

Your privacy and RMS projects

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Transport
Roads & Maritime
Services

Roads and Maritime Services (RMS) sometimes needs to collect and hold information on you or your property to assist in the development of road projects. This fact sheet answers some commonly asked questions about why RMS would need to have this information and how this information is used, and also protected.

What is privacy?

Privacy means different things to different people, such as the right to:

- Control who knows your name, address, phone number and other personal or confidential information.
- Be left alone.
- Go about your daily life without having your person or actions deliberately observed, documented or recorded on camera or in other ways without your knowledge and consent.

Building and maintaining NSW roads

What we may want from you and why

RMS is an agency that builds and maintains roads. There are several phases of building and maintaining road projects in NSW where RMS, or a contractor on behalf of RMS, may require information that could be considered private.

For example, RMS collects information during the development of a road project to ensure that landowners are kept informed about the potential project and have the opportunity to comment or put forward issues to be included in the investigations.

Similarly RMS may collect information during the construction phase of a road project to ensure that landowners are kept informed of progress and adequately notified of impacts that may affect people, eg night works, road closures, changes to traffic arrangements and construction hours.

Phases in the process of building and maintaining roads

Investigations into a study area



Options are considered and then a preferred option is reached



Approval is sought



Tenders are called



Construction commences

Example 1

Joan has concerns about planned maintenance work, as her elderly mother is coming to live with them and has a hearing condition that makes her sensitive to loud noise. Joan wants to discuss this with RMS but wants her family circumstances to remain private.

Example 2

John the farmer may approach RMS with information on plans for farm land – perhaps changing work practices, going organic, starting new stock or produce. This information could be commercial and private to the farmer. RMS needs to know this information to help avoid/reduce impacts of a nearby highway development.

For those properties directly affected by a project RMS may seek property owner information. For various projects RMS can hold name, address and land ownership information and other personal information in databases.

The collected information is protected under the requirements of the *NSW Privacy and Personal Information Protection Act 1998*.

Where does the information come from?

RMS is guided by several values including consulting with the community to achieve the best possible outcomes.

Information can be compiled from a range of sources, including:

- Emails and correspondence from members of the community regarding RMS projects that they want to keep receiving information about.
- RMS may need to access landowner information from local council databases, to make sure staff can contact you with information about projects near or on your property. RMS must be satisfied that it is in the landowners' interest to receive this information before accessing their address details.
- Submissions to RMS about the impacts of a project (for example, as part of the environmental assessment process).

The collection of landowner information by RMS from another public sector agency is conducted in accordance with Privacy NSW's Section 41 Direction called '*Direction On Information Transfers Between Public Sector Agencies*'. For further information on this direction visit www.lawlink.nsw.gov.au/privacynsw.

How is the information stored?

Information is held at RMS offices throughout the state. Sometimes it is held by RMS' contractors on behalf of RMS.

Information inviting community comment is accompanied by a statement that clarifies this activity. It states that *All information in correspondence is collected for the sole purpose of assisting in the assessment of this proposal. The information received, including names and addresses of respondents, may be published in subsequent documents unless a clear indication is given in the correspondence that all or part of that information is not to be published.*

In most cases this information can remain confidential if you request it unless there is a legislative or legal justification, such as under subpoena or statutory instrument which requires a legal disclosure. You have the right of access to, and collection of, the information.

All information collected must be stored securely. If you wish to make a complaint about the handling of your personal information see the brochure 'Protecting your privacy' on the RMS website.

How long is the information kept?

Information considered private may be held for a number of years and be updated. As the project develops and new information is published RMS uses this information to keep you informed so that your new information can be considered as part of the project.

Issues you have raised in written or verbal submissions may also be kept for a period of time to ensure they have been adequately recorded and taken into consideration as part of the project.

More information about privacy in NSW may be obtained from Privacy NSW at: www.lawlink.nsw.gov.au/privacynsw.

For further information, including RMS' *Privacy Management Plan 2007*, visit the RMS' website at www.rms.nsw.gov.au (click on privacy).