



Australian Government

IP Australia

9 December 2024

# Privacy Policy



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## About this Privacy Policy

The *Privacy Act 1988* (**Privacy Act**) requires entities bound by the Australian Privacy Principles (**APPs**) to have a privacy policy. IP Australia's Privacy Policy (**Policy**) outlines the personal information handling practices of IP Australia.

The specific legal obligations of IP Australia when collecting and handling your personal information are outlined in the Privacy Act and in particular in the APPs found in that Act. Detailed information about the Privacy Act and the APPs can be found on the website of the [Office of the Australian Information Commissioner \(OAIC\)](#).

## Overview

IP Australia is the Australian Government agency responsible for administering Australia's Intellectual Property (**IP**) rights system, specifically trade marks, patents, designs and plant breeder's rights. We are a prescribed agency within the Department of Industry, Science and Resources. For more information about IP Australia visit: <https://www.ipaustralia.gov.au/>.

IP Australia also holds personal information on behalf of the Trans-Tasman IP Attorneys Board (**the Board**), responsible for administering the regulatory and disciplinary regimes for patent attorneys in Australia and New Zealand and trade marks attorneys in Australia, and the Trans Tasman Disciplinary Tribunal (**Tribunal**), responsible for deciding whether trade marks and patent attorneys have committed offences. Please see the [Board's Privacy Policy](#) and the [Tribunal's Privacy Policy](#) for further information on how the Board and Tribunal respectively use and disclose personal information.

We collect, hold, use and/or disclose personal information under the following legislation:

- *Patents Act 1990*
- *Trade Marks Act 1995*
- *Designs Act 2003*
- *Plant Breeder's Rights Act 1994*
- *Regulations made under those Acts.*

## Who should read this policy?

This Policy is written primarily for the benefit of our customers and staff.

You should read this Policy if you are:

- an owner or an applicant for an Intellectual Property Right (**IP Right**);
- an attorney or agent for an applicant or owner;
- an individual whose personal information may be given to or held by IP Australia (including customers making general enquiries using our Contact Centre);
- a contractor, consultant, supplier or vendor of goods or services to IP Australia;
- a person seeking employment with IP Australia; or
- an IP Australia employee.

## Information covered by this policy

The Privacy Act only provides protection for personal information. If we do not collect your personal information, the Privacy Act and this Policy will not apply.

Section 6 of the Privacy Act defines 'personal information' as:

*"information or an opinion about an identified individual, or an individual who is reasonably identifiable:*

*(a) whether the information or opinion is true or not; and*

*(b) whether the information or opinion is recorded in a material form or not."*

Personal information includes information such as:

- your name or address;
- bank account details and credit card information;
- photos; and
- information about your opinions and what you like.

## Collection of Personal Information

### Personal information held by IP Australia

We collect personal information of owners and applicants of IP Rights; attorneys or agents for an applicant or owner of IP Rights; contractors, suppliers or vendors of goods or services to IP Australia; and IP Australia employees or potential employees.

### Why we collect personal information

We collect personal information mainly for the purposes of assessing applications for IP rights and other administration of IP rights in Australia, responding to customer enquiries via our Contact Centre, and managing our staff and contractors. We will only collect the personal information we need to perform our functions and to undertake our activities.

This includes enabling us to:

- process applications for IP Rights;
- maintain our records of in-process/lapsed/granted/registered IP Rights;
- process service requests or notices in relation to IP Rights;
- contact applicants and owners of IP Rights and people who make service requests or file notices with us;
- perform other functions under the IP Rights legislation we administer - including publishing information on our Registers;
- perform employment and personnel functions in relation to IP Australia employees and contractors;
- conduct national security clearances;
- handle complaints (including privacy complaints);
- manage correspondence with the public;
- perform our administrative functions and activities;

- manage the operation of (and participation in) committees and boards, reference and working groups;
- manage financial arrangements, such as payment to vendors, contracted service providers and funding recipients;
- enable research and service improvement;
- keep our information and property secure (security information); and
- contribute to the World Intellectual Property Organization (WIPO) meetings, training and processes.

### Kinds of personal information we collect

The personal information we may collect includes:

- identity data (name, nationality, date of birth, sex/gender and marital status);
- contact details (address, phone number, email);
- employment information (work status, occupation, qualifications, work experience, professional memberships, national security clearance numbers; referee reports, employment history and academic record);
- address (for correspondence and address for legal service and may include your home address);
- information about applications for an IP Right, opposition to another's IP Right or ownership of an IP Right;
- financial information such as debts, bank account, credit card details and results of bankruptcy checks;
- disciplinary records of patent and trademark attorneys – including conduct;
- business details (Australian Business Number and Australian Company Number); and
- Tax File Numbers of employees, contractors and vendors.

Additionally, we collect personal information about our employees, job applicants, contractors and others in relation to employment. This may include records relating to:

- personnel (including correspondence, performance and remuneration);
- payroll matters;
- disciplinary and counselling matters;
- applications for employment and CVs;
- identity documents (including photographs, passport details, visas, citizenship or immigration status);
- information about your financial affairs;
- government identifiers;
- building and system access;
- security clearances and police record checks; and
- WHS matters, including health records.

We may also collect sensitive information (a particular type of personal information under the Privacy Act), where relevant to our functions and activities, such as:

- health information about an individual;
- sexual orientation;
- racial and ethnic origin;
- criminal convictions and intelligence, including security assessments;
- genetic and biometric information; and

- religious affiliation.

Note that from time to time, we receive unsolicited personal information. If we receive unsolicited personal information, we will make a decision as to whether this information is necessary to keep for our functions. If not, we will destroy or de-identify records. In the case of our Contact Centre, unsolicited personal information will be contained in a 'Commonwealth record'. As such, it will be retained until it can be destroyed in accordance with the applicable National Archives of Australia Records Disposal Authority.

### Remaining anonymous or using a pseudonym

Where practicable, individuals can interact with us anonymously or by using a different name (pseudonym). For example, an individual may remain anonymous when seeking general information about a dataset, program, policy or consultation process, or requesting data or when making a complaint or suggestion.

Sometimes it may be impracticable to remain anonymous or use a pseudonym, or we may be legally required to deal with an individual in an identified form. For example, we may not register IP rights anonymously or under a pseudonym. We will notify you at the time of collection if this is the case.

### How we collect personal information

We collect personal information in a range of circumstances, including when individuals:

- call, write to and email us
- subscribe to our newsletter
- use our website
- visit our offices
- apply for a job with us
- respond to our stakeholder consultations
- participate in our surveys
- interact with us on our website or social media accounts.

We usually collect personal information via forms, online services and other electronic and paper correspondence.

We may also collect personal information via:

- telephone
- face to face meetings
- virtual meetings
- IP Australia's website, including use of our virtual assistant (Alex) or webchat
- IP Australia's social media websites and accounts.

### Collection of personal information from you

Where possible, we will collect your personal information directly from you or your authorised representative.

We may also collect personal information from other people and organisations, including other government agencies, where:

- the individual consents (for example, when they agree to participate in a survey);



- it is required or authorised by Australian law (for example, when we collect information or data for registration of IP rights); or
- it is impractical or unreasonable to collect it from the individual.

If we receive your personal information from another party, we will contact you (if we have sufficient information to do so and it is reasonable in the circumstances). Some exceptions to advising you may arise where:

- you have provided consent or reasonably expect the collection to occur;
- the collection is required or authorised by or under law;
- the collection is for the purposes of an investigation or personnel issues; or
- the collection is for the purposes of litigation or legal advice.

There may also be instances in which we receive your personal information from our contracted service providers, who have collected your information on behalf of IP Australia.

### Social Networking Services

We use social networking services such as Facebook, YouTube and LinkedIn. When you communicate with us using these services, we may collect your personal information to communicate with you and the public.

The social networking service will handle your personal information for its own purposes. These sites have their own privacy policies and data storage (including storing information outside Australia), which may include cookies. Your use of these services is governed by the individual conditions of each site.

### Contracted Service Providers

The Privacy Act requires agencies to take contractual measures to ensure that contracted service providers (including sub-contractors) do not breach the APPs. We require all contractors and their sub-contractors to comply with the requirements of the Privacy Act.

Such agreement between IP Australia and our contractors ensures that personal information in the possession of a contractor receives the same level of privacy protection as it would within IP Australia.

### Employees and Contractors

Please note, we may collect and use your health and other personal information to ensure the health and safety of your work colleagues. We may also collect and use personal information about your family members, or others with whom you live for this purpose.

Your health and other personal information may be disclosed to officers within IP Australia on a need-to-know basis. We may also need, or be legally required, to disclose your health and other personal information to other government entities, or third parties, including health authorities, for health and safety purposes.

## Use and disclosure of personal information

We use and disclose personal information for the primary purpose for which it is collected. You will ordinarily be given information about the primary purpose of collection at the time the information is collected.

We sometimes use or disclose personal information for other purposes, for example, internal business practices, auditing, business planning, billing, improvement to customer services, and preparing de-identified versions of data sets for a research or education purpose, and disclose it to a third party such as a university under strict conditions. This will only occur when it is permissible under the APPs. This could be where:

- the individual consents
- the individual would reasonably expect that their information will be disclosed
- disclosure is required or authorised by or under an Australian law.

Personal information is also used for some secondary purposes which are directly related to the primary purpose of collection. For example, we retain transcripts of webchats and virtual assistant conversations in order to improve the quality of answers we provide to members of the public about IP Rights via these channels.

### Primary Use - IP Rights personal information

Under the IP Rights legislation we administer, we use information, including personal information to:

- process applications for IP Rights;
- process requests or notices in relation to IP Rights;
- process requests for IP Australia's services, including training;
- respond to correspondence and customer feedback;
- provide Secretariat services;
- maintain contact with IP experts, IP offices, other government agencies, research institutions and other key stakeholders;
- enable IP Australia, and other people, to contact applicants and owners about their IP Rights, or about their requests or notices filed in relation to IP Rights;
- distribute relevant information to IP Rights applicants, owners and our mailing list subscribers;
- conduct market research and consultative review processes; and
- perform other functions under the IP Rights legislation.

### Primary Use - other personal information (not for the purposes of IP Rights)

We also use personal information we collect for primary purposes other than performing functions under IP Rights legislation, including to:

- perform IP Australia's other legislative and administrative functions and activities;
- perform management, employment and personnel functions in relation to employees and contractors;
- provide employees with access to IT tools and/or software to perform their duties;
- handle complaints; and
- process requests (including request for access to information under legislative regimes, such as Freedom of Information).

## Disclosure of personal information

We disclose information, including personal information, about IP Rights applicants, owners and others as required under the IP Rights legislation we administer. Generally, this disclosure occurs via publication in Registers, our website, our databases and Application Programming Interfaces (**APIs**), all of which are publicly available on the Internet.

Disclosure of certain personal information enables other people to contact IP Rights applicants and owners to:

- challenge the validity of the IP Right they have been granted;
- challenge their eligibility to be granted the IP Right; and
- negotiate licensing, collaboration and other business ventures.

We also provide a variety of data products that are intended to suit the requirements of large companies, research organisations, libraries and overseas IP offices. This data includes personal information, such as names and addresses, but does not include any sensitive information. IP Australia's Bulk Data Product Terms and Conditions within the Bulk Data Products Order Form prohibit the use of this data for creation of mailing lists or other marketing material.

When we publish personal information on the internet or in online databases, that information may be accessed by individuals anywhere in the world. We have no control over the subsequent use and disclosure of that personal data and cannot be accountable for any subsequent use under the Privacy Act.

We disclose personal information to other Australian Government agencies in accordance with provided notices and as required or authorised by or under law, such as Tax File Numbers and personnel records to the Australian Taxation Office.

We may also give personal information to our associated entities and Consultation Groups, such as:

- Trans-Tasman IP Attorneys Board – name, contact details and address of people applying for approval of qualifications/exemptions for the purposes of qualifying and registering as a patent attorney
- Trans-Tasman IP Attorneys Disciplinary Tribunal – personal information of patent attorneys involved in disciplinary matters
- Contact details of members of the following Consultation Groups:
  - Plant Breeder's Rights Consultation Group
  - Trade Marks and Designs Consultation Group
  - Patents Consultation Group.

## Disclosure of personal information overseas

We disclose certain personal information to overseas recipients with consent, where authorised by or under law, or in accordance with an international treaty or convention, and in the circumstances listed below:

- In accordance with IP Rights legislation, we publish IP Rights-related personal information on the IP Australia website. Once information is available on the internet, it is accessible world-wide and may be collected by overseas recipients.
- We act as an Office of Origin for the International Bureau of WIPO. On behalf of an applicant, we will file applications for IP Rights with the International Bureau of WIPO in Geneva, Switzerland.
- We may disclose the following details of technical trainers to WIPO and the

Association of Southeast Asian Nations countries:

- name, date of birth
- biographical details, including qualifications, education and experience
- passport and visa details and citizenship.
- We may also disclose certain information about IP Rights to overseas IP Offices. It is not practicable to list all countries that we may disclose this information to, however, if you would like further information on this, please [contact us](#).
- We use contracted service providers to provide our Contact Centre. If you provide personal information when you are using services such as the virtual assistant or webchat, our service providers will retain transcripts of the interaction for the purpose of answering your enquiries, training and development to improve service delivery and to generate reports. Our service providers will store the information you provide in data centres located in Australia.
- We use a number of service providers to whom we disclose personal information. These include providers that host our website servers or provide us with IT services. They may store the information you provide in datacentres located in Australia or overseas.

## Storage, Security and disposal of personal information

The personal information we hold is stored on secure media, including an electronic document and records management system, databases and paper files. Some of the datasets we collect are stored in cloud storage on cloud platforms, which have been assessed as compliant with Australian Government security requirements. Electronic and paper records containing personal information are also protected in accordance with such requirements. We store and dispose of personal information (when no longer required) in accordance with the *Archives Act 1983 (Cth)*.

We take all reasonable steps to protect the personal information we hold against loss, unauthorised access, use, modification, disclosure or misuse. If we become aware of a data breach, or possible data breach, we will act in accordance with our Data Breach Assessment and Response Plan, which aligns with OAIC's [Notifiable Data Breaches resources](#).

Our key policies to protect the information we hold include:

- accessing our records internally on a 'need-to-know' basis and subject to appropriate security clearance;
- storing paper records, including personnel and HR files, in appropriately secure, locked cabinets implementing clear-screen/clear-desk policies;
- our internal network, electronic records management system, and databases are protected using firewall, intrusion detection and prevention, antivirus, user authentication complexity, and other ICT Security technologies and protocols;
- transactions made using online services are encrypted and monitored against misuse;
- web transactions are conducted through Australian Signals Directorate certified gateways; and
- our premises are under 24-hour surveillance and access is via security passes only, with all access (and attempted access) logged electronically.

# Collection of personal information via our website and storage on 3<sup>rd</sup> party platforms

## Disclosure of Personal Information to Service Providers

We use a number of service providers to whom we disclose personal information. These include providers that host our website servers, manage our IT and manage our human resources information. To protect the personal information we disclose, we:

- enter into a contract which requires the service provider to only use or disclose the information for the purposes of the contract or MOU; and
- include special privacy requirements in the contract or MOU to ensure your personal information is handled securely and in accordance with the APPs.

## Website use and information policy

### **Dynatrace application performance monitoring (APM) platform**

Our online services platform uses Dynatrace Application Performance Monitoring (APM) to monitor technical faults. This allows our systems support team to quickly rectify issues and identify improvements.

Dynatrace doesn't collect personally identifiable information.

### **Clickstream data**

Clickstreams record your path when navigating a web page or the internet.

When you visit our website, our internet service provider (ISP) makes a record of your visit and logs your clickstream information.

We use this information to see what pages you've visited on our website. We analyse it to improve overall customer experience, establish priorities and allocate resources.

We don't identify you or your browsing activities, except if a law enforcement agency provides a warrant to inspect our ISP logs as part of an official investigation.

### **Cookies**

A cookie is a short piece of data sent from a web server to a web browser on your computer or device when you visit a website. We use cookies to help co-ordinate your experience

We can't use cookies to find out names, email address or anything about your computer. We don't store or collect cookie information.

### **Survey Monkey**

We use Survey Monkey to administer online surveys. These surveys use third party cookies.

The information collected by the cookies is not capable of identifying. It's only used to ensure our surveys run effectively. We only use this information for statistical and

maintenance purposes. For more information, see [Survey Monkey's Privacy Policy](#).

### **Qualtrics**

We use Qualtrics to administer online surveys. Qualtrics uses cookies to analyse, measure and improve its performance. These surveys also use third party cookies.

Neither we or Qualtrics retain control over, or access to, the information supplied by the cookies to third parties.

You can find out how to amend your cookie setting to suit your preferences in [Qualtrics privacy statement](#) and [Qualtrics Cookie Statement](#).

### **Google Analytics**

We use Google Analytics to collect anonymous information about how you arrive at and interact with our website. Google uses first-party cookies and JavaScript code to collect this information.

Google Analytics doesn't track any application processes or procedures from online services.

You can opt out of [Google Analytics](#) by disabling or refusing the cookie or disabling JavaScript.

### **Eventbrite**

We coordinate our events through Eventbrite. Eventbrite facilitates the registration process and handles any personal information collected in accordance with their [Privacy Policy](#). They'll also provide your name, contact details and email address to us for the purpose of registration for the event.

### **Emails**

We have a number of subscription-based email lists to keep you informed about what's happening at IP Australia. If you choose to subscribe to any of these lists, you'll need to provide us with personal information such as your contact details and email address. We don't share this information with anyone.

### **Online Services**

If you apply for an IP right in Australia, you'll need to register with our [online services](#).

Before you can register, you need to read, accept and agree to follow our terms and conditions.

### **SpendConsole (new and existing suppliers)**

SpendConsole is a cloud-based supplier invoice management and compliance system that supports Pan-European Public Procurement On-Line (PEPPOL) invoicing standards and provides some automation to IP Australia's Accounts Payable processes.

Any personal information you provide for this purpose will be stored in SpendConsole and will be used for the purposes of:

- processing and paying invoices received via any channel (including PEPPOL, email or mail)
- managing vendor information/records
- maintaining financial records.

All personal information you provide will be handled by IP Australia in accordance with this privacy policy.

IP Australia will not otherwise use or disclose your personal information without your consent, unless authorised or required by or under law, and will also not disclose any personal information collected through this process to any overseas recipients.

If you don't consent to your personal information being handled in the manner described above, please contact the Assistant Director Accounting Operations at [accounting.ops@ipaaustralia.gov.au](mailto:accounting.ops@ipaaustralia.gov.au).

## Access to, and correction of, Personal Information

### Request for access or correction

Under the Privacy Act, you have the right to ask:

- for access to personal information that we hold about you
- that we correct that personal information.

You also have similar rights under the *Freedom of Information Act 1982* (Cth). You can ask for access, or request correction, by contacting us (see the 'Contact us' section of this Privacy Policy).

You may request access to personal information we hold about you. We will provide you with access as requested, if it is reasonable and practicable to do so. There may be instances where IP Australia may refuse your request, as discussed below.

### Response to request for access or correction

IP Australia will acknowledge your request within 5 business days.

We will provide you with a written response within 30 calendar days after receiving your request, by:

- providing access to the documents;
- advising you of our decision to refuse access to or correction of documents; or
- advising you of any difficulties we have encountered in actioning your request, in which case we will provide you with an expected timeframe for finalising your request.

Access may be refused in certain circumstances where IP Australia is required or authorised to do so under the Privacy Act, the *Freedom of Information Act 1982* or another Commonwealth Act.

## Enquiries and Complaints about Privacy

If you think we may have breached your privacy, or you are not satisfied with our response to your request, you may contact us to make a complaint (see the 'Contact us' section of this privacy policy).

If you are dissatisfied with our response, you may complain to the Office of the Australian Information Commissioner (OAIC). A complaint to the OAIC needs to be made in writing. For more information, see the [OAIC website](#).

### Complaints handling process

We will acknowledge that we have received your complaint within 5 business days.

We will usually respond to your privacy complaint within 30 calendar days after the request is made, if you provide your contact details.

We are committed to quick and fair resolution of customer complaints and will ensure any privacy complaint is taken seriously. You will be treated professionally and respectfully at all times.

## Further information

### Register of privacy impact assessments

The Privacy Act requires us to maintain a register of privacy impact assessments we conduct. Our Privacy Impact Assessment Register can be accessed on our [website](#).

### Review Date

This privacy policy is reviewed annually or when there is a significant change in our functions or information handling practices.

Annual reviews of this policy are undertaken by the Privacy Officers.

The next review date is June 2025

## Contact Us

To find out more about how we manage personal information, to make a complaint, or to request access to or correction of personal information, please contact our Privacy Officer via:

Email: [Privacy@ipaaustralia.gov.au](mailto:Privacy@ipaaustralia.gov.au)

Post: IP Australia  
PO Box 200  
Woden ACT 2606