

FSANZ Privacy Policy

Purpose

This Policy describes how Food Standards Australia New Zealand (FSANZ) complies with the *Privacy Act 1988* and the Australian Privacy Principles (APP's) in that Act.

This Policy has been compiled in accordance with APP 1.3 and 1.4

The Privacy Act is available on the [Federal Register of Legislation website](#). Detailed information on privacy and the APPs is available on the [Office of the Australian Information Commissioner's website](#).

Introduction

FSANZ is a Government agency that develops and administers the [Australia New Zealand Food Standards Code](#) (the Code). The roles and functions of FSANZ are set out in the *Food Standards Australia New Zealand Act 1991* (the FSANZ Act). A copy of the FSANZ Act is available on the [Federal Register of Legislation website](#).

The Code regulates the use of ingredients, processing aids, colourings, additives, vitamins and minerals. It also covers the composition of some foods e.g. dairy, meat and beverages as well as standards developed for new technologies such as genetically modified foods. The Code also regulates [labelling](#) for both packaged and unpackaged food, including specific mandatory warnings or advisory labels.

In Australia, FSANZ also develops standards for primary production and processing and for food hygiene. We also set [residue limits](#) in Australia for agricultural and veterinary products.

FSANZ develops food standards in consultation with other government agencies.

FSANZ also has other functions in Australia including coordinating [food surveillance](#) and food recall systems, conducting research and supporting the [Department of Agriculture](#) in its duty to inspect imported foods.

FSANZ collects or receives personal information for all these purposes.

FSANZ's privacy obligations

As an Australian Government agency, we are bound by the Privacy Act and APPs. These regulate how we may collect, use, disclose and store personal information, and how individuals may access and correct personal information held by us.

In this privacy policy, 'personal information' has the same meaning as defined by section 6 of the Privacy Act:

'personal information means information or an opinion about an identified individual, or an individual who is reasonably identifiable:

- *whether the information or opinion is true or not; and*
- *whether the information or opinion is recorded in a material form or not.'*

A - FSANZ's Personal Information Handling Practices

Collection

FSANZ's usual practice is to collect personal information directly from the individual or their authorised representative.

FSANZ may occasionally collect personal information from a third party or a publicly available source, but only when the individual has consented to such collection, when we are required or authorised by law to collect information from someone other than the individual, or when it is unreasonable or impracticable to collect the information from the individual.

FSANZ may receive personal information about third parties from individuals who contact us and supply us with the personal information of others in the documents they provide to us.

If FSANZ collects personal information about an individual from another source, FSANZ will take reasonable steps in the circumstances to notify the individual of the collection of the information and circumstances of the collection, in accordance with APP 5.2.

FSANZ only collects personal information for purposes which are reasonably necessary for or directly related to our functions or activities under the FSANZ Act. FSANZ's functions are listed in section 13 of the FSANZ Act. FSANZ's functions also include the activities which FSANZ undertakes in support of the functions listed in that section, such as human resource management, corporate administration, procurement, property management and public relations activities.

When FSANZ solicits personal information, where reasonable, we ensure that the person providing the personal information is informed of the matters referred to in APP 5.

The personal information that FSANZ collects and holds will also depend on the nature of the activity being undertaken and the relationship that FSANZ has with the person concerned. The information collected may include (but is not limited to) a person's name, contact details, date of birth, occupation, family background and bank account details.

FSANZ also holds sensitive personal information, for example about its employees. This may include information about health, disability, racial or ethnic origin, criminal convictions, employment histories and tax file numbers.

The Privacy Act places restrictions on collecting sensitive personal information. FSANZ may, for example, collect sensitive information:

- when assessing eligibility for employment (potential or existing employees)
- for the purpose of maintaining the employee/employer relationship
- for the purpose of meeting legal employment obligations.

If FSANZ receives unsolicited personal information (i.e. information we did not ask for), FSANZ will determine if it is relevant to FSANZ's functions or activities. If the information is not relevant, we may destroy or de-identify the personal information if it is lawful and reasonable to do so.

Use and disclosure

FSANZ only uses personal information for the purposes for which it was given to us, or for purposes which are reasonably necessary for or related to one of our functions or activities. FSANZ does not disclose personal information to other government agencies, organisations or anyone else unless one of the following applies:

- the individual has consented
- we are required or authorized by Australian law (eg the *Public Service Act 1999*) or by an order of a court/tribunal
- we reasonably believe that the use or disclosure of the information is necessary for one or more enforcement-related activities conducted by, or on behalf of, an enforcement body
- it will prevent or lessen a serious and imminent threat to somebody's life or health, or where it is necessary to help locate a person who has been reported missing
- it is necessary for the establishment, exercise, or defence of a legal or equitable claim or in relation to an alternative dispute resolution process.

Overseas disclosures

It is not normal practice for FSANZ to disclose personal information to overseas recipients.

FSANZ does not give personal information to overseas recipients other than in accordance with an exception listed in APP 8. These exceptions include where:

- the individual has consented to the disclosure
- the disclosure is required or authorized by an Australian law or by an order of a court/tribunal
- the disclosure is required or authorized by an international agreement in relation to information sharing.

FSANZ may also disclose personal information when required by an applicable law of a foreign country. For example, FSANZ will disclose New Zealand based employees' personal information to the New Zealand Inland Revenue Service if and when required by New Zealand's income tax laws.

The information above does not apply when FSANZ sends information to FSANZ's office and staff in New Zealand. This is not a disclosure by FSANZ to another entity.

Data quality

FSANZ ensures that the personal information we collect is accurate, up-to-date and complete. These steps include maintaining and updating personal information when we are advised by individuals that their personal information has changed, and at other times as necessary.

Data security

FSANZ takes steps to protect the personal information we hold against misuse, loss, interference, and unauthorised access, disclosure or modification. These steps include maintaining up-to-date computer and network security systems with appropriate firewalls, access controls and passwords to protect electronic copies of personal information, and securing paper files and physical access restrictions.

Disposal

If FSANZ no longer requires an individual's personal information, FSANZ will securely destroy it in accordance with the Archives Act 1983 and relevant disposal authorities.

Access and correction

Any person who believes that FSANZ holds personal information about them may contact the agency to seek access to that information in accordance with APP 12. There is no cost associated with making such a request.

FSANZ will process the request and generally respond within 30 days of receiving the request. If FSANZ decides not to give access to the information, a written statement of reasons will be provided.

The more information an individual can provide about dealings they have had with the FSANZ the easier and more quickly FSANZ will be able to locate any information held.

FSANZ may not always be able to provide access to all the personal information it holds about a person. APPs 12 provide exceptions to the right of access. For example, it may not be able to provide access to information that would reveal personal information about another person.

Any person may also apply for access to their personal information held by the FSANZ through the *Freedom of Information Act 1982*.

If, after accessing their personal information, a person considers that it is inaccurate, out-of-date, incomplete, irrelevant or misleading for the purposes for which it is held, then they may request FSANZ to correct it in accordance with APP 13. There is no charge associated with making such a request. Notification of the outcome of the request will generally be provided within 30 days.

A person can request access to their personal information by contacting FSANZ's FOI and Privacy Contact Officer in the first instance.

By post: FOI and Privacy Contact Officer
Food Standards Australia New Zealand
PO Box 7186
Canberra BC ACT 2610

Email: FOI@foodstandards.gov.au

Phone via (02) 6271 2222

Making a privacy complaint

You are able to make a privacy complaint if you consider that FSANZ or a FSANZ employee or contractor has breached one of the APP's or any other obligation under the Privacy Act.

You should generally make a complaint directly to FSANZ at first instance. This complaint should be in writing and should include a description of your privacy problem. You may direct your complaint to the FOI and Privacy Contact Officer at the details provided above. The Privacy Act states that FSANZ must respond within a reasonable time (usually 30 days).

If you are dissatisfied with the response from FSANZ, or you do not receive a response within 30 days, you may then complain directly to the Office of the Australian Information Commissioner (the OAIC). Complaints to the OAIC must be made in writing. It is free to lodge a complaint with the OAIC. Your complaint should include:

- the name of the agency involved
- a brief description of your privacy problem

- any action the agency or organisation has taken to fix the problem
- copies of any relevant documents, including copies of your complaint to the agency or organisation, and its response.

Further information on making a complaint to the OAIC is available on the [OAIC website](#).

Can you deal with FSANZ anonymously or pseudonymously?

It is not always practical for FSANZ to interact with individuals who use a pseudonym or who do not identify themselves. FSANZ's responsibilities include the development of food standards and the coordination of food recalls in order to protect public health and safety. In order to undertake such activities, FSANZ must interact with individuals who have identified themselves. Similarly, in order to provide access to its facilities or services, or to deal with employment applications, FSANZ must collect an individual's name, contact details and other personal information.

However, in other circumstances and where practical, individuals can choose to remain anonymous or adopt a pseudonym when dealing with FSANZ. For example, when making an enquiry, providing feedback or participating in a survey. However, the extent to which FSANZ may be able to respond or assist may necessarily be limited.

B - Information collected online by FSANZ

Information collected

When you browse this website, our system may automatically make a record of your visit and log the following information for statistical purposes:

- your server address
- top level domain name (e.g.: .com, .net, .gov, .au, etc)
- the type of browser and operating system you used
- date and time of your visit
- the previous site visited
- which pages are accessed
- the time spent on individual pages and the site overall
- which files were downloaded.

This information is used for: website and system administration, including monitoring to prevent security breaches; enhancing the website to better meet the user's needs; research and development; and statistical purposes.

No attempt will be made to identify individual users except in the unlikely event of an investigation, where a law enforcement agency or other government agency exercises a legal authority to inspect internet service provider logs.

Other personal information may be collected online if an individual voluntarily chooses to participate in an activity through the FSANZ website that involves the provision of personal information, such as:

- sending electronic mail to this website
- participating in a survey on this website
- suggesting a link from this website to an external website.

Cookies

A cookie is a small file sent by FSANZ's web server onto the user's web browser software when the user accesses this website. An explanation of cookies can be found at the [OAIC website](#).

Some parts of this website may use a cookie to maintain contact through a session. The cookie allows FSANZ to recognise you as an individual as you move from one page of this website to another. This cookie will expire on the close of your browser session or on the closing down of your computer.

Most Internet browsers are pre-set to accept cookies. If you prefer not to receive cookies, you can adjust your Internet browser to disable cookies or to warn you when cookies are being used.

Use of personal information collected online

Any personal information you choose to provide will only be used for the purpose for which it was provided. Personal information collected online by FSANZ is not disclosed to anyone other than in accordance with the "Use and disclosure" section of this policy.

The internet is an insecure medium and users should be aware that there are inherent risks in transmitting information across the Internet.

Information submitted unencrypted via electronic mail or web forms may be at risk of being intercepted, read or modified. If you do not wish to email or send an online form to FSANZ, you can send mail by post.

Data quality

Individuals can request that FSANZ correct personal information that we hold about them.

Data security

There are inherent risks in transmitting information across the internet and FSANZ does not have the ability to control the security of information collected and stored on third party platforms. In relation to data stored on our own servers, we take all reasonable steps to ensure data security.

Linking to other sites

The FSANZ website contains links to other sites. FSANZ is not responsible for the privacy practices or the content of such websites. FSANZ has no knowledge if cookies or other tracking devices are used on linked websites

Survey Monkey

We occasionally use Survey Monkey (a third party software supplier) to conduct voluntary online surveys about a range of matters relevant to our work.

Wherever possible, we will not seek your personal information as part of our surveys, but sometimes this is necessary.

You may decline to provide this information by not responding to these surveys. You may also use a pseudonym or other means to keep your identity private when using Survey

Monkey. For example, you can choose to use a printable version of the survey which you then post or email to FSANZ.

FSANZ will only use the information collected from the surveys in accordance with this Privacy Policy.

Further, in providing this service, Survey Monkey may collect personal information. For further information about the type of personal information Survey Monkey collects, please refer to [Survey Monkey's Privacy Policy](#).

Survey Monkey is based in the United States of America and Luxembourg and the information generated by cookies about your use of the website (including your IP address) will be transmitted to and stored by Survey Monkey on servers located outside Australia.

We are required to inform you that by responding to one of our surveys using Survey Monkey, you:

- consent to your personal information being collected, used, disclosed and stored as set out in these terms and conditions and [Survey Monkey's Privacy Policy](#)
- agree to abide by [Survey Monkey's Terms of Use](#)
- understand and acknowledge that this service uses a platform located in the United States of America and Luxembourg, and relevant legislation of those countries will apply and
- understand and acknowledge that Survey Monkey is not subject to Australian Privacy laws and you will not be able to seek redress under Australian legislation, but will need to seek redress under the laws of the USA and Luxembourg.

MailChimp

FSANZ uses MailChimp to distribute information in the course of carrying out its functions under the *Food Standards Australia New Zealand Act 1991* (Cth) ('FSANZ information'). This includes (but is not limited to) distributing information to subscribers of FSANZ's subscription services, such as *Food Standards News*.

MailChimp provides online tools that can be used to create, send and manage emails.

In distributing FSANZ information, MailChimp will collect personal information from you, including email addresses you have provided to FSANZ for the purpose of receiving electronic copies of FSANZ information, and all information relating to those email addresses.

MailChimp also uses cookies, web beacons and Flash player codes to collect information about:

- when you access FSANZ information
- your browser type and version
- your operating system and other similar information.

For more information about the information MailChimp will collect, please refer to [MailChimp's Privacy Policy](#) and [Mailchimp's Terms of Use](#).

MailChimp will use the information collected from you for the purpose of hosting the online platform to enable FSANZ to create, send and manage FSANZ information. MailChimp will also use the collected information to measure the performance of FSANZ's email campaigns.

MailChimp may transfer this information to its contractors or other third parties who process the information on MailChimp's behalf, or where otherwise required to do so by law.

MailChimp is based in the United States of America (USA) and is subject to the laws of the USA. Your information (including your IP address) will be transmitted to and stored by MailChimp on servers located outside Australia.

We are required to inform you that by subscribing to FSANZ information, you:

- consent to your personal information being collected, used, disclosed and stored as set out in these terms and conditions, [MailChimp's Privacy Policy](#) and MailChimp's [Terms of Use](#)
- agree to abide by MailChimp's [Terms of Use](#)
- understand and acknowledge that MailChimp is located in the USA
- consent to your personal information being sent and stored overseas and acknowledge that Australian Privacy Principle 8.1 contained in Schedule 1 to the *Privacy Act 1988* (Cth) will not apply to the use of the information
- understand and acknowledge that MailChimp is not subject to the *Privacy Act 1988* (Cth) and you will not be able to seek redress under that Act for any privacy breaches by Mailchimp but will need to seek redress under the relevant laws of the USA.

You can unsubscribe from FSANZ information at any time by selecting the 'unsubscribe' option in every email sent to you by Mailchimp; or [contact FSANZ](#).

Google Analytics

We also use Google Analytics to collect information about visitors to the FSANZ website. Google Analytics uses a first-party cookie and JavaScript code to collect information. It anonymously tracks how visitors interact with the FSANZ website.

Access and correction

For information about how to access or correct personal information collected on our website see 'Access and correction' in this document.

Note that some of these words, including "sensitive information" and "enforcement body" have defined meanings under the Privacy Act 1988.

C - Examples of personal information collected

Examples of personal information collected and held by FSANZ are detailed below.

Personnel Information

Purpose

FSANZ collects personal information about its staff, secondees and contractors (and applicants for those positions) for personnel, security and related purposes. This collection is authorised by common law and Commonwealth laws.

The purpose of personnel records is to maintain current employee information for business and employment-related purposes, or where authorised or required by law. The personal information in these files relates to the employee and may include:

- application(s) for employment including the employee's resume(s), statement(s) addressing the criteria and referee reports
- reports by the selection committee

- employees' employment contracts, and information on their terms and conditions of employment
- details of financial and other personal interests supplied by employees and their immediate family members for the purpose of managing perceived or potential conflicts of interest
- proof of Australian or New Zealand citizenship
- certified copies of academic qualifications
- records relating to the employee's salary, benefits and leave
- medical certificates or health-related information supplied by an employee or their medical practitioner
- contact details for the employee and designated emergency contacts
- taxation details
- superannuation contributions
- information relating to the employee's training and development.

Collection

FSANZ generally collects personal information directly from staff, secondees, applicants and contractors.

We may also collect personal information about an individual from third parties where it is relevant, but only when the individual has consented to such collection, when we are required or authorised by law to collect information for someone other than the individual, or when it is unreasonable or impracticable to collect the information from the individual.

Use and disclosure

Personal information in personnel files is only used to maintain current employee data and information for business and employment-related purposes.

We only use personal information in applicant files to assess and process applications for employment. We may also use or disclose this information in circumstances described under the "Use and disclosure" in this policy.

Data quality

FSANZ maintains and updates personal information in our personnel and applicant files as necessary, or when we are advised by individuals that their personal information has changed.

Data security

We take steps and use up-to-date techniques and processes which meet current government requirements to protect administrative and personnel personal information we hold against loss, unauthorised access, use, modification or disclosure, and against other misuse. These steps include maintaining up-to-date computer and network security systems with appropriate firewalls, access controls and passwords to protect electronic copies of personal information, and securing paper files and physical access restrictions.

Staff such as managers, human resources staff and staff on selection committees, have access to personnel and applicant files on a need to know basis.

Access and correction

For information about how to access or correct personal information in administrative files see 'Access and correction' this document.

Contact lists***Purpose***

We maintain contacts lists (for example the FSANZ contacts database system) which include contact information about media representatives and individuals who may have an interest in FSANZ's work. We use these lists to distribute information about our activities and publications. We maintain contacts lists of individuals who may be able to assist FSANZ in its work (e.g. academics who have advised that they are willing to undertake peer reviews).

Collection

We usually collect personal information in contacts lists directly from individuals, for example, when they have asked to be added to a contact list.

We may also collect personal information about an individual from third parties where it is relevant, but only when the individual has consented to such collection, when we are required or authorised by law to collect information for someone other than the individual, or when it is unreasonable or impracticable to collect the information from the individual.

Use and disclosure

We only use personal information in contacts lists for procurement purposes, corporate administration and public and stakeholder relations.

We may also use or disclose this information in circumstances described under the "Use and disclosure" heading this policy.

FSANZ uses a number of online channels, including social networking services, to communicate with individuals and organisations with an interest in FSANZ's work. The use of these services is governed by the Privacy Policies and FSANZ terms and conditions that attach to those platforms. Users may be required to supply some personal information such as name and email address to use these channels to communicate with the FSANZ. Using these services to communicate with us may make some personal information visible to the FSANZ and third parties.

Data quality

We maintain and update personal information in our contacts lists when we are advised by individuals that their personal information has changed. We also audit contacts lists to check the currency of the contact information. We will remove contact information of individuals who advise us that they no longer wish to be contacted.

Data security

We take steps and use up-to-date techniques and processes which meet current government requirements to protect the contact list personal information we hold against loss, unauthorised access, use, modification or disclosure, and against other misuse. These steps include those mentioned above.

Routine access to contacts lists is limited to the database operators who have responsibility for maintaining the contacts lists. Other staff members have access to the personal information in contacts lists on a need-to-know basis.

Access and correction

For information about how to access or correct personal information in our contacts lists see 'Access and correction' in this document.

Public register of applications and proposals

Purpose

Under the Information Publication Scheme, all applications to change the Australia New Zealand Food Standards Code, as well as submissions on applications and proposals, will be published on our website.

We will not publish any material provided in-confidence. Applications will be published when we publicly notify FSANZ's decision after an Administrative Assessment has been completed and the application has been accepted. Submissions will be published as soon as possible after the end of the public comment period. Where large numbers of documents are involved, FSANZ will make these available on CD, rather than on the website.

Personal information such as signatures, names and contact details for private individuals or company or organisational employees will be removed before documents are published on the website.

Collection and disclosure

FSANZ collects personal information directly from applicants and persons or organisations making submissions or expressing an interest in a particular application or proposal or other work FSANZ is undertaking.

Applicants and submitters are informed beforehand that their applications and submissions will be published. This information is provided in FSANZ's notification circulars, the FSANZ Application Handbook and on the FSANZ website.

Use and disclosure

We only use personal information in the public register for the purpose of food standards development or related purposes in accordance with the FSANZ Act.

Data quality

We maintain and update personal information in the register as required.

Data security

We take steps and use up-to-date techniques and processes which meet current government requirements to protect the contact list personal information we hold against loss, unauthorised access, use, modification or disclosure, and against other misuse. These steps include those mentioned above.

Access to material excluded from the register is limited to a need-to-know basis.

Access and correction

For information about how to access or correct personal information in the register, see 'Access and correction' in Part A of this document.

Survey and research databases

FSANZ maintains a number of databases for research purposes.

An example is the HARVEST database and program which FSANZ uses, for example, to calculate dietary exposure to food chemicals. HARVEST contains data drawn from national nutrition surveys undertaken in Australia and New Zealand. These include the:

- 1995 Australian National Nutrition Survey for 2 years and above
- 1997 New Zealand National Nutrition Survey for 15 years and above
- 2002 New Zealand Children's Nutrition Survey for 5-14 year olds
- 2007 Australian Children's Nutrition and Physical Activity Survey for 2-16 year olds
- 2008-09 New Zealand National Nutrition Survey for 15 years and above.

HARVEST and the other FSANZ research databases do not contain personal information. The survey information they contain is provided to FSANZ by collection authorities e.g. the Australian Bureau of Statistics in a de-identified form. It is also subject to user agreements which impose conditions on its use by FSANZ. Nor is FSANZ able to identify any individual using that data either alone or in combination with other measures or sources.

FSANZ also relies on contracted service providers to conduct industry and consumer surveys to assist FSANZ in food standards development. Personal information, if collected by such a provider, is de-identified before being provided to FSANZ. FSANZ contract arrangements with its service providers also require them to comply with the APPs.

In circumstances, where FSANZ conducts industry surveys itself (e.g. for preparation of regulatory impact statements in standards development), any personal informal information that it may collect in the survey will be subject to the APPs and this Privacy Policy. Only aggregated results are published or disclosed with all survey information de-identified.

Further information

For more general information on the Privacy Act and the APPs:

- visit the [OAIC's website](#), or
- contact the OAIC on ph 1300 363 992.

FSANZ will review and revise this privacy policy statement as required. FSANZ reserves the right to amend this policy at any time and any amendments will be notified by posting an updated version on our website.

- END -

Version	Created By	Originating Program	Approved by	Date	Revision Date
Version 1.0	<i>General Counsel</i>	<i>Legal</i>	<i>Executive</i>	<i>12 March 2014</i>	
Version 1.1	<i>Counsel</i>	<i>Legal</i>	<i>A/g General Manager - FSRA</i>	<i>31 July 2017</i>	