

IP AUSTRALIA – INFORMATION DIGEST

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RECORDS ADMINISTERED IN THE IP RIGHTS DIVISION

Patents & Plant Breeder's Rights Administration (PPBRA) and Patents Examination and Opposition Hearings and Legislation (OHL) Sections

Documents Relating to Patent Applications and Granted Patents

The purpose of these records is to enable filing, examination and grant of applications for patents under the *Patents Act 1990* (the Patents Act) and to conduct proceedings in relation to patents and patent applications.

Content may include: name, address, commercially sensitive information, extensions of time information, information concerning ownership and licensing. IP Australia is authorised or required to collect this information in accordance with the provisions of the Patents Act.

Sensitive content may include: declarations or information about health or other personal circumstances.

The personal information in these records may relate to the inventor or applicant for a patent; a subsequent owner; a licensee or other person entitled to an interest in a patent; a person opposing grant of the patent or an extension of time for the completion of an act under the Patents legislation; or a person who contests the validity of the patent, or the eligibility of the applicant to be granted the patent or an agent acting on behalf of any of these persons.

The following agency staff have access to this personal information: all staff engaged in the filing, examination, hearings, opposition and registration processes in the Patents & Plant Breeder's Rights Administration (PPBRA) section, Customer Operations Group and examination staff and management in the Patent and Plant Breeder's Rights Group, and support staff in the Business & Information Management Solutions Group.

The records are generally kept for 35 years, although those of historical or legal significance are kept permanently.

Copies of documents that are open to public inspection (OPI) can be purchased in single or bulk format from the Information Access Unit, CSIDE section, Customer Operations Group in IP Australia. The eDossier facility in AusPat now provides free electronic access to a suite of OPI documents dating back to 2006 relating to the prosecution of patent applications. These documents include:

- requests for examination
- examination reports and responses to these reports
- amendments and search results
- data relating to oppositions, ownership and re-examination

IP Australia usually discloses all of the information that is OPI to several persons outside IP Australia, including foreign IP Offices (Reg. 3.22 of the Patents Regulations), IP professionals and other persons requesting its bulk data products. Under section 194 of the Patents Act, the Commissioner of Patents may give any person information about a patent, a patent application that is OPI or a prescribed document or matter. Copies of documents related to patent applications undergoing opposition proceedings are routinely made available to parties involved in the opposition.

The records relate to an indeterminate number of individuals and are stored on paper and electronic media.

Plant Breeder's Rights Section

Documents Relating to Plant Breeder's Rights Applications and Granted Plant Breeder's Rights

The purpose of these records is to enable filing, examination and grant of applications for Plant Breeder's Rights (PBR) in new plant varieties or requests under the *Plant Breeder's Rights Act 1994* (the PBR Act), and to maintain records of granted PBRs.

Content may include: name, address, commercially sensitive information about new plant varieties, and information concerning ownership and licensing of PBR. IP Australia is authorised or required to collect this information under a number of sections of the PBR Act, including sections 26, 27, 31, and 34.

Sensitive content may include: declarations or information about health or other personal circumstances.

The personal information in these records may relate to: the applicant for a PBR; a breeder of a plant variety, a person applying for a declaration of essential derivation; a subsequent owner; a licensee or other person entitled to an interest in a PBR; a person commenting on, or objecting to, grant of the PBR; a person who

contests the validity of an existing PBR; a person requesting work authorised under the PBR Act; or an agent acting on behalf of any of these persons.

The following agency staff have access to this personal information: Patents & Plant Breeder's Rights Administration (PPBRA) section; Customer Operations Group; Finance Reporting and Property Group; examination staff and management in the Patent and Plant Breeder's Rights Group; and support staff in the Business & Information Management Solutions Group.

The records are retained permanently by IP Australia.

Details of the name and contact numbers of the title-holder; the name and contact details of Approved Persons (aka 'qualified persons'), are disclosed in the *Plant Varieties Journal* as required under the PBR Act (including in sections 30 and 47) (available at <http://www.ipaustralia.gov.au/about-us/publications/journals/plant-varieties-journal/>), and are available via the Internet at: http://pericles.ipaustralia.gov.au/pbr_db/search.cfm.

Under section 36 of the PBR Act, copies of certain documents can be purchased from IP Australia—these include almost all documents relating to a PBR application or granted PBR. Nevertheless, details of the parent varieties used in a breeding program are only available to certain persons authorised or prescribed under the PBR Act, for example the applicant or the applicant's authorised agent (section 36(3) of the PBR Act).

Copies of documents related to PBR applications undergoing opposition proceedings are routinely made available to parties involved in the opposition.

Copies of documents that are available for inspection can be purchased from the Electronic Records Administration section, Customer Operations Group in IP Australia.

The records relate to an indeterminate number of individuals and are stored on paper and electronic media.

List of Qualified Persons

The purpose of these records is to maintain details of persons accredited to plan and supervise comparative growing trials to test the distinctness, uniformity and stability of plant varieties that are the subject of Plant Breeder's Rights (PBR) applications. These persons are referred to as *approved persons* in section 8 of the *Plant Breeder's Rights Act 1994* (the PBR Act), but are known throughout the plant-breeding community as 'qualified persons'.

Content may include: name, address, qualifications, work experience, professional affiliations, referees and date of birth.

The following agency staff have access to this personal information: Patents & Plant Breeder's Rights Administration (PPBRA) section; Customer Operations Group; Finance Reporting and Property Group; examination staff and management in the Patent and Plant Breeder's Rights Group; and support staff in the Business & Information Management Solutions Group.

The records are retained permanently by IP Australia.

Details of the names, contact numbers and area of operation of qualified persons are disclosed in the *Plant Varieties Journal* as required under section 8 of the PBR Act, and are available via the Internet at <http://www.ipaustralia.gov.au/get-the-right-ip/plant-breeders-rights/pbr-application-process/test-growing/qualified-person/>.

The personal information in these records relates to approximately 300 individuals, and is stored on paper and electronic media.

Requests for Patent Documents

The purpose of these records is for processing requests for access to documents under the *Patents Act 1990*.

Contents may include: name, address, date of birth, occupation, gender and details relating to the person making the request.

The personal information in these records relates to persons requesting copies of patents documents.

All records are kept for seven years.

The information is not usually disclosed to other persons or organisations.

The following agency staff have access to the personal information: staff members with access to the electronic record-keeping system, however the information is usually accessed by staff in the Examination Sales & Support Team, PPBRA, Customer Operations Group at the APS 3/4 to EL 1 level.

The records relate to an indeterminate number of individuals and are kept in electronic media.

Trade Marks & Designs Administration (TMDA)

Documents Relating to Trade Marks Applications and Registered Trade Marks

The purpose of these records is to enable the filing, examination and registration of trade marks under the *Trade Marks Act 1995* (TM Act) and to maintain records of registered trade marks.

Content may include: name, address, contact details, commercially sensitive information, reasons for requesting expedited examinations and extensions of time, and information concerning ownership, where there is a variation. IP Australia is authorised or required to collect this information in accordance with the provisions of the TM Act.

Sensitive content may include: declarations or information about health or other personal circumstances.

The personal information in these records may relate to: a person applying for registration of a trade mark or a registered owner of a registered mark; a person approved to certify goods and/or services in respect of which a certification trade mark has been registered; a person opposing registration of a trade mark; a subsequent owner of a trade mark; a person applying for removal of a registered trade mark from the register for non-use or a person opposing such an application; a person claiming an interest in, or right in respect of a trade mark (other than the owner); or a person applying for, or opposing, an extension of time for an act to be done under the trade marks legislation or an agent acting on behalf of any of these persons.

The following agency staff have access to this personal information: all staff engaged in the filing, examination, hearings, opposition and registration processes in the Trade Marks and Designs Administration (TMDA) section, Customer Operations Group and examination staff and management in the Trade Marks and Designs Group, and support staff in the Business & Information Management Solutions Group.

The records are kept for 25 years after the registration of a trade mark expires, or 10 years after an application lapses or is withdrawn. Historical records are retained permanently. Physical evidence and some documentary evidence supplied for the purpose of obtaining registration is usually returned to the owner, once the registration process is complete.

Some of this information is disclosed in the *Australian Official Journal of Trade Marks* as required under the TM Act, and is available via the Internet.

IP Australia usually discloses all of the information to several persons outside IP Australia, including foreign IP Offices, IP professionals, the Australian Competition and Consumer Commission (section 173 and regulation 16.2) and other persons requesting its bulk data products. Copies of documents related to trade marks applications undergoing opposition proceedings are routinely made available to parties involved in the opposition.

Under section 209, subsection 217A (1) of the TM Act, and regulations 21.11A, 17A.72 of the *Trade Marks Regulations 1995* (the TM Regulations) each document held by the Registrar that relates to a trade mark must be made available for public inspection, excepting any document that:

- is subject to legal professional privilege
- is subject to a prohibition order of a court or tribunal
- the Registrar requires to be produced under s202(c) of the TM Act—if the Registrar is satisfied that the document should not be made available for public inspection
- solely contains evidence of the use or proposed use of a trade mark
- is a declaration stating the reasons for a request for expedited examination under r4.18 of the TM Regulations
- is filed by an applicant for an extension of time under ss224 (2) or (3) of the Act in relation to an application under those provisions—other than the application for an extension of time
- is filed in the course of opposition proceedings under the TM Act and TM Regulations—other than the

notice of opposition

- a document containing any information that the Registrar requires to be held confidentially under s 226A(1)(a) of the TM Act
- is a document prepared in the Trade Marks Office, which contains information obtained from a document that should not be made available for public inspection.

Copies of documents that are available for public inspection can be purchased from the Information Access Unit, CSIDE, Customer Operations Group in IP Australia.

The records relate to an indeterminate number of individuals and are stored on computer and/or paper media.

Documents Relating to Designs Applications and Registered Designs

The purpose of these records is to enable administration of the *Designs Act 2003* (the Designs Act): registration of designs, examination of registered designs, and maintenance of records of registered designs.

Content may include: name, address, commercially sensitive information, extension of time requests including supporting information and information concerning ownership, where there is a variation. IP Australia is authorised or required to collect this information under numerous sections of the Designs Act.

Sensitive content may include: declarations or information about health or other personal circumstances.

The personal information in these records may relate to an author of a design or an applicant for a registered design; an owner of a registered design; a person contesting the registrability of a design; or a person requesting or opposing an extension of time for the doing of an act under the designs legislation, or an agent acting on behalf of any of these persons.

The following agency staff have access to this personal information: staff engaged in the filing, registration, publication, examination, hearings, opposition and certification processes in the TMDA section, Customer Operations Group and the Trade Marks and Designs Group, and support staff in the Business & Information Management Solutions Group.

The records are generally kept for seven years after a design registration ceases, although those of national or historic interest are kept permanently.

Some of this information is disclosed in the *Australian Official Journal of Designs*, as required under the Designs legislation, and is available via the Internet. Copies of documents related to designs undergoing opposition proceedings are routinely made available to parties involved in the opposition.

Under sections 60, 64, 69, 111, 113 and regulation 9.02 of the Designs Act, almost all documents relating to a registered or published design are available for public inspection, excepting any document (under section 61) that:

- is subject to legal professional privilege;
- is subject to a prohibition order of a court or tribunal;
- is required to be produced to the Registrar of Designs under paragraph 127(1)(c) of the Designs Act - if the Registrar is satisfied that the document, or the information in it, should not be open to public inspection;
- is a document containing information obtained from such documents; or
- relates to a design that was excluded or withdrawn from an application, or that was never registered or published.

Copies of documents that are available for public inspection can be purchased from the Information Access Unit, CSIDE Section, Customer Operations Group in IP Australia.

The records relate to an indeterminate number of individuals and are stored in electronic and physical media.

Customer Support, Information Access, Data & eForms Section (CSIDE)

Freedom of Information Requests

The purpose of these records is for processing requests for access to documents under the *Freedom of Information Act 1982*.

Contents may include: name, address, date of birth, occupation, gender and details relating to the prosecution of applications for registration of a trade mark or design, or grant of a patent for an invention or a plant breeder's right.

Sensitive content may include: details of physical or mental health.

The personal information in these records relates to persons lodging Freedom of Information (FOI) requests, persons prosecuting IP applications and trade declarants.

The following agency staff have access to this personal information: administrative staff in the Information Access Unit (IAU), TMDA section, Customer Operations Group who process Trade Mark-related requests for access; staff in Domestic Policy section, Policy & Governance Group (PGG) who process other requests for access, and authorised decision-makers in TMDA, PGG and the Office of Legal Counsel.

All FOI request records are kept for a minimum of two years after action is completed. Records are kept for a minimum of five years after action is completed where a request is made for internal review of a decision. Records are kept permanently where a request is made for review by the Administrative Appeals Tribunal.

All released FOI Requests are published within 10 days on IP Australia's FOI Disclosure Log. They remain on this log for a minimum period of 12 months.

The records relate to an indeterminate number of individuals. Summary descriptions of requests are stored on electronic media, and correspondence and documentation of decisions are held in paper files and in electronic media.

Corporate Customer System

The purpose of the Corporate Customer System (an electronic repository of customer details) is to facilitate transactions with IP Australia's customers.

Contents may include: name, address, phone, fax and e-mail address.

The personal information in these records relates to applicants for patents, patentees and other persons with an IP Australia online account.

The records are kept indefinitely.

The following agency staff have access to this personal information: IP Australia staff processing applications or maintaining records relating to patents in PPBRA and CSD sections, Customer Operations Group.

This information is not usually disclosed to other persons or organisations, but the name of applicants and their address (where these have been given as the address for service of documents in Australia) are published in the *Official Journals of Patents*, as well as being available on IP Australia's website: see <http://www.ipaustralia.gov.au>.

The records relate to an indeterminate number of individuals, and are kept in electronic media.

Customer Data Hub

The purpose of the Customer Data Hub (CDH) is as an electronic repository of customer details that relates to all IP Right types. The CDH facilitates transactions with IP Australia's customers.

Content may include: name, address for correspondence, address for service, electronic address types (email, facsimile, mobile phone contact), Australian Business Number (ABN), Australian Registered Business number (ARBN), Australian Company Number (ACN), IP Right details and eServices system user details.

The personal information in these records relates to applicants for each IP Right type - Patents, Trade Marks, Plant Breeder's Rights and Designs. It also relates to Patentees (Patents), Owners (TM), Designers (Designs) and Qualified Persons (PBR).

The records are kept indefinitely.

Currently only the Customer Support, Information – Access, Data & eForms (CSIDE) has access to these records within the CDH during the implementation phase. This will change when the CDH becomes the ‘master’ customer database for the Rights in One (RIO) system. IP Australia staff (COG) processing applications or maintaining records relating to all IP Right types will have appropriate access to these records.

This information is not usually disclosed to other persons or organisations, but the name of applicants/owners/agents/qualified persons and their address (where these have been given as the address for service of documents in Australia) are published in the Official Journals of Patents, Trade Marks, Designs and PBR. As well as being available on IP Australia’s website: see <http://www.ipaustralia.gov.au>.

The records relate to an indeterminate number of individuals, and are kept in electronic media.

User Management System (UMS)

The purpose of the User Management System (UMS) is to manage the Access and Authentication for IP Australia’s eServices system. It facilitates users to authenticate and log on to eServices. It also facilitates external administrators (Delegated Administrators) to manage the users linked to their Customer Account in the CDH.

Content includes name, email address, mobile phone number, Secret Questions and Answers and the details of the customer they are related to.

Currently only the Customer Support, Information – Access, Data & eForms (CSIDE) has access to these records.

The information is not disclosed to other persons. The records are kept indefinitely.

The records relate to an indeterminate number of individuals, and are kept in electronic media.

Customer Contact Centre

The Customer Contact Centre is IP Australia’s main point of contact for customers wanting to speak to IP Australia. The Contact Centre is maintained by Datacom (via a third party contract agreement).

Content may include: name, postcode, IP Right application or reference number, address for service, ABN, ACN or eServices user identification.

These records are kept and maintained by the provider for the life of the contract (up to the year 2019), at which point these will be returned to IP Australia. The records are stored in electronic format within a secure premise and can only be accessed by selected Datacom employees. IP Australia has two nominated staff who can request recordings if the need arises.

The main use for these records is for quality assurance purposes and call coaching.

RECORDS ADMINISTERED IN THE BUSINESS AND INFORMATION MANAGEMENT SOLUTIONS GROUP (BIMSG)

BIMSG has multiple systems that retain logs containing user access information for the purposes of compliance, system maintenance, security, and reporting. These logs are only accessed in accordance with appropriate approvals and not disclosed externally unless authorised or required under law.

Service Delivery Section

Mainframe External User Profiles

The purpose of these records is to keep contact details of all external users of databases relating to designs, patents and trade marks maintained by IP Australia.

Content may include: name, business address.

The personal information in these records relates to individuals who are external users, and to contact-persons within organisations that are external users.

The following agency staff have access to this personal information: staff in the Systems Support Unit, Service Delivery Section, and BIMSG. Staff of CSC Pty Ltd, the Mainframe external service-provider, which is under contract to IP Australia, can also access the external-user database.

The records are kept until access to databases is removed at the external user's request.

The personal information contained in these records is not usually disclosed to other persons or organisations.

The records relate to approximately 1400 individuals and are kept in electronic media.

SMS Contact System (MESSAGENET)

The purpose of these records is to enable IP Australia staff to receive important notifications via SMS.

Content may include: name, contact group, and staff mobile numbers.

1. Major Incidents SMS CONTACT List

The purpose of these records is to enable staff to be notified via SMS during major unscheduled system outages.

The personal information in these records relates to: Permanent employees who have opted to receive an SMS for major incidents. Names are predominantly Executive, Directors, and support staff who have requested to be added to the service.

2. Trial VIPER Incident SMS CONTACT LIST

The purpose of these records is to enable staff to be notified via SMS during VIPER incidents. When Viper is unavailable staff often lose phone and email access, this will provide alternate means of contact.

The personal information in these records relates to: Employees who rely on viper and have opted to receive an SMS for viper outages or major Viper incidents. Names are predominantly out-posted and home-based staff who have been asked and requested to be added to the trial service.

The following agency staff have access to this personal information: Incident manager and other incident staff who produce outage emails and SMS messages can only see groups or names, mobile numbers are only visible to the Messagenet administrators.

The records are kept until the staff member requests removal.

The personal information contained in these records is not usually disclosed to other persons or organisations.

Infrastructure Services Section

Out of Hours Staff Contact List

The purpose of these records is to enable system administrators or infrastructure support staff to be contacted out of hours when there are unscheduled system outages and/or business continuity events.

Content may include: name, business telephone numbers and business mobile numbers.

The personal information in these records relates to: Permanent employees who are system administrators or infrastructure support staff. There are several additional contact numbers which include Director Service Delivery, Service Centre Manager and System Support Manager, BIMS and Director Strategic Communication, People and Communication Group.

The following agency staff have access to this personal information: The Director, Infrastructure Services Section and other Infrastructure Services staff.

The records are kept indefinitely.

The personal information contained in these records is not usually disclosed to other persons or organisations.

The records relate to approximately 30 staff and are kept on wallet cards issued to the specified staff above.

ICT Strategic Planning and Reporting Section

ICT Resources

The purpose of these records is to provide strategic reporting information on behalf of IP Australia, and to effectively manage IP Australia's ICT workforce (permanent and contractors).

Content may include: name, business telephone numbers, position in the organisation, and allocation of activities to those individuals.

The information is collected from the individuals, who enter it into the electronic MySFIA self-assessment tool. Records are stored in MySFIA.

The following agency staff have access to this information: Section directors, supervisors, resource managers, project managers, and human resources.

The personal information contained in these records is not usually disclosed to other persons or organisations.

RECORDS ADMINISTERED IN THE POLICY & GOVERNANCE GROUP (PGG)

Trade and Policy Projects Section

Advisory Council on Intellectual Property Reviews – Distribution Lists

The purpose of these records is to enable contact with individuals who may wish to either participate in relevant consultative processes associated with Advisory Council on Intellectual Property (ACIP) reviews or attend public events held by ACIP.

Content may include: name, job title, telephone, and business address and email address.

The personal information in these records relates to individuals interested in ACIP and policy reviews relating to the intellectual property system or the administration of the system by IP Australia.

The following agency staff have access to this personal information: staff of PGG and staff from other Business Groups involved in consultation processes or event management.

The records are kept indefinitely.

This information is usually disclosed to the members of the Advisory Council on Intellectual Property.

The records relate to approximately 600 individuals and are kept in electronic media.

Advisory Council on Intellectual Property Reviews – Submissions Lists

The purpose of these records is to enable contact with individuals and companies who make submissions to ACIP reviews.

Content may include: name, job title, telephone and business address and email address.

The personal information in these records relates to individuals interested in policy reviews relating to the intellectual property system or the administration of the system by IP Australia.

The following agency staff have access to this personal information: staff of PGG and staff from other Business Groups involved in consultation processes or event management.

The records are kept indefinitely.

This information is usually disclosed to the members of the Advisory Council on Intellectual Property.

A list of non-confidential submissions is published in the relevant ACIP paper or Final Report. These non-confidential submissions are publicly available on request and may also be published on the ACIP website.

The records relate to approximately 450 individuals and are kept in electronic media.

Applicants and Persons Appointed to the Advisory Council on Intellectual Property (ACIP)

The purpose of these records is to maintain details of persons applying for, or appointed to, ACIP.

Content may include: name, address, qualifications, work experience, professional affiliations, referees and date of birth, financial details, declarations of pecuniary interests, qualifications and work experience.

The following agency staff have access to this personal information: selected staff in Financial Services section, COG and in the Policy and Governance Group at APS 6 to EL 2 level and several SES level staff in IP Australia. This personal information may also be provided to relevant Ministers and other government departments during the appointment process.

Details of the names, contact numbers and area of operation of persons appointed to ACIP are publically available via the Internet at <http://www.acip.gov.au/about-acip/members.html>

The personal information in these records relates to approximately 80 individuals, and is stored on paper and electronic media.

Domestic Policy and Legislation Section

Policy Review Consultation on the Intellectual Property System – Distribution Lists

The purpose of these records is to enable contact with individuals who may wish to participate in relevant consultative processes associated with policy reviews relating to the intellectual property system.

Content may include: name, job title and business address.

The personal information in these records relates to individuals interested in policy reviews relating to the intellectual property system.

The following agency staff have access to this personal information: staff of PGG and staff from other Business Groups involved in consultation processes.

The records are kept indefinitely.

This information is not usually disclosed to other persons or organisations.

The records relate to an indeterminate number of individuals and are kept in electronic media.

International Policy and Co-operation Section

International IP Office Contacts

The purpose of these contacts is to keep records of international intellectual property office contacts with whom IP Australia has made contact as a result of co-operative activities or by means of general correspondence.

Content may include name, role or position and contact details, photograph and curriculum vitae.

The following agency staff have access to this personal information: the Director General of IP Australia, staff in the International Policy and Cooperation Section, PGG, and staff from other Business Groups dealing with international issues.

This information is not usually disclosed to other persons or organisations.

This information is regularly updated.

Technical Experts and Interpreters

The purpose of these lists is to keep records of relevant intellectual property experts and interpreters who might be willing and able to participate in particular technical assistance activities and who might be invited, as activities arise and are planned, to participate in the delivery of that assistance.

Content may include name, contact details and curriculum vitae.

The personal information in these records relates to intellectual property experts and interpreters.

The following agency staff have access to this personal information: the Director General of IP Australia, staff in the International Policy and Cooperation Section, PGG, and staff from other Business Groups dealing with international issues.

This information may be disclosed to WIPO or other technical assistance organisations with the consent of the person.

Project, Workshop and Seminar Participant Lists

The purpose of these lists is to keep a record of relevant intellectual property speakers and participants who participate in workshops and seminars as part of IP Australia's international engagement strategy.

Content may include: name, contact details, travel-related details, photographs, and curriculum vitae.

The personal information in these records relates to participants, intellectual property experts and registrants to the projects, workshops and seminars from Australia and overseas.

The following agency staff have access to this personal information: the Director General of IP Australia, staff in the International Policy and Cooperation Section, PGG, and staff from other Business Groups dealing with international issues.

This information is not usually disclosed to other persons or organisations.

Strategic Communication Section

Lists of Contacts (multiple)

The lists of contacts are for: Australian, State, Local Government & Community Business Support Networks, R&D Firms, Tertiary Institutions, Attorney and Law Firms.

The purpose of these records is to enable IP Australia staff tasked with customer engagement to contact individuals and businesses to inform them of Intellectual Property (IP) issues, or to provide them with publications on the IP system.

Content may include: name, address, telephone number, email address, professional and social interests.

The following agency staff have access to this personal information: State Marketing Managers at EL 1 level in each State—located in Melbourne, Adelaide and Perth—and staff in the Strategic Communication section, P&CG at APS 4 to EL 2 level.

The records are kept indefinitely.

This information is not usually disclosed to other persons or organisations.

These records relate to approximately 1,500 individuals and are stored on paper and electronic media.

Engagement & User Experience Section

Downtime Mailing List

The purpose of these records is to distribute information to the IP industry relating to the maintenance and downtime periods of IP Australia's ICT systems.

Content may include: name and e-mail address.

The personal information in these records relates to: registered patent and trade marks attorneys, other IP Professionals, search firms and others who have opted into the mailing list. An opt-out message accompanies each alert.

The following agency staff have access to this personal information: staff in the Strategic Communication section, P&CG at APS 4 to EL 2 level.

The records are kept indefinitely.

This information is not usually disclosed to other persons or organisations.

The records relate to approximately 400 individuals and businesses in Australia and overseas, and are kept in electronic media in an external database managed by a third party.

eServices Mailing List

The purpose of these records is to distribute information to the IP industry relating to maintenance releases, downtime and future initiatives.

Content may include: name and e-mail address.

The personal information in these records relates to: registered patent and trade marks attorneys, other IP Professionals, search firms and others who have opted into the mailing list. An opt-out message accompanies each alert.

The following agency staff have access to this personal information: staff in the Strategic Communication Section, P&CG at APS 4 to EL 2 level and staff in the COG Customer Support Section.

The records are kept indefinitely. The records are kept indefinitely.

This information is not usually disclosed to other persons or organisations.

The records relate to approximately 450 individuals and businesses in Australia and overseas, and are kept in electronic media in an external database managed by a third party.

Official Notices Mailing List

The purpose of these records is to distribute information on IP to the IP interested parties.

Content may include: name and e-mail address.

The personal information in these records relates to: registered patent and trade marks attorneys, other IP Professionals, search firms and others who have opted into the mailing list. An opt-out message accompanies each alert.

The following agency staff have access to this personal information: staff in the Strategic Communication section, P&CG at APS 4 to EL 2 level.

The records are kept indefinitely.

This information is not usually disclosed to other persons or organisations.

The records relate to approximately 1,300 individuals and businesses in Australia and overseas, and are kept in electronic media in an external database managed by a third party.

Patent Search (AUSPAT) Mailing List

The purpose of these records is to distribute information on IP Australia's Patent Search Database.

Content may include: name, company name, industry and e-mail address.

The personal information in these records relates to: registered patent and trade marks attorneys, other IP Professionals, search firms and others who have opted into the mailing list.

The following agency staff have access to this personal information: staff in the Strategic Communication section, P&CG at APS 4 to EL 2 level and staff in Business Process Improvement Section, IP Rights Division.

The records are kept indefinitely.

This information is not usually disclosed to other persons or organisations.

The records relate to approximately 1700 individuals and businesses in Australia and overseas, and are kept in electronic media in an external database managed by a third party.

Plant Varieties Journal Mailing List

The purpose of these records is to distribute information on recent entries in the *Plant Varieties Journal*.

Content may include: name and e-mail address.

The personal information in these records relates to: plant breeders, qualified persons, horticulturists, agricultural researchers and others who have opted into the mailing list. An opt-out message accompanies each alert.

The following agency staff have access to this personal information: staff in the Strategic Communication section, P&CG at APS 4 to EL 2 level.

The records are kept indefinitely.

This information is not usually disclosed to other persons or organisations.

The records relate to approximately 560 individuals and businesses in Australia and overseas, and are kept in electronic media in an external database managed by a third party.

Sniper Mailing List

The purpose of these records is to distribute information to the IP industry on IP related articles appearing in various periodicals.

Content may include: name, company name, and e-mail address.

The personal information in these records relates to: registered patent and trade marks attorneys, other IP Professionals, search firms and others who have opted into the mailing list. An opt-out message accompanies each alert.

The following agency staff have access to this personal information: staff in the Strategic Communication Section, P&CG at APS 4 to EL 2 level.

The records are kept indefinitely.

This information is not usually disclosed to other persons or organisations.

The records relate to approximately 500 individuals and businesses in Australia and overseas, and are kept in electronic media in an external database managed by a third party.

What's New Alert Mailing List

The purpose of these records is to distribute information on updates to the IP systems and activities being undertaken by IP Australia to subscribers of the mailing list.

Content may include: name and e-mail address.

The personal information in these records relates to: IP professionals, business advisers and others who have opted into the mailing list. An opt-out message accompanies each alert.

The following agency staff have access to this personal information: staff in the Strategic Communication section, P&CG at APS 4 to EL 2 level.

The records are kept indefinitely.

This information is not usually disclosed to other persons or organisations.

The records relate to approximately 2,700 individuals and businesses in Australia and overseas, and are kept in electronic media in an external database managed by a third party.

Audit, Assurance, Attorney Registration and Ministerial Support Section

Correspondence to the Ministers

The purpose of these records is to maintain a record of correspondence received by the Ministers and answered by them, their staff or staff of the Department of Industry.

Content may include: name, date of birth, occupation, gender, marital status, names and status of partners or relatives and any other information volunteered by the correspondent.

Sensitive content may include: physical or mental health, disabilities, sexual orientation or preferences, racial or ethnic origin, criminal convictions, criminal intelligence, religious affiliations, financial information (including debts) and relationship details.

The personal information in these records relates to those individuals who write to the Ministers, or who write to another Minister who then refers the letter to a portfolio Minister for response.

The following agency staff have access to this personal information: Ministerial and departmental staff working on the issue that is the subject of the Ministerial correspondence, IP Australia staff who draft and coordinate replies and staff working in the Ministerial Liaison Office of the Department of Industry.

The records are kept permanently.

Some of this information is disclosed to other Commonwealth agencies on request for matters pertaining to correspondence.

Briefing for a Minister who is to meet a correspondent is prepared using information provided by the correspondent, as well as publicly available information about the correspondent.

The records relate to an indeterminate number of individuals and are kept in electronic media.

Business Continuity Contact Details

The purpose of these records is to be able to contact key staff for business continuity purposes should such an event impact IP Australia.

Content may include: name, residential and business telephone numbers and mobile numbers, residential and business email addresses.

The personal information in these records relates to: staff of IP Australia

The following agency staff have access to this personal information: staff members who are members of the Business Continuity Plan (BCP) Response Teams being the Team Leader (SES or EL2), Alternate BCP Response Team Leaders (SES, EL2, EL1), some key BCP Staff and the Business Continuity Coordinator.

The records are kept as long as the staff member is employed by IP Australia and in a BCP Response Team.

The personal information contained in these records may be disclosed to auditors under strict conditions.

The records relate to approximately 100 staff and are kept in both electronic and paper based media.

Applicants and Persons Appointed to the Plant Breeder's Rights Advisory Committee (PBRAC)

The purpose of these records is to maintain details of persons applying for or appointed to PBRAC.

Content may include: name, address, qualifications, work experience, professional affiliations, referees and date of birth, financial details, declarations of pecuniary interests, qualifications, photographs, and work experience.

The following agency staff have access to this personal information: selected staff in Financial Services section, COG and in the Policy & Governance Section, PGG at APS 5 to EL 2 level, two EL 2 staff members in the Patents and Plant Breeder's Rights Group and several SES level staff in IP Australia.

Details of the names of persons appointed to PBRAC are disclosed in the *Plant Varieties Journal* and are available via the Internet at:

<http://www.ipaustralia.gov.au/about-us/regulatory-and-advisory-bodies/pbrac/pbrac-members/>

The personal information in these records relates to around 50 individuals, and is stored on paper and electronic media.

Professional Standards Board Secretariat

The Professional Standards Board Secretariat provides secretariat support to the Professional Standards Board for Patent and Trade Marks Attorneys (the Board) and to the Patent and Trade Marks Attorneys Disciplinary Tribunal (Tribunal). The Board and the Tribunal are 'agencies' in their own right under the Privacy Act.

Examination and Registration Files

The purpose of these records is to meet the requirements in the *Patents Regulations 1991* and the *Trade Marks Regulations 1995* for the recognition of qualifications, and registration of patent attorneys and trade marks attorneys. Previously, the Board also conducted examinations to establish that applicants had knowledge levels adequate for the regulations, but this is not currently a function of the Board. The Board does accredit curricula, provided by external educational institutions, that are compliant with the Regulations and relevant to practice and registration as a patent and/or trade marks attorney.

Content may include: name, address, gender, academic record, citizenship, employment certifications and character references, and details of academic performance.

Sensitive content may include: criminal convictions.

The personal information in these records relates to persons seeking registration as a patent attorney and/or as a trade marks attorney.

The following employees of IP Australia have access to this personal information: the Designated Manager (SES Band 3), and his Executive Assistant, the General Manager of Policy & Governance Group (SES Band 1) and her Executive Assistant, the Director of Audit, Assurance & Attorney Registration (EL 2), the Secretary of the Board (EL 1) and two employees at the APS 5 level providing clerical support to the Secretary.

The records are kept until 80 years after the attorney registration date.

Some of this personal information is disclosed to the Board for its deliberations. Typically papers are provided to the Board members electronically through the Govdex portal for download to iPad or on paper for their regular meetings. The Board members may have their Executive Assistants download the electronic papers for them. Paper copies are returned to the Secretariat for destruction at the conclusion of meetings; electronic copies are deleted by Board members.

The names, addresses, phone numbers, fax numbers and e-mail addresses of registered patent and/or trade marks attorneys are published on the Board's website at <http://www.psb.gov.au> and in the *Official Journal of the Patent Office* and the *Official Journal of the Trade Marks Office*.

The records relate to around 2,370 individuals and are stored on computer and paper media. The registration of patent and trade marks attorneys are recorded on a secure registration database. Information relating to examinations passed and failed; exemptions; qualification addresses and status are maintained in the same secure database. The database is used to generate mailing lists to meet various requirements associated with registration, examinations and published lists of registered attorneys (see above).

Disciplinary Files

The purpose of these records is to meet the requirements in the *Patents Regulations 1991* and the *Trade Marks Regulations 1995* for the conduct of disciplinary actions against a registered patent attorney or registered trade mark attorney who is alleged to have:

- engaged in unprofessional or unsatisfactory conduct;
- been unqualified at the time of registration; or
- obtained registration by fraud.

Content may include: the name and address of the registered attorney complained about, and the name and address of the complainant.

Sensitive content may include: details of the registered attorney's professional dealings with the complainant,

details of alleged unprofessional or unsatisfactory conduct and details of alleged fraud.

The personal information in these records relates to the registered attorney complained about and the complainant.

The following agency staff have access to this personal information: the Designated Manager (SES Band 3) and Executive Assistant, the General Manager and staff in Policy & Governance, the Secretary of the Board (EL 1) and two employees at the APS 5 level providing clerical support to the Secretary.

The records are kept until 80 years after the attorney registration date.

This information is usually disclosed to the Board for it to decide whether or not to prosecute the matter. If the Board decides to prosecute, some personal information will be provided to the Disciplinary Tribunal.

The records relate to around 116 individual cases and are stored on computer and paper media.

Office of Legal Counsel

Legal, FOI and Privacy Files

The purpose of these records is to maintain a record of the provision of legal services, complex or sensitive primary FOI decisions, all internal review FOI decisions and privacy matters within IP Australia

The personal information in these records includes names, employment details, contact and address details, work performance and conduct information, and may relate to current and former IP Australia employees, parties involved in litigation, and legal service providers.

Sensitive content may include, but is not limited to, details about physical or mental health.

The following agency staff have access to the information held by the OLC: the Chief Legal Counsel, Principal Legal Counsels and the Legal Office Coordinator and IP Australia's Executive, as necessary.

The records are kept in accordance with the requirements of the *Archives Act 1983*.

The personal information contained in these records may be disclosed, as appropriate, to: legal services providers contracted to provide legal services on that matter to IP Australia (for each matter where external legal services are sought).

Records are stored on paper and electronic media.

Office of the Chief Economist

Data Relating to IP Applications and IP Australia Processes

The Office of the Chief Economist (OCE) is not responsible, at present, for collecting data from any primary sources. Given the nature of the Office's work however, it does have access to, uses, and disseminates data to fulfil IP Australia's mission, operational plan and research agenda.

OCE has access to a copy of the full back-end registries and databases which are owned by other business groups across IP Australia. This data includes all names as recorded on IP applications, addresses, and further detail as submitted by applicants in their dealings with IP Australia. This data also includes production and process data which cover most aspects of the IP Australia work inputs and outputs.

The OCE databases are held in a SQL environment administered by the Database Team (DBA) within the Business Information Management Systems Group (BIMS). It is only accessible through a password protected system with a closed set of users.

OCE uses this data to provide analysis of IP trends, and to provide data releases as part of the IP Report (see www.ipaustralia.gov.au/economics) and open data through data.gov.au.

The data is made available on the internet, so may be accessed world-wide.

RECORDS ADMINISTERED IN THE FINANCE QUALITY AND REPORTING GROUP (FQRPG)

Performance, Analysis, Planning, Electronic Storage & Reporting Section (PAPER)

List of Bulk Data Subscribers

The purpose of this record is to maintain details of subscribers to bulk data products. Subscribers include businesses, attorney firms, research organisations, universities, libraries and other IP offices.

Content may include: name, address, email address and phone numbers.

The personal information in these records relates to individuals who subscribe, or who are contact officers for their organisations who subscribe, to IP Australia's bulk data products.

The following agency staff have access to this personal information: selected staff in the Applications Maintenance Team and Business Support Team, Business & Information Management Solutions Group; the Customer Support, Information Access, Data & eForms team, Customer Operations Group; the Accounting Operations Team, in the Finance section and the Performance, Analysis, Planning and Reporting Team who service bulk data requests, FQRPG.

The records are kept indefinitely.

The information is not usually disclosed to other persons or organisations.

The records relate to approximately 92 individuals, and are kept in electronic media.

Customer Satisfaction Contact Information

The purpose of these records is to conduct periodic surveys of applicants for IP rights and their representatives to assess their satisfaction with the services IP Australia provides.

Content may include: name, business/ mailing address, email address, telephone number.

The personal information on these records relates to applicants for IP rights and their representatives.

The following agency staff have access to this personal information: staff in PAPER at APS 6 to EL 2 level. In FY 2011/12, access was provided solely to one market-research firm to conduct the survey.

The customer survey contact information is retained as a safeguard to ensure contract compliance. The records are destroyed five years after completion of a survey.

This information is not usually disclosed to other persons or organisations.

These records relate to an indeterminate number of individuals and are stored on electronic media.

Quality Improvement Section

Customer Feedback Database

The purpose of these records is to capture all feedback from customers of IP Australia—including complaints, compliments and suggestions. Records of all feedback captured are maintained to ensure the resolution of feedback occurs within Customer Service Charter timeframes, and to assist with measurement of qualitative data trends.

Content may include: the name of the staff member who enters the feedback and the name of the staff member/s who progress and resolve the item. Where any or all of the following information is provided, the customer's name, address, telephone number, email address, mobile number and fax number is recorded to allow us to contact them in response to the feedback.

Sensitive content may include: information about physical or mental health or other personal circumstances.

The personal information in these records relates to the staff recording and resolving the feedback and the customers providing feedback.

The following agency staff have authorised access to this personal information: the Director in the Quality Improvement Section, Quality System Manager in the Quality Improvement Section, Quality Review Manager in the Quality Improvement Section, Quality Officers in the Quality Improvement Section, IP Rights Division; members of the IP Australia Executive team, Quality Improvement Managers, and Subject Matter Experts who are advised of items entered into the database, and any staff involved in specific feedback issues including responding to the customer. These latter staff can only access the personal information of the customer who is involved with their specific issue.

The records are kept for three years from the date of resolution of the issue.

This information is not usually disclosed to other people or organisations.

The records relate to an indeterminate number of individuals and are kept in electronic media.

Quality Review System

The purpose of these records is to maintain the results of individual quality reviews from the examination of patents, trade marks, designs and plant breeder's rights applications - as well as the administrative processing of these applications by administration staff. This will be extended to include various reviews of products and services provided by staff in the Financial Reporting and Property Group and the People and Communication Group.

Content may include: staff names, emails and work phone numbers, and results of individual quality reviews.

The personal information in these records relates to the product under review and the associated staff member that examined or processed that application and the staff reviewing the examination product or service request. The personal information in these records relates to the product under review and the associated staff member that examined or processed that application and the staff reviewing the examination product or service request. Additional staff members such as the staff's (being reviewed) Supervisor, Arbiters, QRS Manager and Improvement Managers might also have relevant inputs to review cases.

The following agency staff have access to this personal information: the Director and IP Rights Quality Review Manager in the Quality Improvement Section, the Reviewers and PQRS Admin staff in the Quality Improvement Section. Where applicable in the course of their duties, the following agency staff may have access to this personal information as appropriate: Arbiters, Improvement Managers, Supervisors from the Business Groups and Executive.

The records are kept for 10 years from the date of the last action on the review.

This information is not usually disclosed to other people or organisations.

The records relate to approximately 700 individuals and are kept in electronic media.

Financial Policy, Budget and Operations Section

Corporate Credit Card Register

The purpose of these records is to maintain a list of all staff who are corporate credit-card holders within IP Australia.

Content may include: name of card holder.

The following agency staff have access to this personal information: authorised Accounting Operations staff, FQRPG.

The records are kept for seven years after the card has been deactivated.

This information is not usually disclosed to other persons or organisations.

The records relate to around 500 staff members and are kept in electronic media.

Financial Reporting, Procurement and Property Section

Financial Management and Information System (SAP)

The purpose of these records is to maintain a list of all financial customers and vendors with which IP Australia does business.

Content may include: name and business address of supplier or contact, and bank account details.

The following agency staff have access to this personal information: staff in the Finance section, FQRPG, and other IP Australia staff who undertake financial roles.

The records are kept indefinitely.

This information is not usually disclosed to other persons or organisations.

The records relate to an indeterminate number of individuals and are kept in electronic media.

Contracts Register

The purpose of these records is to maintain details of contracts entered into between IP Australia and other organisations/individuals, to facilitate the administration of the contracts and for financial reporting.

Content includes the contractor's name, address, phone, fax number, email address, work history with IP Australia, cost and term of engagement.

The personal information in these records relates to suppliers of goods and services to IP Australia.

The following agency staff have access to this personal information: staff in the Procurement section, FQRPG and other IP Australia staff engaged in the contracting process.

The records are normally kept for seven years after completion of the contract.

This information is not usually disclosed to other persons or organisations.

The records relate to an indeterminate number of individuals and are kept in paper and electronic media.

Fee Allocation and Number Generation (FANG) System

The purpose of these records is to maintain a list of all financial customers relating to IP Australia's mainframe systems.

Content may include: name and address of customer or contact person.

The following agency staff have access to this personal information: the database administrator, some staff in the Customer Operations Group, and staff in Financial Reporting, Procurement and Property Section, FQRPG who have roles in relation to fee processing.

The records are kept indefinitely.

This information is not usually disclosed to other persons or organisations.

The records relate to an indeterminate number of individuals and are kept in paper and electronic media.

Purchasing Database

The purpose of this database is to maintain details of actual purchases or potential purchases of goods and services by IP Australia, and to facilitate the administration of the purchasing and invoice payment functions.

Content may include the name and address of the supplier or the name of a contact in an organisation, ABN, a description of the goods and services, delegate and requesting officers, purchase order number and cost of goods and services.

The personal information in these records relates to individuals who supply goods and services to IP Australia, and to contacts within organisations.

The following agency staff have access to this personal information: staff in the Procurement section, FQRPG.

The records are normally kept for seven years after completion of the procurement.

This information is not normally disclosed to other persons or organisations.

The records relate to an indeterminate number of individuals and are kept in electronic media.

Personal Security Files

The purpose of these files is to administer and record the security clearances of IP Australia employees and contractors.

Content may include: full birth certificate, marriage certificate, decree nisi/decreed absolute, deed poll, academic qualifications, employment history, citizenship, immigration status, overseas travel records, passport(s), discharge certificate, address check, referee contact, record of interview, record of foreign contact.

Sensitive content may include: bankruptcy check, police check, ASIO assessment, security record and financial check.

The following agency staff have access to this personal information: IP Australia's security personnel and authorised delegates are the only persons who have access to this information and this is on a need to know basis.

Personal security files are kept for five years after separation from either the Australian Public Service, or six years after the date of the last security clearance check on file.

This information is normally disclosed to the contracted security vetting organisation for the purpose of assessing suitability for security clearances.

Individuals can obtain information regarding access to their personal information by emailing the Agency Security Adviser at security@ipaustrialia.gov.au

The records relate to an indeterminate number of individuals and are stored on hard copy files.

Personnel Access Passes Database

The purpose of these records is to maintain a database which is used to administer and record employees and contractor access to and from buildings occupied by IP Australia.

Content may include: clearance level, company name (if other than IP Australia) and photograph of the individual.

The following agency staff have access to this personal information: IP Australia's security personnel are the only persons who have access to this information and this is on a need to know basis.

The access pass database records are kept for six years after the pass expires.

This information is not normally disclosed to other persons or organisations.

Individuals can obtain information regarding access to their personnel access pass information by contacting the Agency Security Adviser on: security@ipaustrialia.gov.au

The records relate to approximately 1,300 individuals and are stored on electronic media.

Human Resource Management (HRM)

External User Training

The purpose of these records is to record requests made by members of the public for training, or for information about training, and training provided to individuals.

Content may include: name, address, phone number, fax number and e-mail address.

The personal information in these records relates to the requesters for, or participants in, training.

The following agency staff have access to this personal information: selected staff from APS 4 to EL 2 level in the Customer Service Centre, Customer Operations Group, the Trade Marks External User facilitators and staff from the Recruitment, Learning & Development section, HRM, People & Communications Group.

This information is not usually disclosed to other persons or organisations.

The records relate to approximately 70 individuals, and are kept in electronic media indefinitely.

Personnel Records

Below is a generic description of personnel records held by Commonwealth agencies, including IP Australia. Current and former employees can obtain details of specific agency record handling practices by contacting Human Resource Management, IP Australia.

Not all records described are kept in a common storage facility.

The purpose of these records is to maintain employment history and payroll and administrative information relating to all current and former permanent, contract and temporary staff members and employees of IP Australia.

Personnel and payroll

The records may include any one or more of the following:

- (1) records relating to attendance and overtime;
- (2) leave applications and approvals;
- (3) medical and dental records;
- (4) payroll and pay related records, including banking details;
- (5) tax file number declaration forms;
- (6) declarations of pecuniary interests;
- (7) personal history files;
- (8) performance appraisals, etc.;
- (9) records relating to personal development and training;
- (10) trade, skill and aptitude test records;
- (11) completed questionnaires and personnel survey forms;
- (12) records relating to removals;
- (13) travel documentation;
- (14) records relating to personal welfare matters;
- (15) contracts and conditions of employment;
- (16) EEO Data; and
- (17) next of kin details.

Recruitment

The records may include, but are not limited to, the following:

- (1) recruitment records and dossiers;
- (2) records relating to relocation of staff and removals of personal effects; and
- (3) records relating to character checks and security clearances.

Other

The records may include any one or more of the following:

- (1) records of accidents and injuries;
- (2) compensation case files;
- (3) rehabilitation case files;
- (4) records relating to counselling and discipline matters, including disciplinary, investigation and action files, legal action files, records of criminal convictions, and any other staff and establishment records as appropriate;
- (5) complaints and grievances; and
- (6) recommendations for honours and awards.

Contents of personnel records may include: name, address, date of birth, occupation, AGS number, gender, qualifications, equal employment opportunity group designation, next of kin, details of pay and allowances, leave details, work reports, security clearance details and employment history.

Sensitive contents of personnel records may include: physical and mental health, disabilities, racial or ethnic origin, disciplinary investigation and action, criminal convictions, adverse performance and security assessments, tax file numbers, relationship details, sexual orientation or preferences, and personal financial information.

Personal information on personnel records relates to current and former staff members and employees including contract and non-ongoing staff.

The following agency staff have access to personnel records: Executive and senior personnel management staff, supervisors and members of selection committees (if appropriate), the individual to whom the record relates and, as is appropriate, personnel staff, security officers and case managers.

Personnel records are kept in accordance with the *Archives Act 1983*.

Information held in personnel records may be disclosed, as appropriate, to: Comcare, Commonwealth Medical Officers, Attorney-General's Department, Australian Public Service Commission, ComSuper and

other superannuation administrators, Australian Taxation Office, and the receiving agency following movement or re-engagement of an employee.

Individuals can obtain information regarding access to their personal information by contacting the Personnel Services Team, Human Resource Management, IP Australia.

Records relate to all current and former employees of IP Australia and are stored on paper and electronic media.