

Privacy Policy

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Fair Work
OMBUDSMAN

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Approvals

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About this policy

The Fair Work Ombudsman is an independent statutory office that supports compliant, productive and inclusive workplaces and ensures compliance with the Australian workplace laws, including the *Fair Work Act 2009* (Fair Work Act).

We are bound by the *Privacy Act 1988* (Privacy Act) when collecting, holding, using and disclosing your personal information. The Privacy Act contains 13 Australian Privacy Principles which give you rights designed to protect your privacy. This policy applies to our treatment of all personal information, whether it relates to a customer, an employee, or another person.

This policy describes how we comply with the Privacy Act and explains:

- the types of personal information we collect
- how this information is used
- when it can be disclosed
- who it can be disclosed to

We regularly review this policy to ensure it contains update-to-date information about how we manage your personal information.

Overview

We collect, hold, use and disclose personal information to carry out our functions and activities, including when we:

- advise, assist, educate and inquire into workplace matters
- take action in courts to address unlawful conduct
- monitor compliance with visa conditions
- respond to access to information requests
- communicate with the public, stakeholders and the media
- publish information on our website
- recruit and hire staff.

Dealing with us anonymously

When communicating with us, you can remain anonymous or use a pseudonym.

If you choose to remain anonymous, this may limit our ability to help you because we often need your name and information about your matter to handle your enquiry, request or feedback.

We will tell you if we need to collect your name or any other personal information to help you further.

Collecting your personal information

We collect personal information when it is reasonably necessary for, or directly related to, our functions or activities under the Fair Work Act, the *Public Service Act 1999*, the *Paid Parental Leave Act 2010*, the *Road Safety Remuneration Act 2012* and any other relevant legislation.

The types of personal information we collect includes:

- names, addresses, dates of birth, telephone numbers and email addresses
- letters of offer and employment contracts
- work rosters, sign-in sheets, pay slips and bank statements
- statements taken by the Fair Work Ombudsman which identify individuals
- health information (for example, medical certificates).

We only collect personal information using lawful and fair means.

Collecting personal information directly from you

The main way we collect personal information about you is when you give it to us, including when:

- you contact us by phone, email or through our website
- you request assistance from us
- you register for or use MyAccount
- we conduct an investigation.

Collecting your personal information from others

We may collect personal information about you from other people or publicly available records. We do this when:

- it is unreasonable or impractical to collect the information from you
- you consent to it or
- we are required or authorised to do so by law.

For example, we may use internet search engines, white pages, internet articles and social media to locate people who are owed money where other methods of locating them have failed.

Fair Work Inspectors are also authorised under the Fair Work Act to require employers and other people to produce records or documents (for example, pay slips and work rosters) that may contain your personal information to check whether workplace obligations are being met.

We may also collect your personal information when we conduct a targeted campaign or an audit of a particular industry.

Sensitive information

Sometimes we may need to collect sensitive information about you with your consent, when authorised by law or in accordance with the Privacy Act. This may include information about your health, your membership of a professional or trade association or trade union, or your criminal record.

Visiting our website

When you visit our website, anonymous information about your visit is recorded. The information recorded only tells us how you used the site (which may include your server address, the date and time of your visit, the pages you accessed, the information you downloaded and the type of internet browser you used). Our website does not record any personal information about you.

We use this information to improve our online products and services.

Email lists

If you subscribe to our email list or employer newsletter, your email address and any other contact details you provide will be collected. We only use this information to send you regular updates on our activities and to administer these lists.

Social networking services

We use social networking services such as YouTube, Twitter and Facebook to communicate with the public. When you interact with us using these services we may collect your personal information, but we only use it to help us communicate with you and the public.

The social networking services will also handle your personal information for their own purposes. These services have their own privacy policies.

Storage and security of personal information

We use a range of physical and electronic security measures to protect your personal information from loss, misuse, interference, unauthorised access, modification or disclosure. We have policies and systems in place aimed at ensuring your personal information will only be accessed by employees or contactors on a need to know basis.

We destroy or archive personal information in a secure manner when we no longer need it, in accordance with our [Records Authority](#).

Using and disclosing personal information

We only use personal information for the purpose for which it is collected, or otherwise in accordance with the Privacy Act. Some common situations where we use or disclose personal information are listed below.

Our regulatory activities

We usually need to use your personal information when we perform functions or exercise powers under the Fair Work Act.

For example, if you request assistance from us, the personal information you provide (such as your pay slips) may be used to check whether your employment entitlements have been met. Other personal information that you provide (such as your contact details) may be used to contact you and keep you up-to-date with your enquiry.

During a dispute resolution process, a Fair Work Inspector may give personal information relating to one party to the dispute (for example, the employee) to the other party (for example, the employer) for the purpose of resolving the matter and contributing to procedural fairness.

Employee information

Personal information is collected from staff to ensure our employee information is up-to-date for employment related purposes. We may also collect information from staff where we are authorised or required to by the *Public Service Act 1999*, the *Public Service Regulations 1999* or other legislation.

This information can include job applications, notes made by selection committees during selection processes, employment contracts, copies of academic qualifications, bank account details, medical certificates, or health related information.

Referral to law enforcement authorities

We are authorised under the Fair Work Act to give information to other Commonwealth, State or Territory bodies when it is likely to help with the administration or enforcement of a law. For

example, we may give information to the Commonwealth Director of Public Prosecutions if we suspect a person has committed a fraud against the Commonwealth.

Disclosure to service providers

We disclose personal information to a number of service providers. These include IT service providers that host our website servers, manage our IT and store our information (including human resources information).

We also use external lawyers to provide advice about matters and to represent us in court. The information we provide to our external lawyers often includes personal information.

Enquiries, education and business improvement

We may use your personal information to:

- contact you about an enquiry or you have made or information you have provided
- tell you about the assistance or information we can give you, or
- seek feedback about your dealings with us for business improvement, training and reporting purposes.

Freedom of information requests

We are authorised to disclose information under the *Freedom of Information Act 1982*. This gives any person the right to obtain documents held by us, other than exempt documents, and the right to ask for information about them to be corrected or annotated if it is incomplete, incorrect, out of date, or misleading.

The information we disclose may include personal information.

Overseas disclosure of personal information

It is unlikely that we will disclose your personal information to people or organisations located overseas.

If we need to do this (for example, if your employer is located overseas), we will make the overseas disclosure in accordance with the Privacy Act.

Web traffic information is disclosed to Google Analytics when you visit our website. Google stores information across multiple countries. For further information see [Google Data Centres](#) and [Google Locations](#).

Special laws applying to tax file numbers

Sections 8WA and 8WB of the *Taxation Administration Act 1953* and the Australian Information Commissioner's [Privacy \(Tax File Number\) Rule](#) contain special rules relating to the collection and use of tax file numbers.

We cannot ask you to give us your tax file number. If your tax file number is in the documents you give us, we cannot record, use, or disclose it. For example, if you send us your group certificate or payment summary as evidence of amounts paid to you, we cannot record, use, or otherwise disclose the tax file number.

For more information about your rights relating to tax file numbers, visit the Office of the Australian Information Commissioner's [website](#) or the Australian Taxation Office's [website](#).

Accessing and correcting your personal information

You can ask to access the personal information we have about you, or ask that we change this information if it is inaccurate, out-of-date, incomplete, irrelevant or misleading.

We may ask you to put your request in writing and give us proof of identification before we release or change your personal information. We will respond to your request within 30 days.

If we refuse to give you access to or correct your personal information, we will give you written reasons why.

If you want to access or correct your personal information, please contact our **Privacy Officer**. The Privacy Officer's contact details are given below.

There are no fees for requesting access to your personal information.

Complaints

You can complain to us about the handling of your personal information by emailing us at yourfeedback@fwo.gov.au.

We will make all attempts to respond to and deal with your complaint quickly and within a reasonable time. If we decide that a complaint should be investigated further, it will usually be handled by a more senior officer than the officer whose actions you are complaining about.

If you are not satisfied with our response, you can complain to the [Office of the Australian Information Commissioner](#). For more information, visit www.oaic.gov.au or phone 1300 363 992.

If you are not satisfied with our complaint handling process in response to your privacy complaint, you have the option of contacting the [Commonwealth Ombudsman](#).

Contact Us

For questions about your privacy, you can contact our Privacy Officer at:

Privacy Officer

Customer Feedback & Information Access

Fair Work Ombudsman

GPO Box 9887

Sydney NSW 2001

privacy@fwo.gov.au