



Australian Government

AFTRS

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AFTRS Human Resources Privacy Policy

Responsible Officer	Director, Corporate Services
Contact Officer	Head of Human Resources
Authorisation	Chief Executive Officer
Effective Date	Reviewed 6 th August 2011
Associated Documents	<i>Privacy Act 1988</i> <i>Data-matching Program (Assistance and Tax) Act 1990</i> <i>Crimes Act 1914 (Section 70)</i> <i>Freedom of Information Act 1982</i> <i>Archives Act 1983</i> <i>Taxation Administration Act 1953</i> Tax File Number Guidelines 1992 (as amended 2010) AFTRS Code of Conduct AFTRS ICT Resources Users Policy AFTRS Enterprise Agreement 2011 (Part 14 Grievances)

1. Policy Name

The AFTRS Human Resources Privacy Policy.

2. Preamble – Background

Commonwealth government agencies must comply with the Information Privacy Principles set out at section 14 of the *Privacy Act 1988* (the Act). These principles provide a legal framework for the collection, storage, access and correction, use or further disclosure of personal information relating to employees. AFTRS incorporated these into a formal policy in the early 2000s and most recently reviewed the policy in March 2009. This Policy is a further review.

3. Policy Scope

This policy applies to all personal information relating to potential, current and past employees retained in print or electronic form. The responsibility for implementing the policy lies with all employees gathering personal information, employees in Payroll and Human Resources, any employee with access to the HRMIS, and any employee involved in records management.

4. Definitions

“Personal Information” means information or an opinion, whether true or not, and whether recorded in a material form or not, about an individual whose identity is apparent, or can reasonably be ascertained, from the information or opinion.

5. Policy Statement

AFTRS is committed to protecting the privacy of its employees in all areas but especially in the collection, security and disclosure of their personal information.

AFTRS will adhere to the Act which prohibits the disclosure of personal information subject to a limited number of exemptions.

AFTRS acknowledges the particular importance of this policy in relation to Human Resources as information collected may be of a particularly sensitive nature.

6. Implementation

A. Collecting Information

Personal information will only be collected for a lawful purpose which relates to AFTRS work and where the collection of the information is necessary for, or directly related to, that purpose. It must be obtained lawfully and fairly and is usually only collected directly from the employee.

The types of record which Human Resources or Payroll collect which would fall into this category are:

- payroll related (including Tax File Numbers);
- personal details;
- work histories and recruitment related documents;
- academic achievements/licences/other qualifications;
- criminal histories;
- financial details;
- leave histories;
- medical information;
- compensation, and
- Equal Employment details.

Human Resources and Payroll staff will explain to employees why the information is being collected unless this is self-evident e.g. bank details for salary payments.

B. Storage and Security

AFTRS has a responsibility to ensure that records are secured against loss, unauthorised access, use or modification, unauthorised disclosure and misuse. This includes both electronic and paper records.

In order to ensure this all paper records will be stored in locked cabinets, preferably fire resistant. These will be housed in areas restricted to Human Resources and Payroll staff and the Chief Executive Officer, or employees

accompanied by Human Resources or Payroll staff. If these areas are unattended they will be locked.

Electronic records shall only be available to employees who have been issued with a personal login identification and access by the Payroll Manager. Employees will only be given a level of access appropriate to their duties. Electronic payroll records will be maintained in a secure area and copies held in an agreed 'off site' location.

C. Access

Employees are entitled to have access to records which contain person information relating to them unless AFTRS is required or authorised to refuse access under Commonwealth law.

If an employee wishes to access their records Human Resources and Payroll staff will allow them to do so in their presence. Records may not be removed from the secure area but employees may be given copies of any records they request. Any identifying information about another person must be deleted.

Employees may authorise or consent to an organisation or another person having access to their personal information. The Act allows for either direct consent (written or, if time does not permit, verbal) or implied consent. Examples of people who may have implied consent are Legal Aid Lawyers, agents, translators, or parents under some circumstances. Only information relevant to the nature of the enquiry may be disclosed.

The only times personal information may be used for any purpose not related to the purpose it was collected for are:

- with the employee's consent;
- if necessary to lessen or prevent a serious and imminent threat to the life or health of the individual concerned or another person;
- if required or authorised by legislation, or
- if reasonably necessary for enforcement of the criminal law or of a law imposing a pecuniary penalty, or for the protection of the public revenue.

If there is any uncertainty as to whether a request to disclose personal information fits within this policy the matter must be referred to the Head of Human Resources, the Privacy Contact Officer or the Freedom of Information Officer prior to any information being given.

D. Accuracy

AFTRS has a responsibility to ensure recorded personal information is accurate, up-to-date, complete, not misleading and relevant to the purpose for which it was collected. If an employee believes it is not, they may request that it be corrected, deleted or added to. Any such formal requests should be referred to the Head of Human Resources.

E. Archives and Disposal of Records

The archiving and disposal of Human Resources/Payroll records will be undertaken in accordance with Commonwealth Government policy.

F. Tax File Numbers

The principles for records relating to individual's Tax File Numbers are specified in the Tax File Number Guidelines 1992 (as amended from time to time) issued under Section 17 of the Act, and are legally binding. Misuse or disclosure may attract financial penalties or imprisonment.

Employees have the right to choose not to quote a Tax File Number and will be advised of this. They should also be advised of the consequences of not providing one.

- Tax File Number information shall only be requested or collected from individuals as authorised by law.
- Tax File Number information shall only be used or disclosed by record keepers as authorised by law.
- Tax File Number information shall be reasonably protected and available only to those whose duties necessitate access.
- Tax File Number information may be disposed of by security shredding when no longer required by law or administratively necessary to be retained.

Classes of lawful tax file number recipients can be found in the Tax File Number Guidelines.

G. External Complaints of Breaches

Employees who believe there has been an interference with their privacy may complain to the Privacy Commissioner. The Privacy Commissioner may investigate, determine and make declarations in a matter. There is provision in the Act for the enforcement of the Privacy Commissioner's determinations, including by order of the Federal Court of Australia.

7. Roles and Responsibilities

Human Resources and Payroll Staff

- Ensure only necessary information is collected and that employees are aware of why it is being collected.
- Ensure appropriate storage and security of all personal information.

Payroll Manager

- Ensure only appropriate levels of access to the HRIMS are given to employees, according to the requirements of their role.

Privacy Contact Officer

- Respond to any queries or concerns in relation to the collection and retention of personal information.
- Prepare annual entry concerning personal information for Privacy Digest.

Freedom of Information Officer

- Review and administer all formal requests for access to personal information under the *Freedom of Information Act 1982*.

8. Review

This policy will be reviewed as required by changes to legislation or regulations, guidelines or AFTRS circumstances, but at least once every 5 years.

Information Privacy Principles under the *Privacy Act 1988*

Principle 1 - Manner and purpose of collection of personal information

- 1 Personal information shall not be collected by a collector for inclusion in a record or in a generally available publication unless:
 - (a) the information is collected for a purpose that is a lawful purpose directly related to a function or activity of the collector; and
 - (b) the collection of the information is necessary for or directly related to that purpose.
- 2 Personal information shall not be collected by a collector by unlawful or unfair means.

Principle 2 - Solicitation of personal information from individual concerned

Where:

- (a) a collector collects personal information for inclusion in a record or in a generally available publication; and
- (b) the information is solicited by the collector from the individual concerned; the collector shall take such steps (if any) as are, in the circumstances, reasonable to ensure that, before the information is collected or, if that is not practicable, as soon as practicable after the information is collected, the individual concerned is generally aware of:
 - (c) the purpose for which the information is being collected;
 - (d) if the collection of the information is authorised or required by or under law - the fact that the collection of the information is so authorised or required; and
 - (e) any person to whom, or any body or agency to which, it is the collector's usual practice to disclose personal information of the kind so collected, and (if known by the collector) any person to whom, or any body or agency to which, it is the usual practice of that first mentioned person, body or agency to pass on that information.

Principle 3 - Solicitation of personal information generally

Where:

- (a) a collector collects personal information for inclusion in a record or in a generally available publication; and
- (b) the information is solicited by the collector: the collector shall take such steps (if any) as are, in the circumstances, reasonable to ensure that, having regard to the purpose for which the information is collected:
 - (c) the information collected is relevant to that purpose and is up to date and complete; and
 - (d) the collection of the information does not intrude to an unreasonable extent upon the personal affairs of the individual concerned.

Principle 4 - Storage and security of personal information

A record-keeper who has possession or control of a record that contains personal information shall ensure:

- (a) that the record is protected, by such security safeguards as it is reasonable in the circumstances to take, against loss, against unauthorised access, use, modification or disclosure, and against other misuse; and

(b) that if it is necessary for the record to be given to a person in connection with the provision of a service to the record-keeper, everything reasonably within the power of the record-keeper is done to prevent unauthorised use or disclosure of information contained in the record.

Principle 5 - Information relating to records kept by record-keeper

1. A record-keeper who has possession or control of records that contain personal information shall, subject to clause 2 of this Principle, take such steps as are, in the circumstances, reasonable to enable any person to ascertain:

- (a) whether the record-keeper has possession or control of any records that contain personal information; and
- (b) if the record-keeper has possession or control of a record that contains such information:
 - (i) the nature of that information;
 - (ii) the main purposes for which that information is used; and
 - (iii) the steps that the person should take if the person wishes to obtain access to the record.

2. A record-keeper is not required under clause 1 of this Principle to give a person information if the record-keeper is required or authorised to refuse to give that information to the person under the applicable provisions of any law of the Commonwealth that provides for access by persons to documents.

3. A record-keeper shall maintain a record setting out:

- (a) the nature of the records of personal information kept by or on behalf of the record-keeper;
- (b) the purpose for which each type of record is kept;
- (c) the classes of individuals about whom records are kept;
- (d) the period for which each type of record is kept;
- (e) the persons who are entitled to have access to personal information contained in the records and the conditions under which they are entitled to have that access; and
- (f) the steps that should be taken by persons wishing to obtain access to that information.

4. A record-keeper shall:

- (a) make the record maintained under clause 3 of this Principle available for inspection by members of the public; and
- (b) give the Commissioner, in the month of June in each year, a copy of the record so maintained.

Principle 6 - Access to records containing personal information

Where a record-keeper has possession or control of a record that contains personal information, the individual concerned shall be entitled to have access to that record, except to the extent that the record-keeper is required or authorised to refuse to provide the individual with access to that record under the applicable provisions of any law of the Commonwealth that provides for access by persons to documents.

Principle 7 - Alteration of records containing personal information

1. A record-keeper who has possession or control of a record that contains personal information shall take such steps (if any), by way of making appropriate corrections, deletions and additions as are, in the circumstances, reasonable to ensure that the record:

- (a) is accurate; and
- (b) is, having regard to the purpose for which the information was collected or is to be used and to any purpose that is directly related to that purpose, relevant, up to date, complete and not misleading.

2. The obligation imposed on a record-keeper by clause 1 is subject to any applicable limitation in a law of the Commonwealth that provides a right to require the correction or amendment of documents.

3. Where:

(a) the record-keeper of a record containing personal information is not willing to amend that record, by making a correction, deletion or addition, in accordance with a request by the individual concerned; and

(b) no decision or recommendation to the effect that the record should be amended wholly or partly in accordance with that request has been made under the applicable provisions of a law of the Commonwealth;

the record-keeper shall, if so requested by the individual concerned, take such steps (if any) as are reasonable in the circumstances to attach to the record any statement provided by that individual of the correction, deletion or addition sought.

Principle 8 - Record-keeper to check accuracy etc of personal information before use

A record-keeper who has possession or control of a record that contains personal information shall not use that information without taking such steps (if any) as are, in the circumstances, reasonable to ensure that, having regard to the purpose for which the information is proposed to be used, the information is accurate, up to date and complete.

Principle 9 - Personal information to be used only for relevant purposes

A record-keeper who has possession or control of a record that contains personal information shall not use the information except for a purpose to which the information is relevant.

Principle 10 - Limits on use of personal information

1. A record-keeper who has possession or control of a record that contains personal information that was obtained for a particular purpose shall not use the information for any other purpose unless:

(a) the individual concerned has consented to use of the information for that other purpose;

(b) the record-keeper believes on reasonable grounds that use of the information for that other purpose is necessary to prevent or lessen a serious and imminent threat to the life or health of the individual concerned or another person;

(c) use of the information for that other purpose is required or authorised by or under law;

(d) use of the information for that other purpose is reasonably necessary for enforcement of the criminal law or of a law imposing a pecuniary penalty, or for the protection of the public revenue; or

(e) the purpose for which the information is used is directly related to the purpose for which the information was obtained.

2. Where personal information is used for enforcement of the criminal law or of a law imposing a pecuniary penalty, or for the protection of the public revenue, the record-keeper shall include in the record containing that information a note of that use.

Principle 11 - Limits on disclosure of personal information

1. A record-keeper who has possession or control of a record that contains personal information shall not disclose the information to a person, body or agency (other than the individual concerned) unless:

(a) the individual concerned is reasonably likely to have been aware, or made aware under Principle 2, that information of that kind is usually passed to that person, body or agency;

(b) the individual concerned has consented to the disclosure;

(c) the record-keeper believes on reasonable grounds that the disclosure is necessary to prevent or lessen a serious and imminent threat to the life or health of the individual concerned or of another person;

(d) the disclosure is required or authorised by or under law; or

(e) the disclosure is reasonably necessary for the enforcement of the criminal law or of a law imposing a pecuniary penalty, or for the protection of the public revenue.

2. Where personal information is disclosed for the purposes of enforcement of the criminal law or of a law imposing a pecuniary penalty, or for the purpose of the protection of the public revenue, the record-keeper shall include in the record containing that information a note of the disclosure.

3. A person, body or agency to whom personal information is disclosed under clause 1 of this Principle shall not use or disclose the information for a purpose other than the purpose for which the information was given to the person, body or agency.