



# Australian Government

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## Department of Employment

### Complete Privacy Policy

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## 1 Introduction

The Department of Employment ('the Department) is responsible for national policies and programs that help Australians find and keep employment and work in safe, fair and productive workplaces.

For more information about the Department visit the [Department of Employment website](http://employment.gov.au) (<http://employment.gov.au>).

### 1.1 Who should read this privacy policy?

Our policy may be relevant to you if you deal with the Department and are:

- an employer;
- a worker;
- a job seeker;
- an employment services provider;
- a participant in a program or service delivered by us;
- a contractor, consultant, or supplier of goods or services to us;
- an applicant for a grant or a tenderer for a contract provided by us;
- a policy stakeholder who works with us;
- a person whose information may be given to us by a third party, including by other Australian Government agencies;
- an academic or researcher;
- an entrant in a competition conducted by us;
- a person seeking employment with us;
- a current or past employee of the Department; or
- an individual whose personal information we may collect or hold.

### 1.2 Purpose of this privacy policy

The purpose of this privacy policy is to:

- describe the types of personal information that we collect, hold, use and disclose;
- outline our personal information handling systems and practices;
- enhance the transparency of our management of personal information;
- explain our authority to collect your personal information, why it may be held by us, how it is used and how it is protected;
- set out whether we are likely to disclose personal information to overseas recipients and, if so, to whom;
- set out our procedures in the event that your personal information is disclosed without authorisation;
- provide information on how you can access your personal information, correct it if necessary and complain if you believe it has been wrongly collected or inappropriately handled.

For a snapshot of our personal information handling practices, please go to the [Condensed Privacy Policy](#). This offers an easy to understand summary of:

- how we collect, use, disclose and store your personal information; and
- how you can contact us if you want to access or correct personal information we hold about you.

Full details of these practices are contained in this document.

### 1.3 Privacy Act 1988

The Department, including its employees, contractors and agents, is subject to the [Privacy Act 1988](#) (<https://www.legislation.gov.au/Series/C2004A03712>) (the Privacy Act) and to the requirements of the Australian Privacy Principles (APPs) contained in the Privacy Act.

The APPs regulate how federal and ACT public sector agencies and certain private sector organisations can collect, hold, use and disclose *personal information* and how you can access and correct that information.

Personal information means information or an opinion about an identified individual, or an individual who is reasonably identifiable:

- (a) whether the information or opinion is true or not; and
- (b) whether the information or opinion is recorded in a material form or not.

Common examples include your name, telephone number, email address and date of birth.

The APPs only apply to information about living individuals, not information about corporate entities such as businesses, firms or trusts. Detailed information and guidance about the APPs can be found on the website of the [Office of the Australian Information Commissioner \(OAIC\)](#) (<http://www.oaic.gov.au/>).

### 1.4 Information covered under this privacy policy

This privacy policy has been developed in accordance with APP 1 and embodies our commitment to protecting the privacy of personal information.

It covers how we collect and handle personal information, including *sensitive information*.

'*Sensitive information*' means personal information about you that is of a sensitive nature, including information about health, genetics, biometrics or disability; racial or ethnic origin; religious, political or philosophical beliefs; professional association or trade union memberships, sexuality; or criminal record<sup>1</sup>. Special requirements apply to the collection and handling of sensitive information under the Privacy Act.

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<sup>2</sup> For further information on the range of '*permitted general situations*' see APP Guidelines – Chapter C

This privacy policy does not cover our practices in relation to handling of commercially sensitive information or other information that is not personal information as defined in the Privacy Act.

## 2 Our Personal Information Handling Practices

### 2.1 Collection of personal information

Personal information may be collected directly by us, or by people or organisations acting on our behalf (e.g. contracted service providers). It may be collected directly from you, or on your behalf from a representative you have authorised.

We may also obtain personal information collected by other Australian Government agencies, state or territory governments, other third parties, or from publicly available sources. This will only occur where you consent, where it is unreasonable or impractical to collect the information only from you or where we are required or authorised to do so by law.

We are also authorised to collect personal information under a range of Acts that we administer. These include:

[Fair Entitlements Guarantee Act 2012](https://www.legislation.gov.au/Details/C2016C00784) (https://www.legislation.gov.au/Details/C2016C00784)

[Fair Work Act 2009](https://www.legislation.gov.au/Details/C2014C00031) (https://www.legislation.gov.au/Details/C2014C00031)

[Safety, Rehabilitation and Compensation Act 1988](https://www.legislation.gov.au/Details/C2013C00684)

(https://www.legislation.gov.au/Details/C2013C00684)

[Social Security Act 1991](https://www.legislation.gov.au/Details/C2017C00234) (https://www.legislation.gov.au/Details/C2017C00234)

[Social Security \(Administration\) Act 1999](https://www.legislation.gov.au/Details/C2014C00062) (https://www.legislation.gov.au/Details/C2014C00062)

[Work Health and Safety Act 2011](https://www.legislation.gov.au/Details/C2016C00887) (https://www.legislation.gov.au/Details/C2016C00887)

Under the APPs, we will only collect information for a lawful purpose that is reasonably necessary for, or directly related to, one or more of our functions and activities under the portfolio legislation listed above, or where otherwise required or authorised by law.

When we collect personal information, we are required under the APPs to notify you of a number of matters. These include the purposes for which we collect the information, whether the collection is required or authorised by law, and any person or body to whom we usually disclose the information, including if those persons or bodies are located overseas. We usually provide this notification by including privacy notices on our paper based forms and online portals.

### 2.2 Types of personal information collected by us

We collect and hold a broad range of personal information in records relating to:

- employment and personnel matters for our staff and contractors (including security assessments);
- the performance of our legislative and administrative functions;
- individuals participating in our funded programs and initiatives;
- the management of contracts and funding agreements;
- the management of fraud and compliance investigations;
- the management of audits (both internal and external);
- correspondence from members of the public to us and our Ministers and Parliamentary Secretaries, or correspondence otherwise referred to us by other departments, Ministers or Parliamentary Secretaries;
- complaints (including privacy complaints) made and feedback provided to us;
- requests made to us under the [Freedom of Information Act 1982](https://www.legislation.gov.au/Details/C2017C00102) (<https://www.legislation.gov.au/Details/C2017C00102>); and
- the provision of legal advice by internal and external lawyers.

This personal information may include (but is not limited to):

- your name, address and contact details (e.g. phone and email address);
  - photographs, video and audio recordings of you;
  - information about your personal circumstances (e.g. marital status, age, gender, occupation, accommodation and relevant information about your partner or children);
  - information about your financial affairs (e.g. payment details, bank account details and information about business and financial interests);
  - information about your identity (e.g. date of birth, country of birth, passport details, visa details, drivers licence);
  - information about your employment (e.g. work history, referee comments, remuneration);
  - information about your background (e.g. educational qualifications, the languages you speak and your English proficiency);
  - government identifiers (e.g. Centrelink Reference Number or Tax File Number);
  - information about assistance provided to you under our funding arrangements; and
  - information about entitlements under Australian Government legislation.
- More detailed information on our personal information holdings is at [Attachment A](#).

### 2.3 Collection of sensitive information

In carrying out our functions and activities we may collect personal information that is *sensitive information* (see section 1.4). The APPs impose additional obligations on us when collecting, using or disclosing sensitive information. We may only collect sensitive information from you:

- where you provide your consent and the information is reasonably necessary for, or directly related to, one or more of our functions or activities; or
- where required or authorised by law; or

- where a ‘permitted general situation’ exists (for example a situation where using the information is necessary to prevent a serious threat to the life, health or safety of any individual).<sup>2</sup>

The purposes for which we collect sensitive information include (but are not limited to): human resource management, fraud investigations, taking appropriate action against suspected unlawful activity or serious misconduct, and responding to inquiries by courts, tribunals and other external review bodies. More detailed information on our personal information holdings is at [Attachment A](#).

## 2.4 Collecting personal information from children and young people

In carrying out our functions and activities we may collect personal information about children and young people, either directly from them, through their parents or guardians, or from their education providers. Where children and young people are over the age of 16, our general policy is to collect information directly from them as they are likely to have the capacity to understand any privacy notices provided to them and to give informed consent to collection. For children under the age of 16, or where capacity to provide consent is at issue, our policy is that a parent or guardian will be notified and their consent sought.

## 2.5 Collection of unsolicited information

Sometimes personal information is not sought by us but is delivered or sent to us by either the individual or a third party without prior request.

Where unsolicited information is received by us, we will, within a reasonable period, determine whether that information is reasonably necessary for, or directly related to, one or more of our functions or activities. If it does not relate to one or more of our functions or activities, we will, as soon as practicable, destroy or de-identify the information, subject to the requirements of the *Archives Act 1983*. If it does relate to one or more of our functions or activities, we will notify you of the purpose of collection and our intended uses and disclosures according to the requirements of the APPs, unless it is impracticable or unreasonable for us to do so.

## 2.6 How we collect personal information

We primarily use forms, online portals and other electronic or paper correspondence to collect your personal information. By signing paper documents or agreeing to the terms and conditions and disclaimers for electronic documents you are consenting to the collection of any personal information you provide to us.

We may also collect your personal information if you:

- communicate with us by telephone, mail, email, fax or SMS;
- attend a face to face meeting or event conducted by us or our contractors;
- use our websites; or

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<sup>2</sup> For further information on the range of ‘permitted general situations’ see APP Guidelines – Chapter C

- interact with us on our social media platforms.

For further information on what information we collect online see section 2.12 of this privacy policy.

As noted at section 2.1, in certain circumstances we may collect and receive personal information about you from third parties including other Australian Government agencies and state and territory governments.

## **2.7 Remaining anonymous or using a pseudonym**

We understand that anonymity is an important element of privacy and you may wish to remain anonymous, or use a pseudonym when interacting with us.

In some cases you will be able to advise us that you wish to remain anonymous or use a pseudonym during your contact with us. However, there will be occasions where it will not be practicable for you to remain anonymous or use a pseudonym and we will notify you accordingly at the time your personal information is collected. For example, it may not be possible to investigate and resolve your complaint about how your case was handled or how the Department behaved unless you provide your name and other necessary personal information.

## **2.8 Information collected by our contractors**

Under the Privacy Act, we are required to take contractual measures to ensure that contracted service providers (including subcontractors) comply with the same privacy requirements applicable to us.

## **2.9 Storage and data security**

### **2.9.1 Storage**

We hold personal information in a range of paper-based and electronic records, including cloud computing.

Storage of personal information (and the disposal of information when no longer required) is managed in accordance with the Australian Government's records management regime, including the [Archives Act 1983](https://www.legislation.gov.au/Details/C2013C00580) (<https://www.legislation.gov.au/Details/C2013C00580>), Records Authorities and General Disposal Authorities. This ensures your personal information is held securely.

### **2.9.2 Data security**

We take all reasonable steps to protect the personal information held in our possession from misuse, interference and loss, and from unauthorised access, modification or disclosure.

Access to your personal information held by us is restricted to authorised persons who are departmental employees or contractors, on a need to know basis.

Electronic and paper records containing personal information are protected in accordance with Australian Government security policies including the Attorney General's Department's [Protective](#)

[Security Policy Framework](http://www.protectivesecurity.gov.au/Pages/default.aspx) (<http://www.protectivesecurity.gov.au/Pages/default.aspx>) and the Australian Signals Directorate's [Information Security Manual](http://www.asd.gov.au/infosec/ism/index.htm) (<http://www.asd.gov.au/infosec/ism/index.htm>).

We conduct regular audits to ensure we adhere to these policies.

## **2.10 Data quality**

We take all reasonable steps to ensure that the personal information we collect is accurate, up-to-date, complete, relevant and not misleading.

These steps include responding to requests to correct personal information when it is reasonable and appropriate to do so. For further information on correcting personal information see section 3 of this privacy policy.

Audits and quality inspections are also conducted from time to time to ensure the accuracy and integrity of information, and that any systemic data quality issues are identified and resolved promptly.

## **2.11 Purposes for which information is collected, held, used and disclosed**

We collect personal information for a variety of different purposes relating to our functions and activities including:

- performing our employment and personnel functions in relation to our staff and contractors;
- performing our legislative and administrative functions;
- policy development, research and evaluation;
- complaints handling;
- program management;
- contract management; and
- management of correspondence with the public.

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

More detailed information about the primary purposes for which we collect, hold, use and disclose personal information is at Attachment A.

We will only use your personal information for secondary purposes where we are able to do so in accordance with the Privacy Act. This may include where you have consented to this secondary purpose, or where the secondary purpose is related (or if sensitive information, directly related) to the primary purpose and you would reasonably expect us to use or disclose the information for the secondary purpose, where it is required or authorised by law or where a permitted general situation exists such as to prevent a serious threat to safety.

Likely secondary purposes for which we may use or disclose your personal information include (but are not limited to): quality assurance, auditing, reporting, research, evaluation and analysis, and promotional purposes.

## **2.12 Our website**

### **2.12.1 Log information (browsing)**

When you use our online services, our servers automatically record information that your browser sends whenever you visit a website. These server logs may include information such as your server address, your top level domain name (for example, .com, .gov, .au, .uk, etc.), the date and time of visit to the site, the pages accessed and documents viewed, the previous sites visited, the browser type, the browser language, and one or more cookies that may uniquely identify your browser.

No attempt is made to identify you through your browsing other than in exceptional circumstances, such as an investigation into the improper use of the website.

### **2.12.2 Cookies**

A cookie is a small file that uniquely identifies your browser. It contains information that your web browser sends back to our website server whenever you visit it again.

We use cookies to ‘remember’ your browser between page visits. In this situation, the cookie identifies your browser, not you personally. No personal information is stored within our cookies.

### **2.12.3 Google Analytics**

We use Google Analytics to collect information about visitors to our website. Google Analytics uses cookies and JavaScript code to help analyse how users use the site. It anonymously tracks how visitors interact with this website, including how they have accessed the site (for example from a search engine, a link, an advertisement) and what they did on the site. The information generated by the cookie about your use of the website (including your IP address) will be transmitted to and stored by Google on servers in the United States. Google will use this information for the purposes of compiling reports on website activity and providing other services relating to website activity and internet usage. You may refuse the use of cookies by selecting the appropriate settings on your browser.

### **2.12.4 Links to External Websites**

Our website includes links to other websites. We are not responsible for the content and privacy practices of other websites. We recommend that you examine each website’s privacy policy separately.

### **2.12.5 Electronic communication**

There are inherent risks associated with the transmission of information over the internet, including via email. You should be aware of this when sending personal information to us via email or via our website or social media platforms. If this is of concern to you then you may use other methods of communicating with us, such as post, fax or telephone (although these also have risks associated with them).

We only record your email address when you send a message to us or subscribe to one of our mailing lists. Any personal information, including email addresses, will only be used or disclosed for the purpose for which it was provided.

### **2.13 Disclosure of personal information overseas**

We will, on occasion, disclose personal information to overseas recipients. The situations in which we may disclose personal information overseas include:

- the publication on the internet of material which may contain personal information, such as departmental reports and other documents; photographs, video recordings and audio recordings; and posts and comments on our social media platforms;
- the provision of personal information to overseas researchers or consultants (where consent has been given for this or we are otherwise legally able to provide this information);
- the provision of personal information to recipients using a web-based email account where data is stored on an overseas server; and
- the provision of personal information to foreign governments and law enforcement agencies (in limited circumstances and where authorised by law).

We will not disclose your personal information to an overseas recipient unless at least one of the following applies:

- the recipient is subject to a law or binding scheme that protects the information in a way that is substantially similar to the Australian Privacy Principles, and there are mechanisms for enforcement;
- you consent to the disclosure after being expressly informed that we will not be taking reasonable steps to ensure that the overseas recipient does not breach the Australian Privacy Principles;
- a permitted general situation exists (for example a situation where using the information is necessary to prevent a serious threat to the life, health or safety of any individual);
- disclosure is required or authorised by law, or an international agreement related to information sharing to which Australia is a party;
  - disclosure is reasonably necessary for an enforcement related activity conducted by, or on behalf of, an enforcement body and the recipient performs similar functions or exercises similar powers.

It is not practicable to list every country to which we may provide personal information as this will vary depending on the circumstances.

However, you may contact us (see 5.1 of this privacy policy) to find out which countries, if any, your information has been given to.

## **2.14 Accidental or unauthorised disclosure of personal information**

We will take seriously and deal promptly with any accidental or unauthorised disclosure of personal information. We follow the OAIC's [Data breach notification — A guide to handling personal information security breaches](http://www.oaic.gov.au/privacy/privacy-resources/privacy-guides/data-breach-notification-a-guide-to-handling-personal-information-security-breaches) (<http://www.oaic.gov.au/privacy/privacy-resources/privacy-guides/data-breach-notification-a-guide-to-handling-personal-information-security-breaches>) when handling accidental or unauthorised disclosures of personal information).

From February 2018, if an 'eligible data breach' (i.e. a breach likely to result in serious harm to an individual) occurs, the Department will be required to notify the OAIC and affected individuals.

Legislative or administrative sanctions may apply to unauthorised disclosures of personal information.

## **3 Accessing and Correcting Your Personal Information**

### **3.1 How to seek access to and correction of personal information**

You have a right under the Privacy Act to access personal information we hold about you. You also have a right under the Privacy Act to request corrections of any personal information that we hold about you if you think the information is inaccurate, out-of-date, incomplete, irrelevant or misleading.

To access or seek correction of personal information we hold about you, please contact us using the contact details set out at section 5.1 of this privacy policy.

### **3.2 Our access and correction process**

If you request access to or correction of your personal information, we will respond to you within 30 calendar days.

While the Privacy Act requires that we give you access to your personal information upon request or an opportunity to request the correction of your personal information, it does set out circumstances in which we may refuse to give you access or decline to correct your personal information.

If we refuse to give you access or make corrections to your personal information, we will provide you with a written notice which, among other things, gives our reasons for refusing your request.

It is also possible to access and correct documents held by us under the [Freedom of Information Act 1982](https://www.legislation.gov.au/Details/C2017C00102) (<https://www.legislation.gov.au/Details/C2017C00102>). For information on this, please contact our FOI Coordinator at [foi@employment.gov.au](mailto:foi@employment.gov.au)

For further information on requesting access to or correction of your personal information please read our [Guide to Accessing and Correcting Your Personal Information](#).

### 3.3 If you are unsatisfied with our response

If you are unsatisfied with our response, you may make a complaint, either directly to us (see section 5.1 below), or you may wish to contact:

- the [Office of the Australian Information Commissioner](#) at enquiries@oaic.gov.au or telephone 1300 363 992 (or +61 2 9284 9749 for calls from outside Australia); or
- the [Commonwealth Ombudsman](#) at ombudsman@ombudsman.gov.au or telephone 1300 362 072.

## 4 Complaints

### 4.1 How to make a complaint

If you think we may have breached your privacy you may contact us to make a complaint using the contact details set out at section 5.1 of this privacy policy. In order to ensure that we fully understand the nature of your complaint and the outcome you are seeking, we prefer that you make your complaint in writing.

Please be aware that it may be difficult to properly investigate or respond to your complaint if you provide insufficient information on the circumstances giving rise to your complaint. You may submit an anonymous or pseudonymous complaint, however if you do it may not be possible for us to provide a response to you.

### 4.2 Our complaint handling process

We are committed to quick and fair resolution of complaints and will ensure your complaint is taken seriously and investigated appropriately. Please be assured that you will not be victimised or suffer negative treatment if you make a complaint.

For further information about our complaint handling processes please read our [Privacy Complaint Handling Policy](#).

### 4.3 If you are unsatisfied with our response

If you are not satisfied with the way we have handled your complaint in the first instance, you may contact the Office of the Australian Information Commissioner to refer your complaint for further investigation. Please note that the Information Commissioner may not investigate if you have not first brought your complaint to our attention.

Office of the Australian Information Commissioner  
Telephone: 1300 363 992 (or +61 2 9284 9749 for calls from outside Australia)  
Email: [enquiries@oaic.gov.au](mailto:enquiries@oaic.gov.au)  
Post: GPO Box 5218  
Sydney NSW 2001

## 5 Contact Us

### 5.1 General enquiries, complaints, requests for access or correction

If you wish to:

- query how your personal information is collected, held, used or disclosed by us;
- ask us questions about this privacy policy;
- request access to or seek correction of your personal information; or
- make a privacy complaint;

please contact us:

By post: Privacy Contact Officer  
Corporate Legal  
Location Code C12MT1  
Department of Employment  
GPO Box 9880  
Canberra ACT 2601

By email: [Privacy@employment.gov.au](mailto:Privacy@employment.gov.au).

By telephone: 1300 488 064 (please note this is the Department's general enquiry line).

### 5.2 Availability of this privacy policy

If you wish to access this privacy policy in an alternative format (e.g. hard copy) please contact us using the contact details set out at section 5.1 above. This privacy policy will be made available free of charge.

## 6 Privacy Policy Updates

This privacy policy will be reviewed regularly and updated as required.

Date policy last updated: August 2017