Racing NSW Privacy Policy

1. Background

Racing NSW is a body corporate established under the *Thoroughbred Racing Act (NSW) 1996* (**'the TRA'**)

2. Functions of Racing NSW

Pursuant to Section 13 of the TRA, the functions of Racing NSW include:

- Control, supervision and regulation of horse racing in NSW;
- Initiation, development and implementation of policies considered conducive to the promotion, strategic development and welfare of the horse racing industry in NSW;
- Protection of the public interest as it relates to the horse racing industry.

3. Powers of Racing NSW

Pursuant to Section 14(2) of the TRA, Racing NSW has the power to:

- Register or licence, or refuse to register or licence, or cancel or suspend the registration or licence of, a race club, an owner, trainer, jockey, stablehand, bookmaker, bookmakers' clerk or another person associated with racing, or disqualify or suspend any of those persons permanently or for a specified period;
- Supervise the activities of persons licensed by Racing NSW and all other persons engaged in or associated with racing;
- Inquire into and deal with any matter related to racing.

4. Privacy

Racing NSW understands how important the privacy of your Personal Information is to you. Racing NSW is committed to the protection of your Personal Information. Racing NSW will request you provide information only if it is necessary for one or more of its functions. The types of Personal Information that Racing NSW requests that you provide will depend on the category of licence or registration that you are applying for. Racing NSW respects that individuals have the right to know what information it holds about them.

We are bound by the *Privacy Act 1988* (Cth) ('the Privacy Act') which protects personal information and that we comply with the Australian Privacy Principles (APPs) set out in Schedule 1 of the Privacy Act. The APPs govern the way in which we collect, use, disclose, store, secure and dispose of your Personal Information.

5. Purpose of collection

Information is collected by Racing NSW to assist it in making licensing and registration determinations, to assist with Stewards' inquiries and integrity investigations and also for welfare purposes. Among other things, this might include but is not limited to the assessment of an applicant's fitness and propriety to hold or be issued with the particular category of registration or licence and also the location and tracking of the whereabouts of horses.

6. How is information collected?

Information is usually collected by means of a standard form for the particular category of licence, registration or subscription. Occasionally, information will be collected from overseas or interstate governing racing bodies (see Transborder Data Flows below). However, the information is usually collected:

- Direct from the applicant, and/or;
- From the NSW Police Service with the written consent of the applicant.

7. How long information is kept?

We will keep personal information for as long as we reasonably require personal information for any valid and lawful purpose. These purposes include to provide you with our services and any information that you have requested, exercise our rights and perform our obligations under a contract, investigate and defend actual or potential claims, comply with our legal obligations and other purposes permitted by law.

When it is no longer reasonably necessary for us to keep your personal information, your information will be destroyed or put beyond use. However, we may de-identify data and retain such data for statistical purposes only.

8. Data security

Racing NSW will take all reasonable steps to secure personal information from misuse, loss, unauthorised access, modification and disclosure. We do this by having physical and electronic security systems and by limiting who can access your personal information. We also have online and network security systems in place. However, because of the nature of the internet and wireless technologies, we cannot guarantee the security of your personal information. The information will usually be stored in either hard copy or computer database. We use third party providers to store some personal information. Information can only be accessed by staff on a need-to-know basis. In the case of breaches or suspected breaches, Racing NSW acts in accordance with its Data Breach Policy.

Please contact us if you become aware of any breach of security.

9. Access to Personal Information

At any time, you can request access to the information that Racing NSW holds about you. If you wish to have access to the information held about you, you should contact the Racing NSW Privacy Officer, whose details are listed below. Each application will be determined and dealt with in accordance with the relevant legislation.

10. Consequences of not providing information requested

You may choose not to supply Racing NSW with the information that it has requested. However, if you do not supply the information requested, Racing NSW may be unable to process your application

for registration, licence, subscription or claim. There may also be other collateral adverse consequences should your refusal hinder a welfare investigation.

11. Personal information

Under the Privacy Act, 'personal information' means "information or an opinion about an identified individual, or an individual who is reasonably identifiable, whether the information is true or not and whether the information is recorded in a material form or not".

Racing NSW may ask a person to provide it with certain personal information. This information is collected as it is reasonably necessary for Racing NSW to perform one or more of its functions.

Amongst other things, such information may include:

- Personal details, including, but not limited to, full name, date of birth, address, telephone numbers, employment history, licence history and occupation;
- Financial & taxation details (for individuals and companies), including, but not limited to bank details, credit card details, bank statements, audited financial statements, audit letters, ATO documentation (including BAS statements, tax returns and Notice of Assessments) and business plans;
- Ownership and registration details, including, but not limited to, any agreements between co-owners, training agreements & current statements and/or invoices of training fees.
- Purchase and sale history; and,
- Information regarding the location and distribution of horses;

Individuals should contact Racing NSW at their earliest convenience if any of the above details have changed and, accordingly, should provide the updated information.

12. Sensitive information

Under the Privacy Act, 'sensitive information' is defined as "information or opinion about such things as an individual's racial or ethnic origin, political opinions, membership of a political association, religious or philosophical beliefs, membership of a trade union or other professional body, criminal record or health information".

In some circumstances, Racing NSW will request a person to provide it with sensitive information. Sensitive information will only be collected from you with your consent. The sensitive information may include requests for information regarding:

- Criminal history;
- Convictions under the Rules of Racing;
- Medical history;
- Defaulter and bankruptcy history;
- Nationality.

Sensitive information may be sought in the following categories of licence or registration applications:

- Register or lease a racehorse or syndicate;

- Jockeys;
- Trainers;
- Stablehand;
- Rider's agent;
- Bookmaker and bookmaker's clerks.

13. Disclosure

Racing NSW will not use or disclose your personal or sensitive information except for any purpose which you would reasonably expect us to use the information or as required by law or the order of a court or tribunal. Listed below by are some of the means by which your information may be used and disclosed.

13.1 Racebooks and Form Guides

It is a condition of racing that every entry form or stable return shall state the name or names of every person having any share or interest in the ownership or lease of the horse. As this information forms part of the entry for the horse, the names of owners and lessees are made available to appear in any list of race fields, racebooks, form guides and other similar publications. Owners and lessees may not opt out of having their names made publicly available.

13.2 Racing NSW Magazine

The Racing NSW Magazine is the official racing calendar and publication of Racing NSW. It contains various types of notices including:

- Trainer, jockey and farrier contact details;
- Penalties;
- Nominations refused;
- Licenses revoked;
- Misconduct information, including, but not limited to suspensions, fines & disqualifications;
- Bleeders;
- Racing colours;
- Special notices

It is a condition of registration or licence that no person may opt out of having their names appear in the magazine in relation to any of the above notices. In the case of trainers, riders and riders' agents at least one contact address and telephone number must be provided.

13.3 Workers Compensation and Insurance

As a necessary part of the claims process, Racing NSW is required to gather certain information from a claimant, their employer and other entities with their consent as part of the investigation and progression of each claim. This information is only obtained subject to the requirements of subject legislation and is only dealt with for the purposes contained therein.

Any information gathered as part of the claims and/or litigation process is retained for at least 7 years. Racing NSW may also be required to disclose information to our professional advisers and insurers to obtain the appropriate advice, obtain insurance coverage and make claims on behalf of Racing NSW or an associated entity.

13.4 Injury Reports for Injured Riders

Information supplied to Racing NSW regarding injured riders and the status of their injuries may be circulated internally for the purpose of updating key Racing NSW staff members who require the information for operational reasons and for insurance and treatment purposes. Some limited information may also be provided externally for treatment and rehabilitation purposes in the interests of the riders and to the media as required to ensure that racing industry participants have all relevant information to promote fairness and integrity.

13.5 Transborder data flows

The information that you supply to Racing NSW may be passed on to other interstate or overseas governing bodies in certain circumstances. For example, any horse or licensee wishing to race in another jurisdiction must first provide a clearance from Racing NSW to that governing body. Likewise, on returning from another state or country, Racing NSW will require a clearance be provided to it. Clearances may also contain information including disciplinary records and personal or sensitive information. All owners and registered or licensed persons are deemed to have authorised Racing NSW to share, pass on and collect information from other governing bodies without having to obtain actual consent from that person.

The information that you supply to Racing NSW may also be passed onto third-party providers of business support services such as IT providers, who are based overseas. In each case, we will comply with the requirements of the Privacy Act that apply to cross-border disclosures of personal information.

13.6 Contractors

On occasion, Racing NSW will use a third party including but not limited to IT providers, mailing houses and archive facilities to provide a service to it and may provide your information to that third party contactor. Where possible, Racing NSW will use appropriate security measures to ensure that contractors deal with the information in accordance with any agreements.

13.7 Direct Marketing by industry bodies and associations

Racing NSW may on occasion provide names and contact details of owners and lessees to various organisations that have a connection with racing. However, Racing NSW will only pass such information to organisations where it is of the opinion that such communication may be of interest or benefit to owners and lessees.

Racing NSW might release information to organisations including race clubs and owners or breeders associations. Racing NSW will seek guarantees that the other organisations adhere to the National Privacy Principles and that the information will not be used other than for the purpose it has been requested. Owners may opt out of receiving such information by advising the Racing NSW Privacy Officer whose details are listed below.

13.8 Government Enforcement Agencies and Law Enforcement

Racing NSW might share and/or disclose your information with government and law enforcement agencies for a secondary purpose in accordance with APP6 in Schedule 1 of the *Privacy Act 1988* (Cth). For example, Racing NSW might, where it deems appropriate, share your information with bodies that include but are not limited to the state police in each of Australia's states and territories, the Australian Federal Police and the Australian Tax Office. Racing NSW may share or disclose

information in this way if it reasonably believes that such a secondary use or disclosure is reasonably necessary for one or more enforcement related activities conducted by, or on behalf of, a government enforcement agency or law enforcement body. Racing NSW will not adopt a government related identifier of an individual as its own identifier of the individual.

14. Online Activity

The Racing NSW website uses cookies. A cookie is a small file of letters and numbers the website puts on your device if you allow it. These cookies recognise when your device has visited our website before, so we can distinguish you from other users of the website. This improves your experience and the Racing NSW website.

We do not use cookies to identify you, just to improve your experience on our website. If you do not wish to use cookies, you can amend your settings on your internet browser so it will not automatically download cookies. However, if you remove or block cookies on your computer, please be aware that your browsing experience and our website's functionality may be affected.

15. Specific Rights for EU Residents Only

If you are located in the European Union, then you may have additional rights. Some of these rights will only apply in very limited circumstances.

- You can withdraw your consent, where we rely on it for processing your personal information, at any time.
- You can ask us to confirm if we are using your personal information.
- You can ask us to delete your personal information. This right only applies in limited circumstances and will not usually apply where it remains necessary for us to process your information for the purposes for which it was collected, we are required by law to retain your information, or your information is relevant to a legal dispute.
- You can ask us to stop or restrict how we process your personal information. These rights will apply in limited circumstances and will not usually apply when we need to process your information to carry out our day-to-day business functions or where we have compelling legitimate grounds for processing your information.
- You can ask us to help you move your personal information to other companies, where this is technically possible and only if we have collected and used your data via automatic means. Other conditions apply.
- You have the right to be informed and know about any protections that we have put in place when we are transferring your data overseas.

16. Stakes Payment System (SPS)

If you have an interest in the ownership of a racehorse or are a trainer, you will be asked to provide information including:

- Name;
- Address;
- Phone number;
- ABN;

- GST status;
- Hobbyist declaration;
- Bank details.

If you supply this information to us, we will pay your prizemoney by EFT twice monthly. If you choose not to supply this information, your prizemoney will be paid monthly by cheque, however, certain information such as your name address and phone number is still likely to be required for payment by cheque. The Stakes Payment Department and Registrar of Racehorses are the only departments with access to this information.

17. Organisations covered by this Privacy Policy

The organisations covered by this privacy policy are listed below:

- Racing NSW
- Registrar of Racehorses
- Racing NSW Magazine
- Australian Racing Forensic Laboratory
- Racing NSW Country

18. Changes to our Privacy Policy

We may update our Privacy Policy from time to time. By continuing to deal with Racing NSW, you accept this Privacy Policy as it applies from time to time. We will post all updates to our website.

19. Contact Details

Please contact us via our contact information below if you:

- Wish to access, correct or modify your personal information;
- Consider that there may have been a breach of your privacy; or
- Would like to opt-out of receiving marketing or promotional communications from us; or

Please contact the Racing NSW Privacy Officer whose details are listed below:

Mr. Peter V'landys
Privacy Officer
Racing NSW
Level 7, 51 Druitt St,
SYDNEY NSW 2000

Postal Address:
Racing NSW
Level 7, 51 Druitt St,
SYDNEY NSW 2000

Telephone: (02) 9551 7556
Facsimile: (02) 9551 7501
Website: www.racingnsw.com.au
Email: pvlandys@racingnsw.com.au

20. Complaints

If you have a complaint, Racing NSW would like to try and resolve it with you first. If you have a complaint, please contact our Privacy Officer whose details are listed above.

Then, if you are still not satisfied with our response you should lodge a complaint with the Australian Information Commissioner whose contact details are listed below:

Office of the Australian Information Commissioner
Level 3, 175 Pitt Street
SYDNEY NSW 2000

Postal Address:
GPO Box 5228
SYDNEY NSW 2001

Telephone: 1300 363 992
Facsimile: (02) 6123 5145
Email: enquiries@oaic.gov.au
Web: www.oaic.gov.au