

Website Privacy Policy

For information relating to the Commission's policies on privacy, access to information and copyright, see the relevant section below.

Privacy

Privacy Statement

This privacy statement applies to all generally accessible pages on the Personal Injury Commission website.

The Commission does not have responsibility for the privacy policies or practices of third-party sites linked to this site. If you have any questions about the Commission's website or the application of this web-related privacy statement, or have a request for access to information collected through this website, please **contact us**.

Users of this site are entitled to expect that any information collected as a result of that use will be treated within the terms of the NSW Government's privacy responsibilities and obligations. The NSW Government's privacy practices are regulated by the New South Wales **Privacy and Personal Information Protection Act 1998**.

What information do we collect?

For each page you visit on this website, our system will automatically record information that identifies:

- the IP (Internet Protocol) of the machine you are using
- the address of your server
- the date and time of your visit to the site
- the pages accessed and documents downloaded, and
- the type of browser and operating system you are using.

Cookies

Cookies are small pieces of text data that a web server can store on, and later retrieve from, a user's computer. They do not personally identify you, but do identify your browser. They can be either 'persistent' or 'session' cookies. Persistent cookies are stored on your computer, contain an expiration date, and may be used to track your browsing behaviour upon return to the issuing website. Session cookies are short lived, are used only during a browsing session, and expire when you shut down your browser.

This site uses both persistent and session cookies.

They record your preferences in relation to your use of the site and provide us with other information about your enquiry that allows us to recognise your browser if you return to this website in the future. This allows the Commission to present information that may be most relevant to you based on your previous visits. They also help the Commission to understand what parts of the site users find the most useful and improve the effectiveness of the website.

The cookies on this site do not read the information on your hard drive. They do not make your computer perform any actions or make your computer send information to any other computer via the internet.

How do we use the information collected?

The information collected during each visit is aggregated with similar logged information and published in reports the Commission can use to identify patterns of usage on the site. This helps us improve the website and the information and services offered on it.

The Commission will not disclose or publish information that identifies individual computers, or potentially identifies subgroupings of addresses, without consent or otherwise in accordance with the New South Wales *Privacy and Personal Information Protection Act 1998*.

What exceptions are there to this rule?

The Commission will collect, use and disclose more extensive information than stated above in the following circumstances:

- unauthorised attempts to access files which are not published on the Commission's website pages
- unauthorised tampering or interference with files published on the website
- unauthorised attempts by other sites to index the contents of the site
- attempts to intercept messages of other users of the site
- communications which are defamatory or abusive, vilify individuals or groups, or give rise to a suspicion that an offence is being committed
- attempts to otherwise compromise the security of the web server, breach the laws of the State of New South Wales or the Commonwealth of Australia, or interfere with the enjoyment of the site by other users.

The Commission reserves the right to make disclosures to relevant internal and external authorities where the use of this website raises a suspicion that an offence is being, or has been, committed.

In the event of an investigation, the Commission will provide access to data to any law enforcement agency that may execute a warrant, statutory instrument or subpoena to inspect our logs.

Information security

Information collected on the Commission's site is stored in an appropriately secure format and held for archival purposes. The information is deleted when no longer required for the purposes it has been collected.

Information provided as feedback

The Commission provides feedback facilities on this website to allow users to provide input into the future development of the site, make comments on the provision of services, and update information about comments on the site.

Users provide personal details as part of their feedback. This information will only be used for the purpose for which it was provided. We may publish aggregated information about

feedback on the site to the extent that it does not identify or cannot be used to identify individual users.

Who else has access to information collected?

Customer Delivery Transformation in the NSW Department of Customer Service captures this information on its own computers and through the use of third-party analytical software such as Google Analytics and Hotjar. Access to the raw data is restricted to a limited number of staff and Squiz Australia (our host). Access to any personal information or documentation collected as a result of online lodgment or update (including a respondent update) of a dispute application will be restricted to the Personal Injury Commission, the Commission's service providers and the parties involved in the dispute.

Privacy statement updates

Due to the developing nature of privacy principles for online communication, this privacy statement may be modified or expanded in light of new developments or issues that may arise from time to time. The amended statement will be posted to this website and will operate from the time it is posted.

Complaints about how we use your personal information

Complaint?

If you have a complaint about the Commission's use of your personal/ health information, please email privacy@pi.nsw.gov.au. This email address is accessed by the Commission's Privacy Officer.

Raising your concerns - You can make a general complaint, or make application for internal review of the relevant conduct under **section 53** of the *Privacy and Personal Information Protection Act 1998* (PIIP Act) or under **section 21** of the *Health Records and Information Privacy Act 2002* (HRIP Act), depending on which is appropriate. You should bring any application within 6 months (or such later date as the Commission may allow) from the time you first became aware of the relevant conduct.

Use the Commission's Application Form - Whether you are making an application under section 53 of the PIIP Act, under section 21 of the HRIP Act or submitting a general complaint/ expression of concern, please use the Commission's *Privacy Complaint/Concern: Internal Review Application Form* which you can access [here](#). All privacy complaints must be made in writing, however you are not required to use the *Privacy Complaint Application Form*, although the Commission recommends you do so.

If you do not want to complain to the Commission, you can direct your complaint or concern to the NSW Privacy Commissioner:

Email: ipcinfo@ipc.nsw.gov.au

Phone: 1800 472 679

Mailing address: Level 17, 201 Elizabeth Street Sydney 2000

If you are unsatisfied with the outcome of any Application for Internal Review

If you are unsatisfied with the outcome of your application for internal review or the actions taken (or proposed to be taken) by the Commission, you may apply to the Administrative and Equal Opportunity Division of the NSW Civil and Administrative Tribunal (NCAT) for an

external review. You must lodge your application with the NCAT within 28 days of receiving the report telling you about the outcome of your internal review from the Commission.

If the internal review has not been completed within 60 days of you lodging your internal review application, then you can also lodge an application to the NCAT. Your application to the NCAT must be made within 28 days after the date when that 60-day period ends. In other words, within 88 days after you lodged your internal application with the Commission.

You can only conduct an external review if you have first made a valid internal review application to the Commission.

Access to information

This section outlines the kinds of information held by the Personal Injury Commission and the ways of accessing that information.

Types of information held by the Commission

The Commission collects information to register applications and make decisions about personal injury disputes. This includes personal information, health information and other information provided by the parties and their legal representatives in Commission proceedings, including but not limited to:

- claim forms
- medical and investigative reports
- injury management plans, clinical notes and medical certificates
- witness statements
- notices issued under workers compensation or motor accidents legislation
- complying agreements
- receipts
- wage information and payslips.

The Commission also holds information relating to its decisions, proceedings, services and administration.

Protecting personal and health information

The Commission has obligations under the New South Wales *Privacy and Personal Information Protection Act 1998* (PPIPA) and *Health Records and Information Privacy Act 2002* (HRIPA) to protect the privacy rights of customers, service providers, staff and members of the public. The Commission takes these responsibilities seriously.

The PPIPA and HRIPA contain principles about managing personal and health information which we must comply with. These principles are legal obligations that describe what we must do when we collect, store, use or disclose personal and health information to ensure safeguards are in place to protect personal and health information from loss, unauthorised access, use, modification or disclosure, and against all other misuse. The Commission complies with these obligations.

While anyone can seek access, under the *Government Information (Public Access) Act 2009*, to government information that is held by us, there are certain considerations that are taken into account before any information is released. We are unlikely to disclose the personal or health information of another person.

Information that is publicly available

The *Government Information (Public Access) Act 2009* (GIPA Act) requires the Commission to make certain information, known as 'open access information', publicly available. The Commission holds the following types of open access information which is publicly available, free of charge, on the Commission's website:

- this information guide
- policy documents.

The GIPA Act also authorises the proactive release of information unless there is an overriding public interest against disclosure of the information. Accordingly, the Commission has made the following information publicly available, free of charge, on this website:

- procedural directions and guidelines
- decisions
- guides and codes of conduct
- policies
- annual reviews
- papers and presentations
- bulletins and brochures.

How to access the Commission's information

If the information you seek is not available on this website, there are, under the GIPA Act, two mechanisms for release of government information that you may wish to use: an informal request or a formal access application.

An informal request can be made to the Commission for the release of certain information. The Commission is not obliged to consider an informal request but may do so if possible.

Much of the information that is held by the Commission, other than the publicly available information referred to above, relates to the personal information of individuals and is likely to be exempt from disclosure under the GIPA Act. However, a formal access application may be made using the **formal access application form**.

Applicants can also contact the Commission's Right to Information Officer on 1800 742 679 or write to:

Right to Information Officer
Personal Injury Commission
PO Box 594
Darlinghurst NSW 1300

Email: PICEO@pi.nsw.gov.au

For further information on the GIPA Act, contact the Information and Privacy Commission NSW on 1800 472 679.

Copyright

Copyright in the material which appears on the Personal Injury Commission website (including text, photographs and artwork) vests, subject to the *Copyright Act 1968*, in the author of the material, whether that be the site content provider or some other person or organisation.

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The Commission uses Google Translate to allow the public and stakeholders to have instant access to up-to-date information in multiple languages.

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