local Land Services

LCA Local Control Authority

7. Legislation

Biosecurity Act 2015

Biosecurity Regulation 2017

Privacy and Personal Information Protection Act 1998

8. Other related documents

Policy - Records Management (IND-I-177)

Policy - Information Security (IND-I-197)

Policy - Classified Information (IND-I-196)

Policy -Government Information (Public Access) (IND-I-178)

9. Revision History

Version	Date issued	Notes	By
1.0	01/07/2017	New policy developed in response to the <i>Biosecurity Act 2015</i> .	Group Director, Policy, Legislation, Performance and Consultation.

10. Contact

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