

HR26 Disclosure of Personal Information Policy

Disclosure of Personal Information Policy

The Disclosure of Personal Information Policy relates to the Organisation and, where relevant, operates in conjunction with other policies relating to the disclosure of personal information and the Contract of Employment.

Application of the Policy

The Policy applies to all full-time, part-time and casual employees.

Purpose

The Organisation understands that personal information can be used to identify a person and should only be used by the Organisation in limited circumstances. Personal information concerning employees is confidential and it will only be used by the Organisation for relevant purposes.

Definitions

In this Policy, the following terms are defined as:

- a) "Personal information" refers to information or an opinion about employees which an employee's identity can reasonably be ascertained. This includes any personal information or opinions about the person, whether true or not, no matter how the information or opinions are recorded. The Organisation only collects personal information that it needs for a specific purpose such as recruitment, selection, training, development, consulting, or counselling.
- b) "Sensitive information" is a special category of personal information and includes information about a person's health, race or ethnic origin, political or religious beliefs, membership of a trade union or association, sexual preference or criminal record. The Organisation will not disclose a person's sensitive information without the person's consent, unless there is a need to disclose such information in accordance with *Privacy Act 1988 (Cth)* or to comply with any other legislation.
- c) "Employee records" is a record of personal information relating to the employment of the employee. This may include health information; the engagement, training, disciplining or resignation of the employee; the termination of employment of the employee; the terms and conditions of employment; the employee's personal and emergency contact details; leave records; taxation, superannuation or banking details; and the employee's salary or wages.
- d) "Primary purpose" means the dominant reason for the information being collected.

Prospective Employees/Job Applicants

Information Collected

The Organisation collects personal information from job applicants and candidates in the recruitment process. A failure by an applicant to provide any lawfully requested information may result in the processing of the application being delayed or may result in the application being unsuccessful. Any information which is provided by a job applicant which is later found to be false may result in the person's application being unsuccessful. If the person is employed, it may result in the termination of that person's employment.

Unsuccessful applications

If a job applicant applies for a job and their application is unsuccessful but they would like the Organisation to hold on to their application to consider them for other positions which may arise from time to time, the applicant should provide their written consent to the Organisation to do so.

Access to and correction of personal information

Subject to any agreed or lawful exceptions, an employee or job applicant has a right to:

- a) access and copy their personal information which is held by the Organisation; and
- b) correct any incorrect information held by the Organisation about the employee or job applicant.

Security of Personal Information

The Organisation will take reasonable steps to keep a job applicant's personal information secure.

Complaints

If a job applicant has a complaint about the Organisation's privacy practices, they should contact the HR Manager/ Executive Officer.

Employees

Access of certain records by employees

Employees do not have a general right to access and review their personal records which is held about them by the Organisation. An employee may, however, access certain statutory employment records including:

- a) the name of the industrial instrument or instrument under which the employment is regulated. For example, the name of the relevant award or enterprise agreement;
- b) the employees' time and wages records;
- c) records of the employees' leave;
- d) records of superannuation contributions made on behalf of the employee;
- e) the employees of individual flexibility arrangements and guarantees of annual earnings; and
- f) workers' compensation records relevant to the employee.

The Organisation will provide an employee with a copy of these records within 5 days of the request being made. These records will be made available to the employee at either the premises where the employee works or at other mutually agreed premises. All other employment records are exempt from the *Privacy Act 1988* (Cth) and those employment records and personnel records may not be made available to employees.

An employee will not be provided with access to the records of any other employee.

Maintenance of records

The Organisation is required to keep employee records for seven years from the date on which an entry is made or from termination of an employee's employment, depending on which happens first.

In the case of other records such as tax records, the Organisation must maintain those records for a continuous period of seven years from the date the entry is made.

Non-disclosure

Employees of the Organisation are not permitted to disclose confidential or personal information which is collected about its suppliers, customers, agents or contractors. If an employee is not sure whether information is confidential or personal, they must check with the HR Manager and their immediate manager.

Confidential and personal information is information that is not in the public domain. It includes, but is not limited to, the following types of information:

- a) any personal information about an individual which has been collected by the Organisation;
- b) any information about a supplier, customer, agent or contractor of the Organisation;
- c) any personal information about an employee or colleague (including a prospective or former employee); and
- d) any information about the Organisation's business affairs or business systems.

External Requests for Employee Information

Personal Reasons

Employees requiring the Organisation to release or verify an Employee's employment condition (salary etc.) to an external party for authorisation processes (rental approvals, mortgage or loan applications, or other personal reasons) a written request must be provided to Human Resources Manager prior, stating the Employee authorises the requested details to be released to nominated persons or institutes.

Breaches of This Policy

A breach of this Policy may lead to disciplinary action including, but not limited to, termination of employment.

Relevant Legislation

- Privacy Act 1988