

Biosecurity - National Livestock Identification System – Procedures for assigning Property Identification Codes and for managing and accessing registers

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Management of biosecurity risk

The purpose of this procedure is to set out how the NSW Government will assign and manage Property Identification Codes (PICs) and how they will manage and access the district, state and NLIS registers.

Identification codes and registers are integral parts of the National Livestock Identification System (NLIS). This Procedure describes the requirements for

1. Assigning identification codes
2. Managing identification code registers, and
3. Providing information from property identification code and stock movement registers in accordance with the Biosecurity (National Livestock Identification System) Regulation 2017 (NLIS Regulation).

Scope

This procedure applies to the NSW Department of Primary Industries (DPI), an office within the NSW Department of Industry, and Local Land Services (LLS). PICs are a requirement for owners of livestock under the Australian NLIS and are a critical component of the NSW Biosecurity strategy and enhance Australia's reputation in international markets.

Biosecurity legislation summary

The National Livestock Identification System (NLIS) is Australia's permanent whole-of-life identification system which aims to ensure individual cattle, sheep and goats, and pigs can be traced from property of birth to slaughter for biosecurity, food safety, and product integrity and market access purposes.

The NLIS is underpinned by State/Territory legislation, which forms the regulatory framework for the system. In NSW this is the NLIS Regulation. The NLIS is endorsed and supported by all sectors of the cattle, sheep and goats and pig industries including producer, stock and station agent, saleyard, feedlot and processor peak industry bodies.

Part 2 – Identification Codes, of the NLIS Regulation prescribes mandatory measures in relation to PICs. Part 5 of the NLIS Regulation relates to the purposes and uses of the registers.

Any person who deals with cattle, sheep, goats and pigs and who knows or ought to know of the biosecurity risks associated with these livestock has a general biosecurity duty to take measures to prevent, eliminate or minimise the risk as far as is reasonably practicable. The general biosecurity duty can be discharged by following the NLIS Regulation, Industry Standards or by following other advisory or education material.

The collection, use and disclosure of information in accordance with this procedure, including any internal or external discussion or distribution of information, must be in compliance with the *Privacy and Personal Information Protection Act 1998* or be exempted by the operation of section 387 of the Act.

Section 387 (2) of the Act provides authority for the disclosure of information about a person, without the consent of the person: to a public sector agency, or to any other person, but only if the disclosure is reasonably necessary for the purpose of exercising a biosecurity risk function.

Work Health and Safety

The *Work Health and Safety Act 2011* places an obligation on the agency (NSW DPI and LLS) as a person conducting a business or undertaking and workers to provide a safe and healthy workplace. Safe Work Method Statements that support activities included in this procedure must be used in identifying, assessing and controlling risks.

NSW DPI and LLS will work together to create a safe and supportive work environment when undertaking any activities for this procedure.

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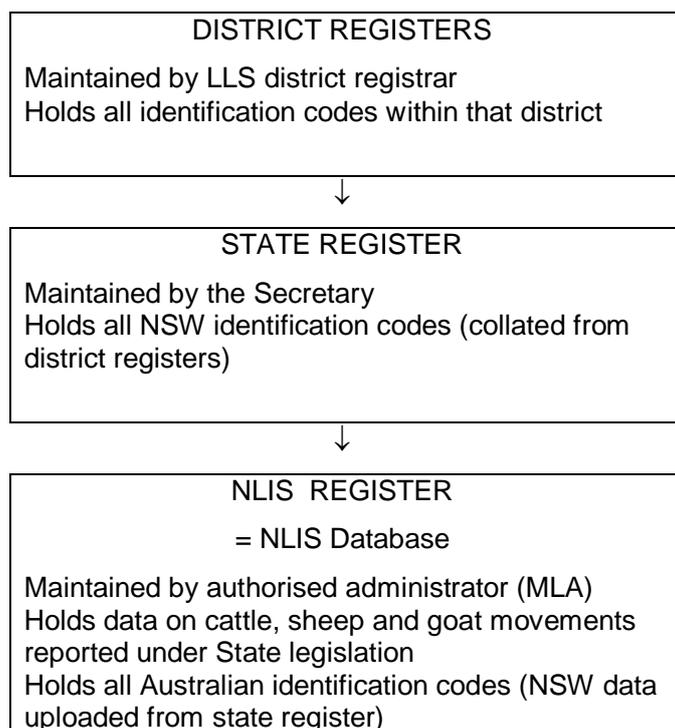
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NLIS – Procedures for assigning Property Identification Codes and for managing and accessing registers

1. Overview

The NLIS Regulation establishes three registers of information about livestock identification and movements which provide the core data on which the NLIS and traceability is based.

1. District registers of property identification codes (PICs) and other identification codes,
2. State register of identification codes
3. NLIS register of livestock movements and identification codes (the NLIS database).



1.1 Types of Identification Codes

- PICs are unique identifiers for land used for livestock or other agricultural production
- agent identification codes are assigned to individual stock and station agents
- district codes are assigned to each stock identification district.

Identification codes are recorded by each LLS (District register), provided to NSW DPI for collation (State register), then uploaded from the State register to the NLIS database.

Stock movements between properties, to and from saleyards and to abattoirs are uploaded by industry account holders to the NLIS database.

1.2 Identification Code Statuses

An identification code can have only one of the following statuses:

- **Active** – the code is assigned and in use.
- **Inactive/Suspended** – the code has been assigned but is not currently in use. This status is temporary.
- **Cancelled/ Disbanded** – the code was once assigned but no longer exists. This status is permanent.
- **Blocked** – an inactive or cancelled code barred from use on the NLIS database.

1.3 Format of identification codes

The Secretary determines the PICs that are to be assigned in each District.

Saleyards and abattoir/knackery PICs have a unique character sequence to distinguish them where XX is the District and ? is variable:

- saleyards = N?99XX0?
- abattoirs and knackeries = N?99XX1?

A code that has an incorrect character sequence (algorithm) is invalid and cannot be assigned a status.

2. Types of Registers

2.1 District Registers

2.1.1 District Registrar responsibilities

The maintenance of the District register is the primary responsibility of the **district registrar** within that district (clause 53 of the NLIS Regulation). The district registrar is often the General Manager of the LLS district, or their delegate who exercises any or all of the functions of the District registrar.

Maintenance includes both maintaining accurate and up to date information in the District register and conveying that information in a timely manner to the State register.

The district registrar must:

- within seven days after entering information in the register provide the information to the Secretary in an electronic form that enables it to be readily uploaded to the State register
- if requested to do so, allow an authorised person (the Secretary, or an authorised officer, a food inspector or animal welfare inspector) to have access at any time to the information contained in the register free of charge, and provide that information to the authorised person in the manner and time requested by the person.

In practise, changes to PIC details are uploaded to the NLIS Register, from the district register via the state register, each working day at 12pm, 3 pm and 6 pm.

A district registrar may allow any other person to have access at any reasonable time to the information recorded in a District register if satisfied that the information is to be used for a purpose for which the registers are maintained.

A District register must keep all the identification codes that are assigned in their Stock Identification District including:

- PICs for properties (including saleyards, abattoirs, travelling stock reserves, public land and public roads)
- the district code and
- agent identification codes.

The District register should be amended in a timely matter based on the following sources of information:

- applications or advice from land owners/occupiers to amend their PIC or contact details
- annual land and stock returns
- rate payments
- returned PIC cards
- advice of the sale of land:
 - the District Registrar may amend the register details on receipt of advice from a solicitor or the Department of Lands that a property has been sold, or
 - inactivate the PIC until the new owner/occupier applies for the PIC in their own right which is preferable so that full owner/occupier details can be obtained and the person is provided with a privacy notice.

Changes to a District register must be sent to the State register within seven days.

2.1.2 District Register requirements

The District register may be part of different database (e.g. FARMS) containing additional information about holdings, owners, occupiers, rates and disease or residue data. However, only that information listed below forms the official District register of identification codes. The additional information is not required to be uploaded to the State register.

The District register **must** contain the following information:

- the status and particulars of each property identification code assigned by the district registrar, along with the following information:
 - the name and location of the property to which the code has been assigned
 - the lot and DP numbers of the property
 - the full name, residential address, postal address, email address (if any) and telephone number of the owner or occupier of the property, and PIC Manager where applicable, and
 - the number and type of stock kept on the property (as disclosed in the latest annual return lodged under the *Local Land Services Act 2013*)
- the status and particulars of each district code assigned by the district registrar, and
- the status and particulars of each agent identification code assigned by the district registrar, along with the name, address and telephone number of the stock and station agent to whom the code has been assigned.

There is a requirement for the relevant person (owner or occupier of the property) in respect of the property to which a PIC has been assigned by the district registrar that they must ensure that within 14 days after they become aware of any changes in the particulars, the district registrar is notified of the changes.

2.2 State Register

The Secretary maintains a State register of all identification codes assigned in NSW. The State register:

- is amended based on advice of changes to the District register sent by District Registrars
- can only be changed by NSW DPI with the authorisation of the District Registrar, except for minor typographical changes
- changes requested by a producer are referred to the LLS for confirmation
- remains unchanged (and potentially incorrect) until this confirmation is provided by the LLS. Any further inquiries from the producer about that issue will be referred directly to the LLS for action
- data is automatically uploaded to the NLIS database 3 times daily

The Secretary must, on request by the authorised administrator, provide any information that is recorded in the State register to the authorised administrator of the NLIS register within seven days of that request (clause 54 (4) if the NLIS Regulation).

Any significant changes to the State register must first be endorsed by the District Registrar and recorded in the District register.

2.3 NLIS Register (NLIS Database)

The NLIS database (designated as the NLIS register under clause 55 of the NLIS Regulation) incorporates PICs uploaded by each State and Territory. It allows various business rules based on PIC type or status to be implemented, for example advising abattoirs that an animal is from a residue risk property, or alerting various parties to the attempted use of a blocked PIC.

The NLIS administrator maintains a register of livestock movements in the NLIS register, as well as PICs provided from the State register. The Secretary has appointed Integrity Systems Company Limited (formerly NLIS Ltd) as the authorised administrator.

Information recorded in this register in accordance with the NLIS Regulation includes:

- the NLIS and Radio Frequency Identification Device (RFID) numbers of cattle
- PIC register information
- PIC and device status and history (eg Extended Residue Program (ERP))
- the tag transactions
- kill/sale data
- device based movements for cattle and potentially sheep and goats
- mob based movements for sheep, goats and pigs.

2.3.1 Maintenance of the NLIS Register

The NLIS database is maintained by NLIS Ltd, though most data is uploaded by users. NLIS Ltd convene a Database Development Review Committee (DDRC) which meets regularly by telephone conference. A web-based issue tracking system called JIRA is used to log and follow through each issue.

Suggestions for changes to the database, whether to fix a problem or enhance its functionality, should be sent to NSW DPI for referral to and consideration by this committee. Minor problems may be corrected within a few weeks. Significant enhancements go through a more formal approval process and work scheduling which, depending on their complexity, may take several weeks to months to deliver.

3. Property Identification Codes (PICs)

3.1 Assigning property identification codes

A PIC is a unique identifier assigned by the district registrar to land used for livestock production (farm property) in accordance with clause 7 of the NLIS Regulation. Under the NLIS Regulation a **property** is defined as 'an area of land (including an area comprising one or more parcels of land that are proximate) that is worked as a single property'. This includes:

- any property that is wholly or partly in the district
- any travelling stock reserve, or public land, within the meaning of the *Local Land Services Act 2013* in the district
- any public road in the district to which a stock permit under the *Local Land Services Act 2013* relates
- any saleyard or abattoir in the district, or
- land such as a stadium or showground where stock are held in captivity on a temporary basis as part of an event.

PICs are also required to be assigned to land where certain livestock activities may occur including:

- abattoir/ knackery
- goat depot
- saleyard
- cattle scale operation
- stock event
- land in common or public use (showground, common, sporting field, grazed cemetery, Artificial breeding centre), or
- non-rateable land (eg small farm, forestry lease).

3.2 When property identification codes are required

A PIC is required for properties on which certain animals are held in captivity:

- identifiable stock which includes cattle (bison, buffalo and water buffalo), pigs, goats and sheep

- camelids (camels, alpacas and llamas), deer or equines (horses, donkeys, asses, mules and zebras)
- more than 100 small poultry (chickens, turkeys, guinea fowl, ducks, geese, quails, pigeons, pheasants or partridges)
- more than 10 large poultry (emus or ostriches).

3.3 Applications for identification codes for farm properties

An owner or occupier of a property may apply for a PIC for that property, where the occupier may be a manager, lessee or a person with stock on agistment:

- if a property already has an active PIC, then that PIC is transferred in the name of the applicant
- if the property has an inactive PIC, then that PIC is reassigned in the name of the applicant
- a parcel of land can only have one active PIC
- parcels of land that do not meet the definition of a property cannot be assigned the same PIC
- PICs cannot be assigned to a person, business or postal address
- a PIC Manager must be a person, not a company
- the property does not have to have stock on it or be rateable land in order for a PIC to be assigned.

The District Registrar may assign a PIC without an application and at their own discretion in which case no fee is payable. This may occur when the land is not usually required to have a PIC but is also required for an animal health, residue or disease risk purpose.

The District Registrar should consult with the District Veterinarian and appropriate Rangers/Biosecurity officers to determine a logical grouping of TSRs, roads and public land into one or more properties, based on geography, management arrangements, and residue and disease history or risk.

3.4 Amalgamation of properties under one PIC

A person who owns or occupies more than one holding can request to amalgamate their holdings under a single PIC provided the land fits the definition of working as a single property and is proximate.

Working as a single property: means regular movements of grazing stock occur between the holdings such as that the holdings are effectively paddocks of one larger property.

A set distance should not be applied rigidly as the only criteria but should be considered.

The owner or occupier of the property should consider all the advantages and disadvantages of amalgamation along with their stock management and record-keeping systems and known risks on their holdings, neighbouring properties or in the district and weigh up the pros and cons to make their own decision on what is the best option for them:

- if one parcel of land has a significant disease or residue history, it would be appropriate to assign that land's PIC to the whole property if the other holdings share that risk
- the owner or occupier of the property must be made aware of this risk and be willing to accept the consequences. If one holding has a higher disease or residue risk than other holdings, there could be merit in keeping this as a separate property with its own PIC
- the District Registrar **must** clarify the workings of the properties with the producer and consult with the District Veterinarian to determine if there are any known residues, disease history or risk associated with the properties involved before processing the amalgamation request.

The owner or occupier of the property must ensure stock are transferred on the NLIS database from the inactivated PIC to the active PIC before or as soon as the holdings are amalgamated.

Guidelines for determining the validity of a request to amalgamate properties are outlined in Appendix 1.

3.5 Dividing a property into separate parcels and multiple PICs on a holding

A parcel of land can only have one active PIC. Usually the smallest parcel of land is a 'lot' as defined by land titles. If the area of land assigned a PIC is smaller than a lot, then it will need to be described spatially in the District register.

A property with one PIC may be subdivided into separate holdings with different PICs (within the meaning of the *Local Land Services Act 2013*) on request from the owner or occupier of the property in the following situations:

- part of the property is sold
- land that was previously leased or used for agistment is no longer occupied and worked with the rest of the property.

An area of land that forms part of a holding may also be assigned its own PIC when the District Registrar is satisfied the land is managed separately after consultation with the District Veterinarian when:

- a significant residue or disease problem is identified, traced and isolated to only part of the property, and can be effectively managed separately from the rest of the property:
 - this course of action should be determined through consultation between the producer, the District Veterinarian and the District Registrar
 - the original PIC must remain with that part of the property with a significant disease or residue history
 - new PICs are assigned or reactivated to the other holdings.
- management of one section of a property is separated from the rest for a specific purpose requiring different levels of certification, for example:
 - EUCAS feedlot or where HGPs are used
 - where mobs or flocks are separately managed under an approved property disease management plan or market assurance program.

3.6 Transfer of property identification codes

Once assigned to a property, a PIC remains permanently linked to that property irrespective of ownership, occupation, or land use. A PIC cannot be transferred except to another property that comprises all or part of the property to which the code was assigned.

3.7 Assignment of PICs to saleyards, abattoirs and knackeries

PICs are assigned by the District Registrar to each saleyard, abattoir and knackery in the District without application or fee:

- if a saleyard, abattoir or knackery closes, the PIC is inactivated. If it subsequently reopens the same PIC is reassigned
- new saleyard and abattoir/knackery PICs are available on request from the NLIS Database Clerk.

3.8 Renewal of identification codes

An identification code remains active for three years or for a shorter period specified in writing by the district registrar such as when ongoing use of the identification code is uncertain (e.g. occupancy of part of an amalgamated PIC is temporary).

Identification codes are renewed on application to the district registrar or 'automatically' yearly with the payment of rates

Saleyard, abattoir and knackery identification codes do not need renewal and no fee is payable.

3.9 Amendment of incorrect PICs

A PIC once assigned cannot be amended. If a PIC is incorrectly assigned the current PIC is cancelled and a new one assigned. Incorrect PICs occur where:

- the PIC has been assigned to a person or postal address and there is no identifiable link to land
- the code for the wrong district has been assigned, or
- a saleyard/abattoir code has been accidentally assigned to a property.

3.10 Suspension of PICs

A District Registrar may **inactivate (suspend)** the operation of a PIC. This may happen, for example, when:

- the property has been sold or a lease expired or terminated but the Registrar has not yet been notified of the new owner or occupier
- the new owner or occupier has not yet applied for a PIC
- separate properties have been amalgamated into one property
- on request from the owner or occupier of the property that they no longer require a PIC
- the PIC has not been renewed on time (including where a renewal fee, or rates that include a renewal fee, have not been paid, or a land and stock return has not been provided, within the time prescribed under the *Local Land Services Act 2013*).

3.11 Reactivation of PICs

The code may be reactivated only by a district registrar for that stock identification district, for example if:

- the owner or occupier applies for a PIC
- the land is subdivided again into separate properties
- the PIC is renewed.

Stock may still be identified and transferred using an inactivated/suspended PIC, as the link between the PIC and identifiable land (traceability) remains and there may be a legitimate reason for doing so (eg moving stock off a recently sold property).

Orders for identifiers for an inactive PIC should only be endorsed if there is a demonstrable need to identify stock on that property.

3.12 Cancellation of Identification Codes

A District Registrar may cancel the operation of a PIC (clause 16(3) of the NLIS Regulation) and may only be re-assigned in the circumstances and manner that the Secretary determines, for example when:

- the land use has changed in the long term and it is unlikely to be used for agriculture again (eg residential subdivision)
- the land has been divided into smaller properties (each of which will require a separate PIC) and no recognisable part of the original property remains
- the PIC has been incorrectly assigned
- the code has been misused and is to be blocked
- Local Land Services Districts have been amalgamated and new codes are being assigned to some or all of the properties in the new district.

A person cannot lawfully:

- use identifiers with a cancelled PIC unless they are NLIS devices which have been transferred ('TAGTRANS') to another property with an active PIC before cancellation
- transfer stock using cancelled PIC.

Orders for identifiers for a cancelled PIC must not be endorsed.

3.13 Blocked identification codes

An identification code may be blocked to prevent its use on the NLIS database in the following circumstances:

- an agent code that has been inactivated or cancelled

- a PIC assigned to a saleyard or abattoir that has temporarily or permanently closed and is not currently operating
- a district code for a stock identification district that no longer exists
- a false identification code. This is a valid code which meets the PIC algorithm but has not been lawfully assigned under the NLIS Regulation
- any other cancelled code that is being unlawfully used to transfer of cattle on the NLIS database.

A district registrar, or authorised officer may put in a request to the NSW DPI Manager SI&T unit or their delegate to have an identification code blocked. To block an identification code the Manager SI&T or delegate will:

- cancel the code on the central register, and
- upload the blocked 'B' status to the NLIS database.

District registrars need to change the identification code status on FARMS to cancelled/inactive for agent codes and for producer PIC, they need to contact NSW DPI.

An identification code may be unblocked on notification, when the code has been reactivated or reassigned in accordance with NLIS Regulation and approved procedures.

Action when blocked identification code is used

The onus is on the owner or person in charge of stock, or a saleyard or abattoir, or a stock agent, to transfer cattle from and to the correct identification code in accordance with the NLIS Regulation:

- if an attempt is made to transfer cattle to a blocked identification code, then the transfer is rejected by the NLIS database and the cattle will remain on the 'current holdings' of the property, saleyard or agent 'from' PIC
- unless the cattle are subsequently transferred to the correct PIC within the prescribed timeframe, the person has not met their obligations under the NLIS Regulation
- an attempted and uncorrected transfer to a blocked code is effectively a failure to transfer the cattle as required by the NLIS Regulation.

The NLIS database automatically sends an email notification about the attempted use of a blocked code to DPI's NLIS helpdesk email address. A report *Uploads with a blocked, inactive, invalid or disbanded PIC* is available to State Department Authorises (SDA) accounts from the database.

NSW DPI may refer persistent attempts to transfer cattle to or from a blocked code to an LLS or NSW DPI authorised officer to follow up:

- the authorised officer contacts the person who attempted the transfer to encourage them to obtain and use an alternative and correct PIC, reminding them of their obligations under the NLIS Regulation to do so
- if after a month that person is still attempting to transfer cattle to the blocked code, then a breach investigation is carried out with respect to the person attempting the transfer and/or the person quoting the blocked code.

3.14 Change of land ownership or occupancy

When a property is sold or leased, the PIC remains assigned to that property but the particulars associated with the PIC are amended to show the new owner or occupier:

- the PIC cannot be transferred to another property even if the other property is owned or occupied by the same person as the previous property
- if the purchaser already has a property with a PIC and intends to manage their new land with their existing property and both properties meet the definition of a property, then:
 - they can use their current PIC to identify stock from the new property
 - the PIC for the purchased property is inactivated.

4. District codes

District codes are determined by the Secretary (clause 13), and assigned by the District Registrar (clause 11). They may be used as the code on special NLIS identifiers and:

- have the same format as PICs but end with four zeros – ‘0000’
- a stock identification district can only have one District Code
- remain permanently with the district to which it is assigned and does not need to be renewed
- may be reassigned to a district that contains part or all of the stock identification district to which it was originally assigned if district boundaries change
- cannot be reassigned to an entirely different stock identification district
- applies to all land in the stock identification district that does not have an assigned PIC
- are recorded in the district, state and NLIS register in the same way as PICs, with the Stock Identification District as the ‘owner’.

Identifiable land within stock identification districts such as travelling stock reserves, showgrounds and commons must be assigned their own PICs not a district code.

5. Agent identification codes

A district registrar may assign an agent identification code to a stock and station agent whose registered office is located in the stock identification district or who carries on business within the stock identification district.

An agent identification code may be assigned by a district registrar on the district registrar’s own discretion or on application by or on behalf of the stock and station agent.

An agent identification code may be transferred to another stock and station agent who has taken over the business of the stock and station agent to whom the code was assigned.

6. Legislative requirements relating to registers

6.1 Access to registers and disclosure and use of information

The district, state and NLIS identification registers contain personal information about people, as well as potentially commercially sensitive data about their land and livestock.

The information collected may be used and disclosed for a purpose consistent with the purposes of the register as prescribed in clause 52 of the NLIS Regulation and (for the NLIS register) the *Terms of use for the NLIS Database*.

Information must not be used or disclosed unless it is consistent with one of these provisions. If in doubt, LLS, NSW DPI and NLIS Ltd staff may refer the matter to NSW DPI’s NLIS Helpline, who in turn may refer it to NSW DPI Manager Systems, Information and Traceability unit or their delegate.

Clause 52 of the NLIS Regulation lists the purposes for which the three registers are maintained:

- to facilitate and assist the operation of the stock identification schemes established under this Part
- to protect public health and safety
- to assist in controlling disease and residues in stock or in animal products
- to assist in enabling the disease and residue status of stock or any animal products to be ascertained
- to facilitate the determination of ownership of stock or any animal products
- to assist in tracing the movement of any stock or any animal products
- to assist in the investigation of theft of stock
- to facilitate the dissemination of information in relation to the production and marketing of stock or any animal products
- to assist in the assessment and management of the welfare of animals
- to assist with the management of land used by stock

- to assist with the administration and the exercise of functions under the *Local Land Services Act 2013*.

Privacy provisions

The collection, use and disclosure of information regarding the assigning of a PIC and managing and accessing registers, including any internal or external discussion or distribution of information, must be in compliance with:

- section 387 of the Act, and
- the *Privacy and Personal Information Protection Act 1998*, and
- the current NSW DPI 'Collection, use and disclosure on information' policy and procedure (see Section 8. Documentation).

Section 387 of the Act includes authority for the Secretary, an authorised officer, a local control authority and any other person engaged in the administration of the Act :

- To collect and use information (including personal and health information), for the purpose of exercising their biosecurity risk functions.
- To disclose information, (including personal and health information) about a person, without the consent of the person to:
 - a public sector agency, or
 - any other person, but only if the disclosure is **reasonable necessary** for exercising a biosecurity risk function.
- To request information (including personal and health information) from a public sector agency about a person, without the consent of the person, and
- An exemption from [section 9](#) of the *Privacy and personal Information Protection Act 1998* (the Privacy Act), if compliance would detrimentally affect, or prevent, the exercise of their biosecurity risk functions.
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The collection and use of information recorded in a stock identification and tracing register is subject to the provisions of Part 6 of the Privacy Act. The Privacy Act applies to all public sector agencies, including NSW DPI and LLS.

The information recorded in PIC registers and the NLIS database includes 'personal information', which is defined by the Privacy Act as "... information ... (including information forming part of a database) about an individual whose identity is apparent or can reasonably be ascertained from the information ..." (section 4(1)).

Personal information may only be collected for a lawful purpose that is:

- directly related to a function or activity of the agency, and
- the collection of that information is reasonably necessary for that purpose (section 8).

This allows the collection of information for the purposes of administering PICs and the NLIS.

When collecting personal information, the agency must take reasonable steps to ensure that the person to whom the information relates is made aware, usually by way of a privacy notice, that:

- the information is being collected
- why it is being collected
- who will receive the information
- whether the information is being required by law or its provision is voluntary and
- any consequences if it is not provided
- how the person can access or correct the information, and
- which agency is collecting and holding the information.

Personal information must not be used unless it is for a purpose directly related to the purpose for which the information was collected, or the person to whom the information relates has consented to its use for some other purpose.

Personal information must not be disclosed to any other person or body unless it is for a purpose directly related to the purpose for which the information was collected, or the person to whom the information relates has been made aware that the information will be disclosed to that other person or body.

The PIC registers and NLIS database may be public registers within the meaning of section 3 of the Privacy Act as clauses 53(4) and 54(3) of the Regulation may allow 'any other person' to have access to the information. A public register means "... a register of personal information that is required by law to be, or is made, publicly available or open to public inspection ..."

Notwithstanding this, the agency responsible for keeping a public register must not disclose any personal information kept in the register unless the agency is satisfied that it is to be used for a purpose relating to the purpose of the register or the Act under which the register is kept.

This obligation is imposed on NSW DPI and LLS by section 57 of the Privacy Act and on MLA (NLIS Ltd) by clause 55 of the NLIS Regulation. In order to do this, the agency may require any person who applies to access information contained in the register to give particulars, in the form of a statutory declaration, as to the intended use of any information obtained from the inspection (section 57 of the Privacy Act).

6.2 Terms of use for the NLIS database

Use of the NLIS database is subject to the *Terms of Use for the National Livestock Identification System database* as approved from time to time by SAFEMEAT and published by MLA (NLIS Ltd). Sections 2 (Accounts) and 8 (Confidentiality and privacy) are especially relevant to disclosure and privacy:

- Section 2.5 of the *Terms of Use* states: "The Database contains confidential and commercially sensitive information ... Accordingly, subject to any applicable legislative restrictions and in accordance with these terms, the Administrator restricts access to information contained in the Database."

Access to the NLIS database is provided through a variety of database account types, and NLIS Ltd requires all applicants for NLIS database accounts to read and accept the *Terms of Use*:

- Section 2.16.1 of the *Terms of Use* allows government participants to access and use any data in the database, provided it is for the "Permitted Use" and the data has been provided in the course of complying with legislative requirements, including other jurisdictions' legislation
- This is reiterated in 2.16.3. of the *Terms of Use*, where the "Permitted Use" (section 13.1) means "any use which a government Participant acting reasonably considers necessary or convenient to comply with the legislative framework within which it operates solely for biosecurity, food safety and market access purposes"
- Section 2.16.2 of the *Terms of Use* stipulates that "Government Participants must not, by sale or otherwise, provide third parties any data in the Database (other than the data provided by Participants in the course of complying with that jurisdiction's legislative requirements)".

This means that:

- NSW DPI and LLS staff can only access and use information from the NLIS database if that data has been provided in compliance with the *Biosecurity Act 2015 and subordinate legislation* or similar legislation in another jurisdiction, and the data is to be used for a purpose related to biosecurity, food safety or market access.
- data not provided in accordance with legislation cannot be used, nor can the data be used for any other purpose.
- NSW DPI and LLS staff can only provide information from the NLIS database to third persons if that data has been provided in compliance with the *Biosecurity Act 2015 and subordinate legislation* and the data is to be used for a purpose related to biosecurity, food safety or market access.

- data provided under legislation in another State, or intended for use for another purpose, cannot be disclosed to third parties.

Section 2.16.3 of the *Terms of Use* allows NSW DPI and LLS, subject to the above conditions, to alter, adapt, extract, reproduce, export, disseminate or transmit the data.

Section 2.19.1-3 of the *Terms of Use* allows a law enforcement agency to open a database account or to obtain information directly from NLIS Ltd on written request. A law enforcement agency in this context is defined as “police, rangers and other law enforcement agencies”. The data may be used for law enforcement purposes.

Section 8.6.2 of the *Terms of Use* states that “the Administrator respects the privacy of individuals and does not release personal information other than as specified in these terms”. The Administrator is NLIS Ltd.

SDA NLIS database accounts

There are different levels of NLIS database accounts designed to meet the needs of regulatory SDA, including NSW DPI, LLSs, NSW Food Authority and Police and are as follows:

- **SDA ('full' or 'heavy')** - provide a high level of access to functions and reports on the database. Due to privacy issues and the need for greater training and experience, this account type is only available to senior managers and their support staff in NSW DPI who are responsible for the administration of or compliance with the NLIS. It may also be useful for senior management of the NSW Police rural crime investigation unit
- **SDA Medium** - provide access to a range of reports and functions useful for tracing cattle and monitoring the operation of the NLIS in saleyards and abattoirs and by stock agents and producers
- **SDA Light** - provides basic functions such as the ability to determine the current location and status of an animal and to look up PICs
- **Police** accounts are similar to SDA Medium with the reports and functions more tailored to the needs of Police
- **State Food Authority** accounts are an account for the state food authority to monitor NLIS activities of abattoirs and knackeries.

Account creation:

- applicants must create a new account on line through NLIS Ltd's website
- click on *Create*, read and accept the *Disclosure notice* and *Disclaimer*, select the appropriate account type from the pull-down list, leave *PIC* and *Saleyard ID* blank, then complete the rest of the form
- once the account has been created, NLIS Ltd will seek the endorsement of DPI's NLIS Helpline before activating the account
- if the applicant does not fit into one of the positions or categories listed in this Procedure or is otherwise unknown, the Helpline may contact the applicant if known or otherwise reject the application with a reason. This process may take from one to a few days
- NLIS Ltd will only open an SDA or Police account in NSW with the approval of NSW DPI.

Conditions of use:

- NLIS Ltd require each person opening a database account to read and accept a disclosure notice, disclaimer and terms of use during the process of creating an account
- each user should have their own database account
- sharing of user IDs and passwords is not encouraged, although once a user is logged in, other trained staff may operate their account under supervision
- the person in whose name a user ID and password is issued remains responsible for all transactions carried out on their account
- all data must be treated confidentially and only used in the course of the officer's work
- the NLIS database provides access to State-wide and, in some cases, Australia-wide data. Staff should only access and use data applicable to their region or district.

PIC search facility on NLIS database

Most database account holders, including the various 'SDA' accounts, can search for any active PIC in Australia accessed through 'View/generate all reports', then 'Search the PIC register'. The PIC search function is reasonably self-explanatory and a help tool is available on the NLIS database web site.

6.3 Principles of providing information from registers

District registers

A District Registrar must, on request, allow the following persons access to any information recorded in the District register free of charge and in the manner and time requested by the person:

- an authorised officer (including a Police officer, animal welfare inspector)
- the Secretary (including appropriate NSW DPI staff), or
- a food inspector.

A District Registrar may allow any other person access at any reasonable time to information recorded in the District register. The information:

- might relate to one or a small number of PICs or to the whole district
- may be provided verbally, in writing, by fax or email, or in electronic format.

The LLS district may charge a reasonable fee for this service, in accordance with LLS procedures.

A District register only contains certain prescribed information so only this information may be disclosed. Other information that may be recorded in the same database must not be made publicly available unless this is sanctioned by other procedures, policy or legislation.

State register

The Secretary must, on request, allow **authorised persons** access to any information recorded in the State register free of charge and in the manner and time requested by the person (clause 54(2)). The following persons are authorised:

- the authorised administrator (including appropriate staff)
- a district registrar (including appropriate staff)
- an authorised officer (including a Police officer, animal welfare officer), or
- a food inspector.

The Secretary may allow any other person access at any reasonable time to information recorded in the State register. This information might relate to one or a small number of PICs, or a whole district, or the whole State. The information may be provided verbally, in writing, by email or in electronic format. No fee is payable.

The State register only contains certain prescribed information, so only this information may be disclosed. Other information that may be recorded in the same database must not be made publicly available unless this is sanctioned by other procedures, policy or legislation.

NLIS register

Access to the NLIS database is determined by the NLIS Regulation and the database *Terms of Use*.

The authorised administrator (NLIS Ltd) must, on request, allow **authorised persons** access to the NLIS database free of charge and in the manner and time requested by the person. The following persons are authorised:

- the Secretary (including appropriate staff)
- District registrars (including appropriate staff);
- authorised officers (including Police officers and animal welfare officers), and
- food inspectors.

This access is generally provided through 'SDA' database which have been designed to meet the requirements of regulatory and law enforcement agencies.

Authorised persons are entitled to open one of these database accounts but if they do not have their own account, they may obtain information from the database from another authorised user or NSW DPI's NLIS help desk.

The authorised administrator may allow any other person access at any reasonable time to information recorded in the NLIS register, including PICs (clause 55(3) of the NLIS Regulation). NLIS Ltd can only provide information from the NLIS database if they are satisfied that the information will be used for a purpose referred to in clause 32 of the NLIS Regulation (clause 55).

The NLIS Regulation does not allow an authorised person to release information from the NLIS register to third parties. The *Terms of Use* (2.15.2) limit the circumstances in which data can be provided by government participants to third parties.

These conditions mean that only NLIS Ltd can provide information from the NLIS database to non-authorised persons; NSW DPI and LLS staff cannot provide this information directly to people other than authorised persons as listed above.

NLIS Ltd may at their discretion release information from the NLIS database provided it is for a purpose prescribed under the NLIS Regulation. NLIS Ltd do this by providing a range of account types with defined and limited functionality. NLIS Ltd have indicated that they are unwilling to provide any information from the database other than to account holders in accordance with the *Terms of Use*.

6.3.1 Access to registers by authorised persons

NSW DPI, LLS, Police and NSW Food Authority staff who are authorised persons can access and share information in any register:

- for purposes consistent with their duties as a statutory office holder (authorised officer, district registrar, food inspector), or
- while acting under the supervision or direction of an authorised person, or
- otherwise in accordance with a Procedure / Written Instrument.

In general this would include animal health, chemical residue, livestock identification and food safety issues. Information may not be used for other purposes even though they are work related, unless the permission of the owner or occupier of the property to which the data pertains has first been obtained. Examples of inappropriate use would include using the data to help verify drought claims or land and stock returns, or to conduct surveys.

Information from a register about other people's properties or livestock must not be used by NSW DPI or LLS staff or LLS Directors for private purposes, such as trading livestock or land for personal gain, as this presents a significant conflict of interest and breach of privacy.

6.3.2 Access to registers by law enforcement agencies

Information from a register may be provided to a law enforcement agency on request and these law enforcement agencies are exempt from many provisions of the Privacy Act:

- these agencies are defined in section 3 of the Privacy Act and include any State or Territory police force and the Australian Federal Police, the Director of Public Prosecutions, the NSW and Australian Crime Commissions, and a few others
- the NLIS database *Terms of Use* specifically provide for disclosure of information to law enforcement agencies (clauses 2.19.1 - 2.19.3).

6.3.3 Access to registers by other government agencies and statutory authorities

Persons employed by or acting on behalf of other Government agencies and statutory authorities that are not law enforcement agencies (as defined by section 3 of the Privacy Act) might request information from a register. This could include:

- Local Councils
- Roads and Maritime Services (RMS)
- Department of Agriculture and Water Resources (DoAWR)
- Department of Environment and Conservation (DEC)
- Royal Society for the Prevention of Cruelty to Animals (RSPCA)
- Rural Assistance Authority (RAA)
- National Residue Survey (NRS).

Information may only be provided if it is consistent with the purposes of the registers and if the person is entitled to open an NLIS database account that provides that information:

- a person is not entitled to information from a register simply because they are employed by the Government or other statutory authority or is an 'inspector' under their own agency's legislation.
- however, the information must be provided if the agency's legislation provides the officer with the power to ask questions or to obtain documents and they invoke this power appropriately.

6.3.4 Access to registers by the public

The PIC registers and NLIS database are not freely available to any person for any reason. LLS, NSW DPI and NLIS Ltd must take steps to ensure that data is only used for purposes consistent with the purposes of the registers and the person gaining this information is aware of this constraint. Members of the public must not be provided with any information from a register unless it is:

- current (not historical) information directly related to land they own or occupy
- stock they currently own or manage.

6.4 Accuracy of information in registers

The information contained in registers is based on that provided by other parties and is not necessarily accurate or up to date. For example:

- details of land ownership or occupancy related to a PIC may take several weeks to be recorded in all registers, by the time a property owner or the land titles office informs LLS who informs NSW DPI who informs NLIS Ltd
- the PIC on an NLIS device or tag indicates the property on which the animal was born or first identified. The animal may have been moved to one or more properties since then
- the 'current PIC' for an NLIS device (the PIC on which an animal is currently recorded on the NLIS database) depends on whether various parties have transferred the cattle from one property to another.

A person being provided with the 'current PIC' for an animal from a 'beast inquiry' on the NLIS database must be made aware and understands that this indicates the last PIC of residence of that animal *as recorded on the database by another person*, and does not confirm the property that the animal might have most recently come from, and does not prove ownership of the animal.

6.5 Procedures for disclosing information from registers

The collection, use and disclosure of information from registers, including any internal or external discussion or distribution of information, must be in compliance with section 387 of the Act, the Privacy Act and the relevant NSW DPI policy and procedure (see Section 8)

6.5.1 Records of information provided

As protection against allegations of improper use or disclosure of private and personal information, it is good practice to record, whenever practical in a diary, event log or record of conversation:

- who is making the inquiry
- why they want the information
- what information is provided.

If the request is in writing (letter, fax, email), the request and response should be filed and the record kept in a retrievable manner for at least 12 months.

6.5.2 Disclosing to authorised persons and law enforcement agencies

Confirm the person's right to access the information. If they are not known to you, ask for and record their name, agency and a contact number or address:

- Find out the reason for the request and confirm that it is consistent with the prescribed purposes
- Provide the information. If it includes the 'current PIC' of an animal from the NLIS database, emphasise that it might not be correct and does not necessarily confirm the previous location or ownership of the animal.

6.5.3 Disclosure to other government agencies and statutory authorities

Find out the reason for the request:

- information may be provided from a PIC register if the purpose is consistent with the purposes of those registers
- information may be provided from the NLIS database only if it for a 'permitted use', i.e. biosecurity, food safety or market access.

If the request is appropriate, ask for the person's name, agency and telephone number using the verbal privacy notice and read the verbal disclaimer before providing the information.

If the request is complex or it is unclear whether it is for a legitimate purpose, ask them to provide the request in writing, giving their name, position, agency and contact details, and providing the reason and how they intend to use the information. An email or fax using their agency's email address or letterhead would suffice. Respond to the request in a timely manner.

Provide a reason if the request is declined. The person may still be entitled to the information as a law enforcement agency and may be advised to contact NLIS Ltd.

6.5.4 Disclosure to Stock agents, saleyard operators, abattoir operators, feedlots

These people should have their own NLIS database account and can access all the information to which they are entitled, including PICs, from there. Advice may be given about how to use their account or they could be advised to contact NLIS Ltd.

6.5.5 Disclosure to livestock producers

Livestock producers should be encouraged to open their own NLIS database account and can access all the information to which they are normally entitled from there:

- advice may be given about how to open or use their account or they could be advised to contact NLIS Ltd
- otherwise, determine the reason for the request. The response will depend on the reason, including:

Stock straying on their property

Based on the NLIS device number, look up the 'current PIC' of the animal on the NLIS database. If the current PIC is not proximate (and hence is probably not correct as the animal is unlikely to have strayed that distance), advise the person that you are unable to determine the animal's origin:

- if the current PIC is proximate, ask the inquirer if they agree to their contact details being provided to any person who may own the animal
- if they agree, obtain the inquirer's contact details then look up and contact the owner/occupier of the current PIC. If that person agrees to pursue the matter, provide the inquirer's contact details and leave it to the apparent owner of the animal to make contact
- if they don't agree, advise that you can't help them further.

PIC of origin of stock to complete property to property transfer on database

This information should be available from the movement documentation provided with the stock, however if this is not the case:

- ask for sufficient detail about the vendor or property of origin to look up the PIC on a register
- provide the PIC from a PIC register. Do not provide or confirm any other information about the owner/occupier of that PIC

- if the person cannot provide sufficient information to confirm the legitimacy of their inquiry and to find the PIC on a register, it is recommended that they attempt to obtain the PIC from the vendor. If they claim this is not possible, it is suggested that the animals be transferred to their own PIC with a database transfer but that this will result in loss of lifetime traceable (LT) status.

Determine person responsible for error or warning email from NLIS database

Explain (if known) what the error or warning message means. Often this will satisfactorily resolve their inquiry:

- if you don't know, refer the person to NLIS Ltd's or NSW DPI's helpline.

If the person requests further information or assistance, ask them to email the message to NLIS Ltd's or NSW DPI's NLIS helpline, who may forward it to the NLIS Database Clerk for further investigation:

- do not provide any information from a register, even though the person making the inquiry has been given the PIC in an email from the NLIS database.

Determine vendor details, status or history of stock, including reason for loss of LT status

Advise the person to refer to the National Vendor Declaration (NVD) that came with the stock or to contact their stock agent:

- do not provide any information or report from a register.

Suspect stolen stock

Strongly advise the person to report the matter to the Police:

- do not provide any information from a register.

6.5.6 Disclosure to members of the public

Find out the reason for the request. If straying, injured or dead animal on a road or in another public place, advise the person to contact the Police or local Council:

- do not provide any information from a register.

6.5.7 Impounded stock

Local government authorities or the RSPCA may impound under their legislation stock that are straying or are subject to animal welfare or other legal action. An impounding officer may open a 'Pound' account on the NLIS database in order to make beast inquiries and access the PIC register, and should be encouraged to do so.

- If they don't yet have an account, then this information (only) may be provided by an LLS or NSW DPI officer.

6.5.8 Motor vehicle accidents with stock

A person involved in a motor vehicle accident with stock, or their insurer, may wish to determine the owner of the animal based on its NLIS device or tag.

With cattle, the property from which the animal may have recently come may be determined through a 'beast inquiry' on the NLIS database and subsequently from the PIC register, noting that the information on the database might not be correct. Disclosure of this information is consistent with the *Biosecurity Act 2015* and subordinate legislation. The *Terms of Use for the NLIS database* allow Police officers to access and disclose this information from the NLIS database but **not NSW DPI and LLS staff** in the following circumstances:

- if the accident has been reported to the Police and an event number assigned, the Police may access the current PIC from the NLIS database and associated property owner details from the PIC register to assist with their investigations. An insurer or vehicle owner may be provided relevant information by the Police if this is in accordance with established Police policies and procedures, or

- if the event has not been reported to and recorded by the Police, then the Police are not involved in the matter. The vehicle owner or insurer may wish to contact NLIS Ltd for the information but NLIS Ltd has indicated that they are unwilling to provide it.

An accident involving sheep and goats would hopefully cause less damage and might not be reported to the Police. The PIC on the animal's tag is a less reliable indicator of the animal's current location or owner as it is likely to be for the property of birth and subsequent individual animal movements are not recorded on a state database. Nevertheless, Police officers may access the PIC register to obtain information to assist with their investigations and disclose it to other interested parties as above.

6.5.9 Other people or circumstances

Use judgement based on the above principles and following examples:

- is the reason consistent with the purposes of the registers
- is the person who they claim to be? (ask for and record their name, address, agency or business, telephone number using the verbal privacy notice)
- are they acting in an official capacity? (on behalf of another government agency) or private capacity? (private company or individual)
- is the information being sought for public good or personal benefit?

Inform the person requesting the information it may take a few hours to find out whether the information can be provided and, if so, to obtain it and offer to call the person back.

NSW DPI and LLS staff may refer the caller to NSW DPI's NLIS Helpline, who in turn may refer the matter to NSW DPI Manager Systems, Intelligence and Traceability or NSW DPI Manager NLIS.

7. Definitions and Acronyms

DDRC: Database Development Review Committee

DoAWR: Department of Agriculture and Water Resources

Food inspector: An authorised officer within the meaning of the *Food Act 2003*, usually employed or appointed by the NSW Food Authority.

Identification code: Includes property identification codes (PICs), agent identification codes and district codes.

LLS: Local Land and Services

MLA: Meat Livestock Association

NLIS: National Livestock Identification System

NSW DPI: NSW Department of Primary Industries

NVD: National Vendor declaration

PIC: Property identification code

RFID: Radio frequency identification device

TLABW: Team Leader Animal Biosecurity & Welfare

8. Documentation

Biosecurity Act 2015 and its subordinate legislation.

Privacy and Personal Information Protection Act 1998

Local Land Services Act 2013

Policy - Biosecurity collection, use and disclosure of information

Policy - Records Management (IND-I-177)

Policy - Information Security (IND-I-197)

Policy - Classified Information (IND-I-196)

Policy - Government Information (Public Access) (IND-I-178)

Procedure - Biosecurity collection, use and disclosure of information

Various other PIC and NLIS procedures and information
 Applications for NLIS database accounts www.nlis.com.au
 Application form for a Property Identification Code (PIC) - Local Land Services
<http://www.lls.nsw.gov.au/livestock/pics>
 Terms of Use for the National Livestock Identification System Database www.nlis.com.au
 NLIS Database National PIC Register Upload Functional requirements
 Format of PICs and list of district numbers <http://www.dpi.nsw.gov.au/animals-and-livestock/nlis/policy>

9. Records

Not applicable

10. Revision History

	Date issued	Notes	By
1.0	01/07/2017	Substantial revision to align with Biosecurity (NLIS) Regulation 2017	Systems, Intelligence and Traceability

11. Contacts

Leader Traceability
 Phone 02 6391 3212, mob: 0438 447 286
 Email: lisa.burrows@dpi.nsw.gov.au

Biosecurity Intelligence Support
 Phone 02 6391 3511
 Email olga.ozols@dpi.nsw.gov.au

DPI NLIS Helpline
 Phone 1300 720 405
 Email enquiries.nlis@dpi.nsw.gov.au
www.dpi.nsw.gov.au/nlis

NLIS Helpdesk
 Phone 1800 654 743
 Email support@nlis.com.au
www.nlis.com.au

Table 1 – Identification code statuses and Synonyms

This Procedure	Stock Diseases Regulation	Current PIC registers	Proposed PIC registers	NLIS database	Status set by	Meaning and application
Active	Assigned and in force	Active	Active	Active (A)	District registrar	Lawfully assigned and in use. NLIS database accepts transfers to and from this code.
Inactive	Suspended	Cancelled	Inactive	Inactive (I)	District registrar	Use is temporarily suspended. PIC remains linked to the property. NLIS database accepts transfers but sends a warning message to the database user and DPI.
Cancelled	Cancelled	Cancelled	Cancelled	Disbanded (D)	District registrar	Use is permanently cancelled. PIC is not linked to any property. Cannot be lawfully used. NLIS database accepts transfers but sends a warning message to the database user and DPI.
False	(Not applicable)	(Not applicable)	(Not applicable)	Unknown	(Not applicable)	Valid (meets algorithm) but has not been lawfully assigned. Cannot be lawfully used. May be entered into state PIC register for the purposes of blocking. NLIS database accepts transfers but sends a warning message to the database user and DPI.
Blocked	(Not applicable)	(Not applicable)	Blocked (State register)	Blocked (B)	DPI	An inactive, cancelled or false PIC which has also been blocked. NLIS database rejects transfers and sends an error message to the database user and DPI.
(Not applicable)	(Not applicable)	(Not applicable)	(Not applicable)	Amalgamated (G)	(Not applicable)	Not currently in use in NSW. Amalgamated PICs are assigned an inactive status.

This Procedure	Stock Diseases Regulation	Current PIC registers	Proposed PIC registers	NLIS database	Status set by	Meaning and application
Invalid	(Not applicable)	(Not applicable)	(Not applicable)	Invalid	(Not applicable)	Fails algorithm. Cannot be entered into PIC registers. Cannot be lawfully used. NLIS database rejects transfers and sends an error message to the database user and DPI.

Table 2 – Staff eligible for SDA NLIS Database Accounts

Agency / Position	Approval	Account type
NSW DPI		
Manager Systems, Intelligence & Traceability) Leader Traceability	This Procedure	SDA
Manager Animal and Plant Regulatory Operations Regulatory Compliance Manager	This Procedure	SDA
Biosecurity Intelligence Support	This Procedure	SDA
Senior Veterinary Officer	This Procedure	SDA Medium
State Residue Coordinator State Animal Health Coordinator	This Procedure	SDA Medium
Manager Animal Biosecurity Intelligence Technical Specialist Disease Surveillance	This Procedure	SDA Medium
Geographical Information Systems Administrator	This Procedure	SDA Medium
Senior Inspector Regulatory Regulatory Specialist (Animals) Regulatory Officers	This Procedure	SDA Medium
NLIS Helpline staff	Technical Specialist NLIS Cattle	SDA SDA Medium SDA Light
Livestock Officers (selected)	Technical Specialist NLIS Cattle	SDA Medium SDA Light
First response team (tracing, movements, veterinary investigations, registry)	Director Emergency & Strategic Response	SDA Medium
Other DPI staff (if need be)	Manager B&TS	SDA SDA Medium SDA Light
LLSs		
District Veterinarian (DV/TLABW)	This Procedure	SDA Medium
District registrar	This Procedure	SDA Medium
Biosecurity staff	DV or Managing Biosecurity Officer	SDA Medium
Customer Service staff(CSR)	Manager/ District Registrar	SDA Medium SDA Light
NSW Food Authority		
Food inspector	Manager Audit and Verification Unit	State Food Authority
NSW Police		
Rural crime investigator	Management of Rural Crime Investigation Unit	Police SDA

Using an SDA account

- There are various tips and tools available on the NLIS database web site under 'Help tools'. Guidelines for some specific functions are provided on the LLS/DPI extranet > Animal Resources > NLIS.
- Advice can be obtained from DPI's NLIS Helpline or Biosecurity Intelligence Support.
- Group training may be organised on request. These latter services are also available to NSW Food Authority and NSW Police.

Appendix 1 Guidelines for Amalgamation of Property Identification Codes

Amalgamation of property identification codes can often be an area of contention for the district registrar when determining the validity of the request by a producer. The District Registrar **must** clarify the workings of the properties with the producer and consult with the District Veterinarian to determine if there is a residue or disease history or risk associated with the properties involved. There are pros and cons for the producer when amalgamating more than one holding;

Pros for amalgamation:

- use one set of NLIS devices or tags on stock on any of their holdings,
- move stock between their holdings without needing to attach devices/tags (subject to any applicable exemption),
- don't have to record the movement of cattle between holdings on the NLIS database.
- only need one book of national vendor declarations (NVDs) and records for audit under the Livestock Production Assurance (LPA) scheme.

Cons for amalgamation:

- All land covered by the same PIC share the same disease and residue status, which will be the lowest (worst) status of the highest-risk parcel of land.
- Any disease or residue traceback on an animal from that property's PIC will implicate all holdings and all stock on those holdings unless and until further investigations are able to prove otherwise.

Steps for amalgamating multiple properties under one PIC

1. The district registrar checks the eligibility of the producer to request amalgamation, ie whether the person is the owner or occupier of all holdings affected by the proposed amalgamation. This is relatively straightforward for ownership or formal occupancy (e.g. lease), but may be less clear if the land is being used under an informal arrangement (e.g. long term agistment) and in these situations;
 - a. The district registrar will refer the request to the local DV for the area for approval to consider disease or residue impacts.
 - b. The district registrar may require the written consent of the owner of a holding to allow their land to be amalgamated under another PIC.
 - c. The occupier must agree to inform the district registrar as soon as the occupancy arrangement changes.
2. After required consultation, the district registrar determines whether the proposed amalgamation meets the definition of a property.
3. One PIC may be assigned to all holdings and the PICs of the other holdings are inactivated.
4. Holdings that comprise a property can be in different LLS regions. In these cases, the district registrar must contact the district registrar in the other District to discuss and determine arrangements by mutual agreement. The PIC for the 'major holding' should be assigned to the whole property, and the PIC for the other holding(s) inactivated.
5. Assistance in determining whether to amalgamate may be given by the TLABW when;
 - a. The district registrar is unsure of the best course of action after consultation with the DV
 - b. The producer is not satisfied with the district registrar's interpretation, or
 - c. consensus cannot be reached between district registrars in the different regions in which the holdings are located.
6. The PIC assigned to the property should be the PIC of the '**major holding**' which may be the;
 - a. larger of the holdings
 - b. holding that turns over the most stock
 - c. holding owned by the producer (as distinct from land occupied on a lease or agistment arrangement)
 - d. holding on which the producer lives
 - e. or as otherwise determined by the District Registrar in consultation with the producer and approval by the District Veterinarian.

Appendix 2 – Case Studies for when to disclose information

Case studies

The following examples are designed to illustrate the principles detailed earlier in this document. The relevant circumstances of each case must be taken into account before a decision is made on whether or not it is appropriate to disclose information from a register.

Disclosure allowed

1. A Council ranger is dealing with straying stock on a public road. Based on the NLIS device attached to the animal, the 'current PIC' from the NLIS database (with appropriate disclaimers) may indicate the property that it strayed from and may be provided with appropriate disclaimers
2. An insurance company requests information about the ownership of an animal, based on its NLIS device number, when processing a claim for a vehicle that has hit an animal. The relevant information is the 'current PIC' from the NLIS database and the details of ownership or occupancy of that PIC. The insurance company should be advised to contact the Police for this information as the incident should have been reported to the Police and Police officers are authorised by both the NLIS Regulation and the *Terms of Use* to access and provide the relevant information.
3. The NRS is trying to determine the property of origin of a positive residue sample, based on the PIC. This information may be provided from a PIC register.
4. An exporter of collagen products which are used in the food and healthcare industries wishes to know the property of origin of all cattle hides from which the products are derived to meet their customers' quality assurance requirements. This request is consistent with clause 31(h) ("to facilitate the dissemination of information in relation to the production and marketing of ... any animal products"). The company may obtain vendor PICs from the abattoirs from which they source the skins. They may then access PIC registers to determine the name and address of the properties that the cattle came from.

Disclosure not allowed

5. A cattle producer has purchased some cattle (without an NVD and through a dealer) and feel that the cattle do not meet their requirements. They wish to find out and contact the original vendor based on the NLIS devices attached to the cattle. As they now own the cattle and are not themselves marketing the cattle, clauses 31(e), (h) and the other subclauses do not apply and the information cannot be obtained or provided from either the NLIS database or a PIC register.
6. An assessment clerk employed by another government agency wishes to confirm the validity of information provided by an applicant for rural assistance. Knowing that the NLIS database records the number of cattle moving onto, off and currently on a property, they request this information to help determine the throughput of cattle and hence potential income of the applicant. As this reason is unrelated to the NLIS Regulation and is not consistent with any elements of clause 31, and as the agency is unlikely to be a law enforcement agency as defined by the *Terms of Use*, the information cannot be obtained or provided.
7. A producer receives an automatic email message from the NLIS database that says "*Warning – NLIS Upload - Property to Property - Warning 21 ... You are receiving this message because someone has submitted a transaction to the NLIS Database which included data that relates to your devices or your PIC ... The animal being transferred is not registered to the vendor PIC or the PIC you are transferring "From" ... Extra Info: From PIC = NA123456 ...*". They are alarmed by the 'warnings' and want to know who owns PIC NA123456 so they can contact them and find out why they are (apparently) using their devices or PIC. It should be explained that this is a routine email that merely reflects that they probably sold some cattle a year or more ago (possibly even before all movements had to be recorded on the database), the cattle are now being sold again, they are still recorded against their PIC on the database, and the database is just updating the movement history of that animal through a 'system transfer' and email advice. Also, an NLIS Producer account gives access to the 'Search the PIC register' report that provides details of the PIC including ownership.
8. An RSPCA inspector requests information about the number of stock on a property as part of an animal welfare investigation. The requested information involves accessing the number of devices and history of movements of cattle onto and off the property from the NLIS database. As this reason is unrelated to the NLIS Regulation and is not consistent with any elements of clause 31, the information cannot be obtained or provided. However, the inspector may be entitled to the

information in accordance with the *Terms of Use* as a law enforcement agency and could be advised to contact NLIS Ltd.

9. A Department of Environment and Conservation inspector is auditing compliance with the conditions of licence for a feedlot. They wish to obtain information from the NLIS database about the number of cattle on the property. As this reason is unrelated to the NLIS Regulation and is not consistent with any elements of clause 31, the information cannot be obtained or provided. However, the inspector may be entitled to the information in accordance with the *Terms of Use* as a law enforcement agency and could be advised to contact NLIS Ltd.

Disclosure mandatory

10. The Queensland Police wish to find out who occupies a NSW property based on a PIC for the purposes of investigating a drug-related offence (no further detail is provided for obvious reasons). As this is a law enforcement agency as defined by the Privacy Act, and although the reason is unrelated to the NLIS Regulation, the requested information must be provided in accordance with these Procedures.
11. The Australian Taxation Office (ATO) is investigating alleged tax fraud. They request data on the movements of cattle onto and off a certain property. They also want to know whether the person has other properties used for primary production. The officer should be advised that this information is confidential as the purpose of the inquiry is not consistent with the NLIS Regulation. The officer responds that the ATO's powers under Commonwealth legislation override State privacy legislation. They are advised to contact NLIS Ltd for the first set of data, and the relevant LLS(s) for the second, with a written request from an authorised person under their legislation. Provided this is done and the power is properly invoked, then the information must be provided.
12. A Court issues a subpoena for the presentation of specified documents or information held in a PIC register or the NLIS database. DPI's Legal Branch will determine the most appropriate course of action to comply with the request in a timely manner, which (depending on the nature of the request) may involve DPI extracting and providing the data from the source database, or referring the Court to the relevant LLS

Appendix 3 – Privacy notices and disclaimers– written and verbal

Privacy notices

The following statements or similar should be provided when asking for and recording personal information such as a name and address.

Verbal (eg recording name and address before providing information from a register)

Could you tell me, please, your name, address and telephone number. I need to ask and record this to help confirm that you are entitled to this information and in case we need to contact you again about your inquiry. The information will be held securely in this office and will not be used for any other purpose.

Written (eg PIC application form)

This information is being collected for the purposes of the Biosecurity Act, 2015 and Biosecurity (National Livestock Identification System) Regulation 2017. It may be provided to the NSW Department of Primary Industries (DPI), other Local Land Services (LLS), Meat and Livestock Australia and other persons for the purposes of that Act. The information is being collected because it is required by law. It will be stored securely by an authorised person, authorised officer, district registrar or NLIS Ltd. You may access or correct this information by contacting the LLS, DPI or NLIS Ltd.

5.7.12 Disclaimers

The following statements or similar should be made when providing information from a PIC register or the NLIS database.

Verbal

This information is provided on condition that it is only used by you for ... (insert reason consistent with Biosecurity (National Livestock Identification System) Regulation 2017, eg determining the ownership of livestock, complying with the requirements of the NLIS). You must not use it for any other purpose or disclose it to any other person or organisation. We do not accept any responsibility for the accuracy of the information or for any losses arising from its use. Do you understand and accept these conditions?

Written

This information is provided on the basis that it will only be used for a purpose consistent with the Biosecurity (National Livestock Identification System) Regulation 2017. The information must not be used for any other purpose.

The information is based on that recorded in the register at the time the information is provided. It should be recognised that some of this information has been provided by third parties.

The information is made available on the understanding that the Local Land Services, NSW Department of Primary Industries, Meat and Livestock Australia, the State of New South Wales and their respective servants and agents accept no responsibility for any person acting or relying on the information, or upon any opinion, advice, representation or statement whether expressed or implied by the information, and disclaim all liability for any loss, damage, cost or expense incurred or arising by reason of any person using or relying on the information or by reason of any error, omission, defect or misstatement (whether such error, omission or misstatement is caused by or arises from negligence, lack of care or otherwise).