

**Racing And Wagering Western Australia (RWVA)
Freedom of Information Statement and Privacy Policy**

MISSION STATEMENT:

To provide strategic direction and leadership in the development, integrity and welfare of the racing industry in Western Australia, ensuring its competitiveness and long-term commercial viability for the benefit of industry stakeholders.

To position RWVA as a competitive and responsible gambling organisation providing a major source of funding for the development of racing and sports in Western Australia.

RWVA's Core Values and Supporting Behaviours underpin all of our interactions both internally and externally. They have been derived from staff input and continue to be monitored to ensure a work environment which is beneficial to all.

INFORMATION STATEMENT

RWVA's Information Statement has been prepared pursuant to Part 5 of the *Freedom of Information Act 1992*, the Statement provides direction to the public about RWVA's operations, the type of documentation available and how the public can access that documentation.

PRIVACY STATEMENT

RWVA has also determined to apply the National Privacy and Information Principles to the collection, use, storage and disclosure of personal information it collects about individuals. Therefore this Statement has been expanded to include, not only the statutory requirements of the FOI Act, but the RWVA Privacy Policy.

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1. Introduction

RWWA commenced operations on 1 August 2003 upon the promulgation of *Racing and Wagering Western Australia Act 2003*. The Act established RWWA as the controlling authority for thoroughbred, harness and greyhound racing in Western Australia, together with the responsibility for off-course TAB wagering. The WATAB has been a major part of the State's social fabric for over forty years, injecting millions of dollars into the community by managing an efficient and effective wagering and gaming business.

Thousands of Western Australians have gained significant long-term benefit from the TAB's financial contribution to the State, particularly the sporting fraternity. Through creative marketing, state-of-the art technology and continued stakeholder support, RWWA will continue to provide a world class betting service to its customers and maintain and improve upon its significant financial contribution to the State's sporting and racing communities for the overall benefit of all Western Australians.

2. Details of Legislation Administered

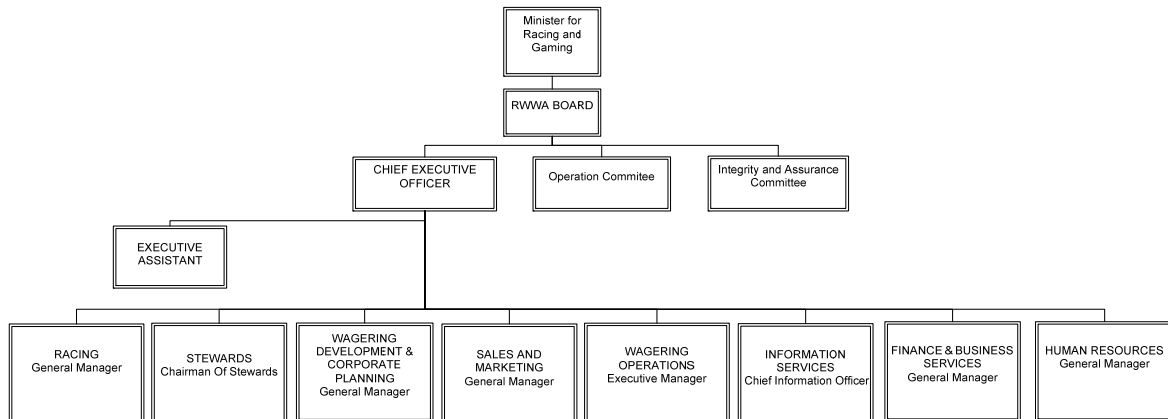
The principal legislation governing RWWA is the *Racing and Wagering WA Act 2003* ("the Act") and the *Racing and Wagering WA Regulations 2003* together with the *Betting Control Act 1954* and *Betting Control Regulations 1978*.

Other legislation to which RWWA must comply, but does not administer, includes the following. This list is not exhaustive, but represents the legislation that impacts on the general operation of RWWA.

- *Racing and Wagering Western Australia Tax Act 2003*
- *Corruption and Crime Commission Act 2003*
- *Racing Restriction Act 2003*
- *Clerk (Racing Industry Betting) Award 1987*
- *Occupational Safety and Health Act 1984*
- *Gaming and Wagering Commission Act 1987*
- *Equal Opportunity Act 1984*
- *Financial Management Act 2006*
- *Anti-Money Laundering and Counter Terrorism Financing Act 2006*
- *Unclaimed Money Act 1990*
- *Freedom of Information Act 1992*
- *Public Interest Disclosure Act 2003*
- *Statutory Corporations (Liabilities of Directors) Act 1996*
- *Workers Compensation and Injury Management Act 1981*
- *Criminal Code Act 1913 (WA) and Criminal Code Act 1995 (Commonwealth)*
- *Government Employees Superannuation Act 1987*
- *Fair Work Act 2009*
- *Trade Practice Act 1974*
- *Interactive Gambling Act 2001*

Legislation, together with commercial principles, therefore governs the operation of RWWA.

3. Organisational Structure and Decision-Making Functions



The organisational structure of RWWA is based on a corporate model comprising a number of divisions which oversee the varying activities of the organisation. The organisational structure is shown below (Diagram 1) following which is an outline of the role of each business unit.

Diagram 1: Organisational Structure of the RWWA – June 2007

RWWA Board: Board members are approved by the Minister for Racing and Gaming following nomination by the eligible bodies and in accordance with the provisions of the Act that govern RWWA. Its role is to set policies and strategies for the future direction of the organisation and to make decisions necessary to meet RWWA's objectives and performance targets.

Integrity and Assurance Committee: The RWWA Act provides for the establishment of an Integrity Assurance Committee (IAC) within RWWA. [The IAC has primary oversight of those aspects of RWWA's functions that relate to; stewards, drug testing and control, licensing and registration, handicapping and racing appeals. The IAC also performs the role of RWWA's Audit Committee and has oversight for the Internal Audit Function, Risk Management and Legislative Compliance. The IAC also reviews and approves the Annual Report.](#)

Racing Operations Committee: This committee is responsible for the racing functions of RWWA. Its responsibilities include consulting with industry bodies, programming and racing dates, loans, grants and distributions.

Chief Executive Officer: The CEO is appointed by the Board to manage the day-to-day operations of RWWA.

Finance and Business Services: This division is responsible for financial management and strategy, business services, audit, risk and business continuity systems, wagering compliance and legal matters.

Racing: The racing division is responsible for racing operations including fixture planning, racing systems

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and information maintenance, handicapping and grading, programming, stakes supervision, vision contracts, industry consultation, country club promotion, racing industry development, control of RWWA-owned animal industry training venues, major event support and the overall strategic direction of the racing industry in Western Australia. The division also encompasses industry training, media, marketing and communication services.

Wagering Operations: The primary responsibilities of this division are retail administration, all TAB contractual arrangements and administrative functions, all wagering race day services, management of all RWWA (TAB) owned and leased properties and telephone betting operations

Sales and Marketing: This division is responsible for the delivery of wagering revenue through product and distribution channel initiatives.

Human Resources: The Human Resources division is responsible for the development and implementation of human resource management strategy and effective management of all related workplace and employee relations functions across the organisation..

Stewards: The Division includes Stewards from all three codes and Racecourse Investigators and is responsible for all matters pertaining to the proper conduct and integrity of racing in Western Australia.

Information Services: The Information Services Division is responsible for providing technical, consulting and support services for the day-to-day delivery of wagering services throughout Western Australia. The division provides technical support services for all RWWA wagering and racing information systems, ticket machines, the data communications network, information security, project delivery, Racing Radio and all wagering related technical infrastructure.

Wagering Development & Corporate Planning: This division is responsible for undertaking RWWA's wagering and revenue related strategic planning and the development of specific new product analysis and associated business cases to support revenue related projects including strategic direction and management of corporate information

4. Public participation in the Formulation of Policy and Performance of RWWA

RWWA conducts regular forums with Agents, customers, racing consultative bodies and racing industry bodies to enable frank and open exchange of comments and views on matters relating to the conduct of RWWA's business. An association representing the interests of TAB Agents has been established to liaise with the TAB on matters concerning the Agency network and Agent's generally.

5. Documents held by RWWA

RWWA has a number of publications that are freely available to the public. These include:

- Annual Reports, dating back to 1961 (Reports from 2001 are available on the Internet);
- Racing Industry Status reports (Reports from 2003/04 are available on the Internet)
- Statement of Corporate Intent (Reports from 2004/05 will be available on the Internet);
- A broad range of brochures and publications describing various bet types (available from the Head Office or any TAB Agency), information about the TAB and services and products provided;
- Race results dating back to 1961 (available from the Head Office); and
- TAB Internet site – www.tabozbet.com.au

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- RWWA Internet site – www.rwwa.com.au

RWWA maintains standard statutory information and records required for the commercial operation of the business and personnel function. These fall into the following categories and are not freely available to the public:

Account & Audits	Administration – General	Advertising
Agencies	Agents	Betting & Sports Betting
Boards & Committees	Cleaning	Clubs & Associations
Communications	Correspondence	Dividends
Equipment	Finance – Banks	Grants – Clubs
Greyhounds	Harness	Insurance
Land & Buildings	Legal	Legislation
Marketing	Ministerial	New Initiatives
Projects	Racing	Reports
Research	Sales	Security
Staff	Strategic Planning	Taxation
Tenders	Totalisators – On-Course	Transport

Should a member of the public wish to obtain a document(s) that is not freely available (including an application to access documents containing personal information about them or a close relative) they can do so by lodging an application in accordance with the Freedom of Information Act, with the FOI Coordinator (see section 6)

Any records that are destroyed are done so in accordance with the General Disposal Authorities issued by the State Records Office and the relevant agency Retention and Disposal Schedule.

6. Implementation of the Freedom of Information Act

6.1 Legislative Requirements

RWWA is required to comply with the provisions of the Freedom of Information Act 1992. The Act gives people a general right of access to documents held by an agency other than exempt documents. The central features of the Act are:

- It confers upon persons a right to apply for access to information held by RWWA;
- It confers upon individuals a right to apply to RWWA for amendment to personal information; and
- It places certain obligations on RWWA to make publicly available certain information about its operations.

Consideration of all FOI applications at RWWA is dealt with in accordance with the FOI Act, FOI Policy and Practice Guide and FOI Implementation Guidelines prepared by the Office of Information Commissioner.

Exempt Matter: There are exemptions for some types of documents including protection of essential public interest, the personal or business affairs of third parties, legal professional privilege and the deliberative processes of Government or agencies. Access can be granted to part of a document where it contains exempt material and that material can be deleted.

6.2 RWWA FOI Coordinator

RWWA has appointed a Freedom of Information Coordinator with responsibility for:

- Administering all aspects of the Act;
- Ensuring statutory compliance; and
- Making all initial decisions concerning FOI applications.

All applications, together with payment of \$30.00 (where applicable), for the release of documents under the FOI Act are to be addressed as follows:

Freedom of Information Coordinator Racing and Wagering WA, 14 Hasler Road Osborne Park WA 6017
Fax: (08) 9244 5914

The FOI Coordinator can be contacted on (08) 9445 5333.

6.3 Lodging an Application

An access applicant must:

- be lodged in writing;
- provide enough details to enable the requested documents to be identified;
- provide an Australian address to which notices can be sent; and
- be lodged at the agency with any application fee payable.

An individual may apply to have personal information about them amended if it is inaccurate, incomplete, out-of-date or misleading. Such applications should be in writing and provide as much information to show how and why RWWA's records are inaccurate, incomplete, out-of-date or misleading. An individual seeking access to personal information will be required to provide photographic proof of identification.

Individuals acting on behalf of the person to which the records relate may apply for amendment of the record. Certain people may make applications on behalf of children and intellectually handicapped persons. Where an affected person to whom the information relates is deceased, a close relative (spouse, children, parents, sibling, grandparent or uncle/aunt in order of closeness) may make an application in their absence.

Individuals may request to see documents containing personal information RWWA holds about them through a Freedom of Information application. Minor changes to personal contact details may be done over the phone by contacting the Customer Service Centre on 1300 363 688. If this is accompanied by a request for the Account Security Code to be sent to them a written request to amend the record will be required. If RWWA determines that it will amend the record it will do so by altering it, striking out, deleting, or inserting information or a note in relation to the contents and advise the applicant accordingly.

6.4 Fees and Charges

There is no application fee payable for access to personal information. However for all other requests there is fee of \$30.00.

The fees and charges that may be levied for an FOI application (excluding personal information) include:

- Application Fee: \$30.00 (must be paid before the application can be considered)
- Photocopies: \$ 0.25 per page
- Staff Time (1): \$30.00 per hour (dealing with the application)
- Staff Time (2): \$30.00 per hour (supervising access to documentation)

If the additional charges are likely to exceed \$25.00 RWWA will advise the applicant to determine whether they wish to proceed with the application. Alternatively the applicant can request an estimate of the charges prior to lodging an application.

An advance deposit may be required pursuant to section 18(1) of the Act. The applicant will be advised at the time where a deposit will be required.

For financially disadvantaged applicants or those holding valid prescribed pensioner concession cards the charges may be discounted by 25%.

6.5 RWWA FOI Decision-making process

Where an applicant is having difficulty defining what documents they are seeking access to the RWWA FOI Co-ordinator can assist the applicant with their application. The applicant should use the list of record categories outlined in Section 5 to assist them to determine what documents they want access to. Better clarification of the scope of the application will reduce the time and cost involved in processing .

RWWA may refuse to deal with an application on the basis that it will divert a substantial or unreasonable portion of its resources away from other operations. Nevertheless RWWA will take all reasonable measures to assist the applicant to better define the application and narrow the scope of the application.

Once the scope of the application is determined, the FOI Coordinator will assess the application in accordance with the Act and approve (either in full or an edited version) or refuse the release of the documents requested. In all circumstance the applicant will be given a written Notice of Decision within 45 days of the date of lodgement including reasons if the application is refused or only partial access is given.

Applicants who are dissatisfied with an FOI decision are entitled to seek an internal review by the Agency. Applications for review must be made within 30 days of receiving the Notice of Decision.

The Manager Compliance and Legal has been appointed as RWWA's FOI Co-ordinator and RWWA has

established an Internal Review Committee, comprising the General Manager Finance and Business Services and the General manager Racing.

Upon receipt of a written application and payment of the determined fee and charge (if required), the FOI Coordinator will assess the application in the first instance and respond to the applicant. Depending on the nature of the application consultation with a third party may occur.

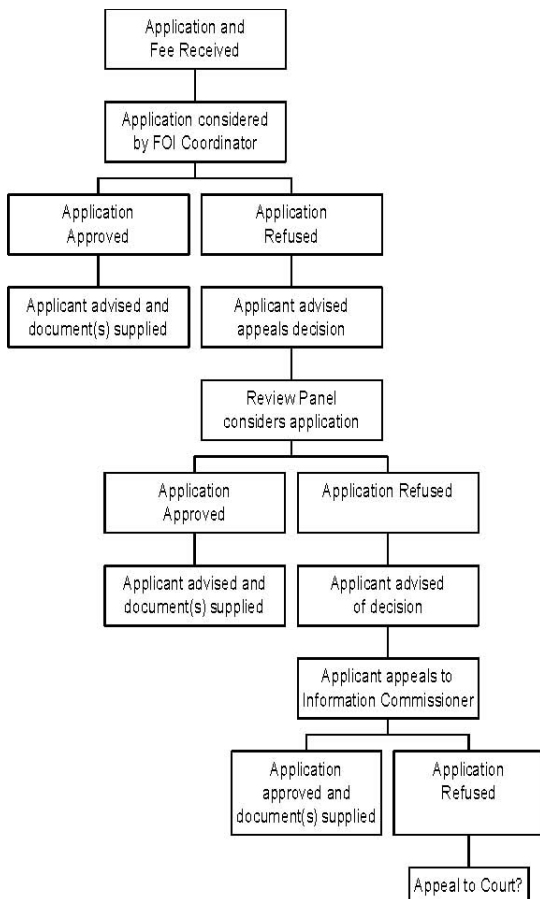


Diagram 2: FOI decision-making process at RWWA

Following an Internal Review the Panel will consider the application and issues a further Notice of Decision as to whether to release or not release the document or part thereof. If the applicant is not satisfied with this decision they may appeal to the Information Commissioner for an External Review within 60 days of receiving the Notice of Decision.

Where access to documents is granted RWWA will let the applicant see the document(s) and if requested provide a photocopy. In some cases another form may be more appropriate, such as listening to a tape recording or watching a video. If for some reason copies of the document cannot be made and sent to the applicant RWWA will discuss with them the most appropriate way in which the document can be examined.

7. Application of National Privacy and Information Principles

7.1 Introduction

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The Federal Government amended the *Privacy Act 1988* in December 2001 to regulate the way the private sector manages customer and other personal information. This is done by way of ten National Privacy Principles (NPPs) dealing with collection, usage, storage and disclosure of personal information businesses collect in the course of or for the purpose of their business.

The Privacy Act gives individuals the right to know what information an organisation holds about them and a right to correct that information if it is wrong. The privacy principles apply to most businesses and not-for-profit entities and came into effect on 21 December 2001.

Commonwealth and ACT government agencies must comply with 11 Information Privacy Principles (IPPs), which are set out in the Privacy Act. Western Australia does not have a legislative privacy regime however government agencies, including RWWA, are encouraged to adopt a privacy policy based on the IPPs.

RWWA has appointed a Privacy Coordinator with responsibility for overseeing the implementation and promotion of privacy and freedom of information issues within the organisation and with individuals who conduct business with RWWA .

7.2 Compliance with the National Privacy and Information Principles

By virtue of its enabling legislation, the provisions of the Privacy Act do not bind RWWA nor does it bind TAB Agents. However RWWA takes seriously its obligation to safeguard personal information about individuals who conduct business with RWWA (such as Customers, Agents, Employees and Contractors). Therefore RWWA has determined that the NPPs and IPPs will be used to guide the organisation in how it collects and manages personal information about individuals.

The following Privacy Policy (sections 7.3 to 7.11) outlines how RWWA will apply the NPPs and IPPs to its daily operations. Should there be a conflict between the requirements of the FOI Act and the RWWA Privacy Policy, the provisions of the FOI Act will prevail. RWWA is required to comply with the State Records Act 2000 and has in place policies and standards relating to management of its records. These are consistent with the requirements of the State Records Act, the FOI Act and the IPPs. This policy will strengthen RWWA's commitment to managing personal information in a responsible and lawful manner.

7.3 Collection of Personal and Sensitive Information (NPP 1 and 10 and IPP 1, 2, 3)

The Act defines personal information as information or an opinion that can identify a person. RWWA lawfully collects personal information about Customers, Contractors (Suppliers), Agents, Registered Racing participants and Employees. How and why this information is collected depends on what dealings a person may have with RWWA. For example, RWWA may require information from a customer in order to open a telephone betting account (e.g. production of identification documents), comply with the law, communicate with customers and market, manage and enhance its services.

Information is generally collected directly from a person when opening a betting account, lodging an application for employment, being appointed as an Agent or being engaged through a contract. RWWA regards this information as sensitive and will only use it for the purpose it was provided and to meet its legal obligations (unless the individual agrees otherwise) and will only disclose it where required to do so by law.

RWWA also collects personal information from its website (www.tabozbet.com.au) through receiving account betting applications and emails. At the point of registration the customer can opt not to receive marketing information from RWWA.

7.4 Use and Disclosure of Personal Information (NPP 2 and IPP 9, 10, 11)

RWWA undertakes a number of functions that require it to use and disclose the personal information it collects. RWWA will only use or disclose personal information for the purpose which was either specified or reasonably apparent at the time it was collected. RWWA may use personal information for the following reasons:

- Internal accounting and administration;
- Helping RWWA build a better relationship with its customers;
- Regulatory reporting and compliance;
- Protecting customers and RWWA from fraud;
- made to a sporting authority recognised by RWWA to assist it in connection with any investigation or other action conducted under the sporting authority's applicable betting or anti-gambling laws or rules for its sporting events;
- Identifying and informing customers about RWWA's products and services that may be of benefit to them., and
- In the course of discharging its Principal Racing Authority/Controlling Body duties in accordance with the Rules of Racing.

Where RWWA wishes to use or disclose personal information in other circumstances it will use all reasonable endeavours to obtain the consent of the person concerned, other than in exceptional circumstances such as where:

- It is necessary to protect any person and/or RWWA's rights or property; or
- The use is authorised by law or is reasonably necessary to enforce the law (for example, if RWWA is required to disclose the information to regulatory or controlling authorities or in response to subpoenas or warrants).

RWWA will not sell and will not generally make available personal information to other organisations. The only circumstances in which other organisations may be given access to personal information are when contractors and service providers are engaged to operate a particular business function (such as a company which helps maintain computer systems), it is required by law or RWWA's law firm when drafting contracts or agreements or for an employment or contract function. Generally, however, personal information is defined as "exempt" matter under the FOI Act and therefore such information will not be disclosed unless the person, to whom the information relates, agrees.

7.5 Quality and Accuracy of Personal Information (NPP 3 and IPP 8)

RWWA places great importance on ensuring that information it holds about individuals is accurate, complete, up-to-date and not misleading. To this end RWWA takes all reasonable endeavours to confirm the accuracy, completeness and currency of personal information before it collects, uses or discloses it. If the personal details of an individual change they should notify RWWA of that change. Once such advice is received RWWA will take reasonable steps to correct the personal information, in such a way that is consistent with the FOI Act.

7.6 Storage and Security of Personal Information (NPP 4 and IPP 4)

RWWA takes reasonable steps to protect personal information it collects. Some of the ways the RWWA does this are:

- Confidentiality requirements for employees and contractors (contractors are required to sign confidentiality agreements);
- Document storage security policies and restricted physical access to records;
- Strict security measures restricting access to information held, stored or transmitted electronically;
- Providing a discreet environment for confidential discussions;
- Only allowing access to personal information where the individual seeking access has satisfied RWWA's identification requirements; and
- Access control for the main head office building.

Personal information is generally held on secure IT servers or stored in controlled environments (which can only be accessed by authorised staff).

7.7 Open and Accountable Personal Information Management (NPP 5 and IPP 5)

RWWA will be open and accountable in how it collects, uses and manages personal information and will ensure that records management practices are adhered to. Where RWWA wishes to use personal information for a purpose, which has not been previously disclosed to an individual, it will endeavour to advise the individual. Use and disclosure of personal information will at all times comply with the FOI Act and State Records Act.

7.8 Access to and Alteration of Personal Information (NPP 6 and IPP 6 and 7)

Individuals may request access to documents (and/or amend personal information if it is inaccurate, incomplete, out-of-date or misleading) containing personal or other corporate information in accordance with the FOI Act (refer to section 6, above) and refer such applications to the FOI Coordinator. Minor changes to personal contact details may be done over the phone by contacting the Customer Service Centre on 1300 363 688. If this is accompanied by a request for the Account Security Code to be sent to them, a written request to amend the record would be required.

7.9 Government Identifiers (NPP 7)

RWWA is required by law to independently verify the identity of every individual that applies to open a betting account. An individual may use a government identifier (such as a Medicare Card, passport or Driver's Licence) as a form of identification. RWWA will not use or disclose these identifiers other than for the purpose of satisfying an identity check when opening a betting account unless:

- It is required to do so by a state or federal government law;
- In the interest of public health or safety or in the public interest; or
- It is allowed to do so under regulations that allow the use or disclosure of the identifier.

7.10 Anonymous Transactions (NPP 8)

Where it is lawful and practicable to do so individuals may conduct business with RWWA (such as through a retail outlet) without providing personal information or having their personal details disclosed. However in order to conduct business with RWWA electronically (i.e. internet or telephone of which telephone calls are recorded) or through a betting account, personal information must be provided.

7.11 Transmission of Personal Information outside of Australia (NPP 9)

As a general rule information about an individual is not transferred overseas unless in the case of an overseas based person who requests personal details be sent to them. Where information is required to be transferred overseas for a purpose other than individual transaction details, this will only occur in circumstances where information has appropriate protection and the law permits it or where approval from the person concerned is forthcoming.

8. Changes to and further information about Privacy and FOI

Contact Customer Service on (08) 9445 5333 for further information or to obtain a copy of this document go to www.tabozbet.com.au.

RWWA reserves the right to change this document at any time and notify its customers and stakeholders by posting or displaying an updated version on its website or in retail outlets. It is an individual's responsibility to regularly review the policy. Conducting business with the RWWA constitutes an acceptance of the Freedom of Information Statement and Privacy Policy and any changes posted.

RWWA PRIVACY STATEMENT

Racing and Wagering Western Australia (RWWA) is established under the Racing and Wagering Western Australia Act 2003. Being a state authority RWWA is specifically excluded from the provisions of the Privacy Act 1998(Cth) and as such, RWWA is not bound by the National Privacy Principles. Notwithstanding this, RWWA understands that its customers value their privacy and expect their affairs to be kept confidential. On this basis, RWWA's policy is to respect the confidentiality of customer information except where disclosure of the information is-

- required or authorised under a written law;
- made to a sporting authority recognised by RWWA to assist it in connection with any investigation or other action conducted under the sporting authority's applicable betting or anti-gambling laws or rules for its sporting events;
- required to be accessed by authorised persons in connection with any investigation or other action conducted under the rules of racing;
- made for marketing or product development purposes and does not allow an individual customer to be identified; or
- in RWWA's opinion, necessary in order to prevent or minimise loss, damage or injury to RWWA or any other person.

Collection of Personal and Sensitive Information	RWWA collects personal information about individuals and manages it in a sensitive manner. How and why this information is collected depends on what dealings a person may have with RWWA.
Quality and Accuracy of Personal Information	RWWA will endeavour to confirm the accuracy, completeness and currency of personal information when and before it collects, uses or discloses it.
Storage and Security of Personal Information	RWWA will endeavour to ensure that personal information it collects is stored in a secure manner.
Open and Accountable Personal Information Management	RWWA will be open and accountable in how it collects, uses and manages personal information. Where RWWA wishes to use personal information for a purpose, which has not been previously disclosed to an individual, it will endeavour to advise the individual.
Access to and Alteration of Personal Information	Individuals may request to see documents containing personal information RWWA holds about them through a Freedom of Information Application. Minor changes to personal contact details may be done over the phone by contacting the Customer Service Centre on 1300 363 688/ (08) 9445 5333
Government Identifiers	RWWA will generally not use or disclose Government Identifiers (such as a Medicare Card or Driver's Licence) other than for the purpose of verifying an identity when opening a betting account.
Anonymous Transactions	Individuals may conduct business with RWWA through a retail outlet without providing personal information or having their personal details disclosed unless RWWA is required otherwise to do so by law.
Transmission of Personal Information outside of Australia	Information about an individual will not be transferred overseas unless it relates to an overseas-based customer who has requested that information.
Further Information	Contact Customer Service on 1300 363 688/ (08) 9445 5333 for further information to obtain a full copy of the Privacy Policy or go to www.tabozbet.com.au .