



Australian Government
**Department of Employment,
Skills, Small and Family Business**

Department of Employment, Skills, Small and Family Business Privacy Policy



ISBN

978-1-76051-628-4 [PDF]



With the exception of the Commonwealth Coat of Arms, the Department's logo, any material protected by a trade mark and where otherwise noted all material presented in this document is provided under a [Creative Commons Attribution 3.0 Australia](#) licence.

The details of the relevant licence conditions are available on the Creative Commons website (accessible using the links provided) as is the full legal code for the [CC BY 3.0 AU licence](#).

The document must be attributed as the Department of Employment, Skills, Small and Family Business Privacy Policy.

Contents

Document particulars	5
Document history	5
Introduction	6
Who should read this privacy policy?	6
Purpose of this privacy policy	6
<i>Privacy Act 1988</i>	6
Information covered under this privacy policy	7
Our personal information handling practices	8
Purposes for which information is collected	8
How we collect information	8
Types of information we collect	9
Collection of sensitive information	10
Tax file numbers	10
Collecting personal information from children and young people	11
Information collected by our contractors	11
Collection of unsolicited information	11
Methods we use to collect personal information	11
Remaining anonymous or using a pseudonym	12
Collection on our website	12
Purposes for which information is used and disclosed	13
Disclosure of personal information to other Commonwealth agencies providing services to the department	14
Disclosure of personal information overseas	14
Privacy data breaches	15
Information storage and security	15
Information storage	15
Information security	15
Privacy Impact Assessments	16
Integrity of your personal information	16
Accessing and correcting your personal information	16

How to request access to and correction of personal information	16
Our access and correction processes	16
Complaints	17
How to make a complaint	17
Our complaint handling process	17
If you are not satisfied with our response	17
Contact us	18
Availability of this privacy policy	18
Privacy policy updates	18

Document particulars

HP Records Document ID	D19/41171
Content last updated	25 / 07 / 2019
Document status	Final
Document Classification	Unclassified
Due for review	Annually
Point of contact	Privacy Officer: privacy@employment.gov.au , privacy.officer@employment.gov.au
Approval Authority (EL2 or SES)	Principal Government Lawyer, Information Law Team
Date of approval	14/01/2019

Document history

Version	Date	Author	Summary of Changes	Status	Authorised by
0.1	22/11/18	NG2594	Document creation	Finalised	DP2955
0.2	24/04/19	AB3771	Add media and news organisation content	Finalised	SH0366
0.3	23/07/19	DP2955	Updates following machinery of government changes	Finalised	SH0366



Introduction

The Department of Employment, Skills, Small and Family Business ('the department', 'we', or 'us') 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 us, visit the [Department of Employment, Skills, Small and Family Business](#) website.

Who should read this privacy policy?

Our privacy policy may be relevant to you if you deal with the department, especially if you are:

- a student;
- an apprentice;
- a parent or guardian;
- an employer;
- a participant in a program or service delivered by us;
- a contractor, grant recipient, consultant, or supplier of goods or services to us;
- a person seeking employment with us;
- a current or former employee;
- 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;
- a registered training organisation;
- an academic or researcher; or
- any other individual whose personal information we may collect, use and disclose from time to time.

Purpose of this privacy policy

The purpose of this privacy policy is to tell you:

- what kinds of personal information we collect, use and disclose;
- how we collect, use, disclose and hold it; and
- the purposes for which we collect, use and disclose it.

This privacy policy also sets out what you can do if you have a query, concern or complaint regarding the department's handling of your personal information, as well as how you can access your personal information held by the department and seek correction of that information (if necessary).

Privacy Act 1988

The department, including its employees, contractors and agents, is subject to the [Privacy Act 1988](#) (Privacy Act) and the requirements of the Australian Privacy Principles (APPs) as set out in Schedule 1 of the Privacy Act.



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

Information covered under this privacy policy

The department values your privacy and is committed to protecting the personal information it collects, uses and discloses. This privacy policy has been developed in accordance with APP 1 and covers the way in which we deal with **personal information**, as defined below. This policy is not intended to cover our handling of other types of 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.

The department also deals with **sensitive information**, which is a subset of personal information.

Sensitive information means:

- (a) information or an opinion about an individual's:
 - (i) racial or ethnic origin; or
 - (ii) political opinions; or
 - (iii) membership of a political association; or
 - (iv) religious beliefs or affiliations; or
 - (v) philosophical beliefs; or
 - (vi) membership of a professional or trade association; or
 - (vii) membership of a trade union; or
 - (viii) sexual orientation or practices; or
 - (ix) criminal record;that is also personal information; or
- (b) health information about an individual; or
- (c) genetic information about an individual that is not otherwise health information; or
- (d) biometric information that is to be used for the purpose of automated biometric verification or biometric identification; or
- (e) biometric templates.

Additional protections apply to the collection and handling of sensitive information.



Our personal information handling practices

Purposes for which information is collected

The department will collect your information to deliver national policies and programs that help Australians find and keep employment and work in safe, fair and productive workplaces.

The department will only use or disclose your personal information for the purpose for which it was collected or for a directly related purpose (unless otherwise required or authorised by law). Where required, we will seek your consent at the time your information is collected or as soon as practicable thereafter.

We collect personal information for a variety of different purposes relating to the department's 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;
- data sharing and data integration with other Australian Government agencies;
- complaints handling;
- administering requests received by us under the [Freedom of Information Act 1982](#) (FOI Act) and the [Privacy Act](#);
- program management;
- maintaining effective working relations with state and territory governments, non-government education authorities and providers, universities and other relevant stakeholders;
- contract management; and
- management of correspondence with the public.

How we collect information

Personal information may be collected directly by us, by people or organisations acting on our behalf (e.g. contracted service providers) or by third parties, such as other Australian Government agencies, state and territory governments and media and news organisations. It may be collected directly from you, from a representative you have authorised or from a third party.

The department will usually collect your personal information only from you, however, may collect your personal information from someone else where you consent, where it is unreasonable or impractical to collect the information only from you, or where we are authorised or required by law to collect the information from someone else. We may obtain personal information collected by other Australian Government agencies, state or territory governments, other third parties, or from publicly available sources.



We are also authorised to collect personal information (which may include **sensitive information**) under legislation we administer, including but not limited to:

- [Higher Education Support Act 2003](#) (insofar as it relates to VET FEE-HELP)
- [Social Security \(Administration\) Act 1999](#) (insofar as it relates to participation and activity test requirements for participation payment recipients)
- [Student Loans \(Overseas Debtors Repayment Levy\) Act 2015](#) (insofar it relates to trade support loans)
- [Trade Support Loans Act 2014](#)
- [VET Student Loans Act 2016](#).

We will only collect personal information for a lawful purpose that is reasonably necessary for, or directly related to a function or activity performed by us under the legislation we administer, or where otherwise required or authorised by law. For example, the department may also collect, use and disclose, personal information, including sensitive information, for an ‘integrity purpose’ under the [Crimes Act 1914](#), such as the detection or investigation of misconduct or fraud¹.

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 forms and online portals.

Types of information we collect

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

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

Personal information we collect may include (but is not limited) to:

- your name, address and contact details;
- photographs, video and audio recordings of you;

¹ See subsection 3(1) of the *Crimes Act 1914* for complete definition of ‘integrity purpose’.



- 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, languages you speak and your English proficiency);
- government identifiers (e.g. Customer Reference Number);
- information about assistance provided to you under our funding arrangements; and information about entitlements under Australian Government legislation.

Collection of sensitive information

In carrying out our functions or activities we may collect personal information that is **sensitive information** (see definition on page 7). The APPs impose additional obligations on us when collecting, using or disclosing sensitive information. We may only collect sensitive information from you:

- if you consent and the information is reasonably necessary for, or directly related to, one or more of our functions or activities;
- if required or authorised by law; or
- where a permitted general situation exists (e.g. to lessen or prevent a serious threat to life, health or safety²).

We also collect sensitive information, where authorised to do so, for the purposes of human resource management, detection and investigation of fraud and misconduct, taking appropriate action against suspected unlawful activity or serious misconduct, and responding to inquiries by courts, tribunals and other external review bodies.

Tax file numbers

A tax file number (TFN) is a unique identifier issued by the Commissioner of Taxation. The department may collect TFNs for the following purposes:

- to administer payments under programs we manage, including but not limited to the New Enterprise Incentive Scheme, Trade Support Loans and VET Student Loans; and
- to make payments of salaries and wages to eligible employees and contractors.

The department's collection of TFNs is authorised under the *Income Tax Assessment Act 1936* and the *Taxation Administration Act 1953*. You are not required to provide your TFN, but there may be financial consequences if you choose not to do so.

² Permitted general situations are set out in [Section 16A of the Privacy Act](#).



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 or from their parents, guardians or education providers. Where children and young people are aged 15 or over, we would generally collect information directly from the person as they are likely to have the capacity to understand any privacy notices provided to them and to give their informed consent. For children aged 14 and under, or where capacity to provide consent could be an issue, our policy is to seek consent from a parent or guardian.

Information collected by our contractors

Under the Privacy Act, we are required to take contractual measures to ensure our contracted service providers (including subcontractors) comply with the same privacy requirements as apply to us. When the department enters into agreements with contracted service providers, it imposes contractual obligations on providers to ensure they comply with relevant privacy obligations when collecting, using, disclosing and holding personal information relating to the department's programs.

Collection of unsolicited information

Personal information is sometimes provided to the department without us having requested it. This information is considered 'unsolicited'.

Where we receive unsolicited personal information, within a reasonable period we will determine whether that information is directly related to one or more of our functions or activities. If this cannot be determined, as soon as practicable and subject to the requirements of the [Archives Act 1983](#), we will destroy or de-identify the information. If this can be determined, 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.

Methods we use to collect personal information

We primarily use forms, online portals and other electronic or paper correspondence to collect personal information directly from you. By signing documents or agreeing to the terms, conditions and disclaimers for electronic documents, you consent 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 by people or organisations acting on our behalf (e.g. contracted service providers);
- use our websites;
- participate in a survey administered by us; or
- interact with us on social media platforms.

We also monitor news and media, including social media, in the public domain.

For further information on what information we collect online, see [Collection on our website](#), below.



As noted above under [How we collect your information](#), in certain circumstances we may collect and receive personal information about you from third parties including other Australian Government agencies, state and territory governments and media and news organisations.

Remaining anonymous or using a pseudonym

You may wish not to identify yourself or to use a different name (pseudonym) when interacting with us.

In some cases, you will be able to remain anonymous or use a pseudonym, however, there will be occasions where it will be impractical for you to remain anonymous or use a pseudonym and we will advise you accordingly. For example, the department may be unable to investigate and resolve a complaint you have if you do not identify yourself.

There may also be situations where the department is required or authorised by law to deal only with an identified individual, in which case it may be necessary for you to identify yourself. For example, it would be difficult for the department to give you access to your personal information under the Privacy Act or other legislation such as the [FOI Act](#) if you did not provide enough identification to satisfy the department that the relevant personal information was related to you.

Collection on our website

Passive collection

Your information—including personal information—is collected by a variety of software applications, services and platforms used by your device and by the department to support it to deliver services.

This type of information collection is ‘passive’ as the department is not collecting this information directly and it does not directly relate to the department’s provision of services. Your consent for your information to be collected and shared in this way is typically obtained at the time you first use an application or service on your device.

You can opt out of some of these passive data collections, including by:

- Disabling / refusing cookies;
- Disabling JavaScript;
- [Opting-out of Google Analytics](#); and
- Disabling location services on your device.

Additional advice regarding how to protect yourself online can be found at [Stay Smart Online](#).



Active collection

The department directly collects some of your information—including personal information—via its website. Generally, this information is collected to enable the department to properly and efficiently carry out its functions and deliver services to you.

Information may be collected by:	Type of information:	Information collected to:
Internet browser Cookies Google Analytics Social media platforms Qualtrics	Your browser type Your browser language Your server address Your location (where location services are enabled on your device) Your top level domain name (e.g. '.com', '.gov', '.au', '.uk') Date and time you accessed a page on our site Pages accessed and documents viewed on our site How our website was accessed (e.g. from a search engine, link or advertisement)	Measure the effectiveness of our content Better tailor our content to our audience
the department	Name Email address Phone number Education history Employment history	Deliver services to you Contact you Identify you Subscribe you to a service or update you have requested Evaluate our programs Inform policy development

Purposes for which information is used and disclosed

In most cases, we use and disclose personal information for the primary purpose for which it is collected, which you would be notified of at the time your information is collected. There are some circumstances in which the department is permitted to use or disclose personal information for another purpose, such as where a permitted general situation exists (e.g. to lessen or prevent a serious threat to life, health or safety³). For additional information regarding use or disclosure of personal information, please refer to the Office of the Australian Information Commissioner (OAIC) [APP 6 Guidelines](#).

³ Permitted general situations are set out in [Section 16A of the Privacy Act](#).



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;
- investigations of fraud or misconduct; and
- promotional purposes.

Disclosure of personal information to other Commonwealth agencies providing services to the department

We may disclose your personal information to other Commonwealth agencies that provide services to the department. For example, the Service Delivery Office within the Department of Finance which provides corporate services to the department.

Disclosure of personal information overseas

On occasion, your personal information will be disclosed to overseas recipients. Situations in which this may occur include:

- the department publishing material on the internet which may contain personal information (such as departmental reports, other documents, photographs, video and audio recordings);
- the department providing personal information to overseas researchers or consultants (where consent has been given or we are otherwise legally authorised);
- the department providing personal information to foreign governments and law enforcement agencies (in limited circumstances and where authorised by law);
- the department providing personal information to web-based services where data is stored on an overseas server;
- where recipients of departmental communications use an email account where data is stored on an overseas server; and
- where people post and comment on our social media platforms.

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 substantially similar to the APPs, including mechanisms for enforcement;
- you consent to the disclosure after being expressly informed we will not be taking reasonable steps to ensure the overseas recipient does not breach the APPs;
- a permitted general situation exists (e.g. to lessen or prevent a serious threat to life, health or safety⁴);
- disclosure is required or authorised by law, or an international agreement related to information sharing to which Australia is a party; or

⁴ Permitted general situations are set out in [Section 16A of the Privacy Act](#).



- disclosure is reasonably necessary for an enforcement related activity conducted by, or on behalf of, an enforcement body and the recipient performs similar functions.

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

If you would like further information regarding this, including to find out which countries (if any) your information has been given to, please contact us using the details provided in [Contact Us](#).

Privacy data breaches

The department takes all privacy data breaches seriously. A privacy data breach occurs where there is unauthorised access, use, modification, disclosure or loss of personal information.

The Notifiable Data Breaches scheme in Part IIIC of the Privacy Act commenced on 22 February 2018 and requires agencies to undertake an assessment of all privacy data breaches within 30 days and notify affected individuals and the Australian Information Commissioner where the agency determines that the breach is an 'eligible data breach'. An 'eligible data breach' occurs where there is unauthorised access to, unauthorised disclosure of, or loss of, personal information, and a reasonable person would conclude that the access, disclosure or loss would be likely to result in serious harm to any of the individuals to whom the information relates. The department follows internal eligible data breach response procedures that are consistent with the Office of the Australian Information Commissioner's (OAIC) [Data Breach Preparation and Response Guide](#).

Small-scale privacy breaches with little or no risk of harm to affected individuals (eg emails containing limited personal information inadvertently sent to the wrong recipient) are not eligible data breaches, and must be handled in accordance with the APPs in the Privacy Act. For privacy data breaches that are not eligible data breaches, the department adheres to privacy breach guidelines that are in accordance with the OAIC's Data Breach Preparation and Response Guide.

Information storage and security

Information storage

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

Storage of personal information (and the disposal of information when no longer required for business purposes) is managed in accordance with the Australian Government's records management regime, including the [Archives Act 1983](#), Records Authorities and General Disposal Authorities.

Information security

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

Our policy is to restrict access to your personal information 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 Protective Security Policy Framework and the Australian Signals Directorate Information Security Manual.

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

Privacy Impact Assessments

The *Privacy (Australian Government Agencies – Governance) APP Code 2017* commenced on 1 July 2018) and requires agencies to conduct privacy impact assessments (PIAs) for all 'high privacy risk' projects. A PIA is a systematic assessment of an activity or function that identifies the impact that the activity or function might have on the privacy of individuals, and sets out recommendations for managing, minimising or eliminating that impact. A high risk privacy project is one that involves any new or changed ways of handling personal information that are likely to have a significant impact on the privacy of individuals.

The department maintains a register of PIAs that have been conducted, which can be found on the department's website [Privacy page](#).

Integrity of your personal information

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

This includes correcting personal information when it is reasonable and appropriate to do so, having regard for the purpose for which it is held. For further information on correcting personal information see [Accessing and correcting your personal information](#), below.

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

Accessing and correcting your personal information

How to request access to and correction of personal information

You have a right under the Privacy Act to access personal information we hold about you and to request corrections of any personal information 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 details provided in [Contact Us](#).

Our access and correction processes

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

While we would generally give you access or make corrections to your personal information upon request, there are circumstances in which we may refuse to do so. In such a case, we will provide you with a written notice, including our reasons for refusing your request.



It is also possible to access and correct documents held by us under the [FOI Act](#). For more information regarding FOI requests, please see [How to make a FOI request](#).

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

Complaints

How to make a complaint

If you think we may have breached your privacy, you can contact the department to make a complaint using the contact details below. In order to ensure we fully understand the nature of your complaint and the outcome you seek, we prefer to receive complaints in writing.

It may be difficult for us to properly investigate or respond to your complaint if you provide insufficient detail, or if you submit an anonymous complaint. In the case of anonymous complaints, it may not be possible for us to provide a response.

Our complaint handling process

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

For further information, please read our [Privacy Complaint Handling Policy](#).

If you are not satisfied with our response

If you are not satisfied with a response you have received from us, or the way we have handled your complaint, you may contact the Office of the Australian Information Commissioner or the Commonwealth Ombudsman to refer your complaint for further investigation. Please note these parties may not investigate if you have not first brought your complaint to the department's attention.

Office of the Australian Information Commissioner

Telephone: 1300 363 992
Website: www.oaic.gov.au
Email: enquiries@oaic.gov.au
Post: GPO Box 5218
Sydney NSW 2001

Commonwealth Ombudsman

Telephone: 1300 362 072
Website: www.ombudsman.gov.au
Online: [Online complaint form](#)
Post: GPO Box 442
Canberra ACT 2601



Contact us

If you wish to:

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

please contact us by:

Telephone: 1300 488 064 (switchboard)

Email: privacy@employment.gov.au

Post: Privacy Officer, Corporate Legal
C12MT1
Department of Employment, Skills, Small and Family Business
GPO Box 9880
Canberra ACT 2601

Availability of this privacy policy

If you wish to obtain this privacy policy in an alternative format (for example, hard copy) please contact us. This privacy policy will be made available free of charge.

Privacy policy updates

This privacy policy is reviewed periodically and updated as required.

