

Privacy Policy

Version 1.10

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Version	Date	Author	Revision Comments
V0.1	March 2015	Sally Dennington	Initial Draft
V1.0	November 2016	Sally Dennington	Approved first version of the document
V1.1	May 2020	Nicola Forbes	Additions related to surveys, health information and data matching
V1.2	October 2020	Nicola Forbes	Additions related to collection of protected information from Australian Taxation Office in relation to JobKeeper and additional see reference under Our Regulatory Activities
V1.3	June 2021	Nicola Forbes	Additions related to the collection of COVID-19 vaccination status information
V1.4	July 2021	Nicola Forbes	Additions related to Small Business Employer Advisory Service
V1.5	September 2022	Nicola Forbes	Update to new template
V1.6	June 2023	Nicola Forbes	Amendments required due to introduction of SJBPA Act, updates to sections related to social media and website notices, clarification of FWO's use and disclosure of sensitive information and expanded section on how long personal information is retained by the FWO.
V1.7	November 2023	Nicola Forbes	Amendments required to reflect that the FWO will need to collect Tax File Numbers (TFNs) to comply with its tax withholding and reporting obligations when paying unclaimed moneys to claimants and minor amendment from FWO to FWO to reflect administrative change.

V1.8	February 2024	Nicola Forbes	Amendment to clarify when individual may deal with us anonymously and to reflect collection of biometric templates from FWO employees.
V1.9	May 2024	Nicola Forbes	Remove reference to collection of information from ATO as part of JobKeeper scheme. JobKeeper scheme ended on 28 March 2021.
V1.10	December 2024	Nicola Forbes	Amendment to notify of side-by-side observation initiative and for implementation of criminal offence.

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About this policy

The Office of the Fair Work Ombudsman (FWO) is an independent statutory office that supports harmonious, productive, cooperative and compliant workplaces and ensures compliance with Australian workplace laws, including the *Fair Work Act 2009*. The FWO consists of the Fair Work Ombudsman, the staff of the Office of the FWO and Inspectors appointed under the Fair Work Act.

We are bound by the Privacy Act when collecting, holding, using and disclosing your personal information. The Privacy Act contains 13 Australian Privacy Principles which outline government agencies' responsibilities and individuals' rights designed to protect 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 up 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:

- investigate a breach of the Fair Work Act 2009, including a criminal offence
- advise, assist, educate and inquire into workplace matters
- take action in Courts or Tribunals 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
- conduct or facilitate surveys (either directly or through a third-party provider)
- recruit and hire employees.

Dealing with us anonymously

When you deal with us you have the right to be anonymous and the right to use a pseudonym. You can report an issue anonymously to us through our [website](#), in English or another language.

If you wish to ask us a question or request assistance, we will collect some personal information from you. You may be able to limit the types and amount of personal information you provide. You can discuss this with us.

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* and other relevant legislation.

The types of personal information we collect include:

- 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
- criminal record information.

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
- you participate in a survey conducted or facilitated by us or through a third-party provider
- 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) to check whether workforce obligations are being met and which may contain your personal information.

There are some circumstances where it may not be reasonable or possible to tell you that we are collecting your personal information from a third party. This may include when we collect information about a large number of individuals in similar circumstances, such as when we collect information from:

- government agencies; or
- listed public entities such as companies and trusts.

We may also collect your personal information when we are conducting a targeted campaign or an audit of a particular industry to assist us to decide which employment arrangements warrant scrutiny.

We only collect health information, including COVID-19 vaccination status information, with your consent.

We may also collect your personal information when we collect evidence as part of an investigation into a potential criminal offence, including by issuing a warrant or notice to produce.

Sensitive information

Sometimes we may need to collect sensitive information about you with your consent, including from your employer. This may include information about your health, sexual orientation or practices, your membership of a professional or trade association or trade union, or your criminal record.

We may also collect sensitive information without your consent when we reasonably believe that the collection of the information is reasonably necessary for, or related to, one or more of our functions or activities (for example, investigating breaches of the Fair Work Act or taking action in a Court or Tribunal).

Visiting our website

The type of personal information we collect will depend on how you use our website.

Browsing our website

When you visit fairwork.gov.au and our related sites and services, we collect information from your browser via Google Analytics, a web analysis service provided by Google. Google Analytics uses cookies to help analyse how users use our website. The information generated by the cookie about your use of our website will be transmitted to and stored by Google on servers overseas. You can read more about what information Google collects and what they do with it, in the Google Privacy Policy.

We do not collect information from Google Analytics that would identify you as an individual (for example your name or email). We capture web browsing information to understand how people engage with the information provided on our website and to help us improve our online services. We use high level data for reporting purposes – including total website visits and page views.

The types of information we collect include:

- your server address
- your operating system, for example, Windows, Mac
- your top-level domain name, for example, .com, .gov, .au, .uk
- your approximate city/location
- the date and time of your visit to our site
- the pages visited and how you engaged with them
- the documents you downloaded
- the previous site you visited
- how you found our website
- the type of device and browser used, for example, Chrome, Microsoft Edge
- the language selected for translation.

By using our website, you consent to Google processing information about you in the manner and for the purposes set out above. To opt out and prevent your information from being collected by Google Analytics, you can download the Google Analytics opt-out add-on.

Cookies

We use cookies to track your website browsing behaviour. A cookie is a small text file a server puts on your hard drive. It shows us if you have visited our website more than once.

Your browser shares cookies with our server anonymously, so we won't know your name or email. This lets us see the patterns of how you use our website. Cookies 'remember' your browser between page visits and identify your browser when you return to the site.

Subscribing to email alerts

We use Swift Digital, an online marketing platform service provider, to send and manage emails for our subscribers.

When you subscribe to our email and media updates:

- we record your email address
- we only use your email address for the reasons you gave it
- we won't add your email address to other mailing lists, unless you ask us to
- you can use a pseudonym if you supply a valid email address.

We do not share personal information collected using Swift Digital with any third parties. For more information about how Swift Digital handles personal information, you can read [Swift Digital's Privacy Policy](#) and [Terms and Conditions](#).

Social media

We use our Facebook, Instagram, LinkedIn and Twitter pages to post information on your workplace rights and obligations under Australian workplace laws.

Social media platforms are controlled and operated by third parties and are not government websites or applications. Please be mindful about disclosing personal information on our social media pages, as they are public and any post you make may be visible to others. You can learn more about your privacy when using social media platforms through the following links:

- [Facebook](#)
- [Instagram](#)
- [LinkedIn](#)
- [Twitter](#).

We may collect and use information about you to respond to your social media posts. We may also use your personal information to monitor and evaluate the advice we provide to you. Without this information, we may not be able to assist you or ensure that we are providing consistent and reliable advice.

We use Sprout Social to report on interactions between the Fair Work Ombudsman (FWO) and individuals on our social media pages. For more information about how Sprout Social handles personal information, you can read [Sprout Social's Privacy Policy](#).

Using and disclosing personal and sensitive information

We only use or disclose your personal and sensitive information to perform our statutory functions under the Fair Work Act or to improve our service delivery unless we are required to use or disclose your information in another way by law. For example, if required for a law enforcement purpose.

Our regulatory activities

We usually need to use and disclose your personal or sensitive information when we perform functions or exercise powers under the Fair Work Act, including the conduct of investigations or other compliance activities, including as part of investigations into a potential criminal offence.

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.

For example, a Fair Work Inspector may provide a statement obtained from you to the other party in a proceeding that potentially contains sensitive information such as details about your health, sexual orientation or practices (where it is relevant to the complaint) for the purpose of resolving a sexual harassment complaint under the Fair Work Act 2009.

We may share your personal information with other regulatory agencies where another agency has regulatory responsibility under their legislation. For example, if we identify issues of misuse or fraud concerning payment or non—payment of taxation we may refer the matter to the Australian Taxation Office.

We may use and disclose your personal information as part of large-scale activities to monitor and review compliance with the Fair Work Act. This may involve the exchange of information with other government agencies. These activities comply with the data matching guidelines issued by the Privacy Commissioner.

For further information see the **Data matching** section on page 10 of this document.

Employee information

We collect personal information from our employees to ensure our employee information is up to date for employment related purposes. We may also collect personal information from others 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 training and academic qualifications, bank account details, medical certificates, or health related information. We may collect biometric templates as part of multi-factor authentication processes. This will only occur with consent.

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 assist with the administration or enforcement of a law. Examples include providing the police with personal and other necessary information if it is needed to assist in a criminal investigation and providing the Australian Taxation Officer with information to assist in an inquiry regarding an entity's compliance with tax laws. Another example is giving information to the Commonwealth Director of Public Prosecutions if we suspect a person has committed fraud against the Commonwealth.

We will ensure we comply with the Commonwealth Spent Convictions Scheme (**Scheme**) when disclosing information about a criminal conviction. More information about the Scheme and your privacy can be found [here](#).

Public health and safety concerns

We may need to urgently disclose personal information to a State or Commonwealth authority for the purpose of virus (e.g. COVID-19) contact tracing or management, in order to prevent the spread of a communicable disease and fulfill our work health and safety obligations. We might also share limited personal information to an infected individual's work colleagues or other contacts, if the disclosure is necessary to lessen or prevent a serious threat to the health or safety of others. Where reasonable, we will obtain the consent of the relevant individual before any such disclosure if made. The disclosures are authorised under public health laws and under the Privacy Act.

Advisers, contractors and outsourcing

Sometimes we engage recognised expert advisers from outside the FWO for assistance and advice. We use external lawyers to provide advice about matters and to represent us in court. The information we provide to our external lawyers often necessarily includes personal information.

We also engage specialised advisers including universities to assist us with research projects.

We use third party providers to manage our contact centre software, interactive voice response service and call recording service. You can ask us to not capture a call recording when you call us or we call you.

If a third party is contracted to carry out some of our functions, such as providing legal or research services, the contractor and its employees are bound by the Privacy Act when dealing with personal information. This would apply where they provided services through their own websites.

We also ensure that the privacy and confidentiality of your personal information is addressed in these contracts.

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

Enquiries, education and improvement

We may also 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
- seek feedback about your dealings with us for business improvement, training and reporting purposes, or
- conduct surveys or research.

We may disclose your personal information to external stakeholders for education purposes only when you make inquiries to the FWO's Infoline. We will only do this with your consent. We will provide you with details of the external stakeholders when we ask for your consent.

When we provide your personal information to third parties for surveys and research, we require them to only use or disclose your personal information for the reasons we have engaged them.

Third parties conducting surveys or research for us must comply with the same legal obligations we follow when it comes to your personal information.

If you don't want your personal information to be used by or disclosed to third parties conducting research or surveys for us, or if you want to inspect, amend, or remove personal information we have about you, email us at privacy@fwo.gov.au, or write to us at:

Privacy Officer

Information Governance

Fair Work Ombudsman

Freedom of information requests

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

The information we disclose under this legislation may include your personal information, but we will consult with you where appropriate before such a disclosure is made.

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](#).

Information you shouldn't give us

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.

You should not provide us with your own tax file number unless:

- you're an employee or contractor engaged by us and we have your consent, or
- you're an individual seeking payment of unclaimed monies under section 559 of the Fair Work Act and we have asked for your TFN for this purpose.

If you're an employer, you should never provide us with the tax file numbers of employees.

If you are not working for us or are not an employee who is seeking payment of unclaimed monies and your tax file number is in the documents you give us (such as your group certificate or payment summary as evidence as amounts paid to you), we cannot record, use, or disclose your tax file number. If a tax file

number is inadvertently recorded, we will do our best efforts to ensure it is not used or disclosed unlawfully.

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

Covert recordings

Depending on the laws that apply in your state or territory, it can be illegal to make, possess and/or communicate a covert recording without the consent of all the parties recorded.

You should not provide us with any recordings of conversations (including any transcripts or records of the recording) that are made without the knowledge or consent of all the parties to the conversation.

Health information

Do not send us health or medical information that relates to another person unless we request it from you. We can only collect a person's health information, including COVID-19 vaccination status information, with their consent or when we reasonably believe that the collection of information is reasonably necessary for, or related to our functions or activities.

Accessing and correcting your personal or sensitive information

You can ask to access the personal or sensitive 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 and there are no fees for requesting access to your personal information.

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.

Data matching

We do checks to test whether or not employers are complying with the law. These checks include audit and verification programs and computer-based information matching, known as data matching. This allows

information from a variety of sources to be brought together, compiled and applied to a range of public policy purposes. Data matching helps us to identify people who are not complying with their obligations under the Fair Work Act.

Our usual data sources include government agencies managing the registration of businesses and company directors. The supply of this data is authorised by law. We match this data with information provided to us through our call centres and website. Data matching in this way can enable us to detect people who are not meeting their obligations under the Fair Work Act, such as paying their employees their full entitlements under a relevant Award or not taking adverse action against an employee for exercising their workplace rights, and so on.

We also undertake large scale activities involving information exchange with other government agencies which are authorised by law. Data-matching projects may be conducted in order to address particular compliance risks or issues or to address trends related to specific industries.

We compare externally sourced data with information that we already hold. If we check information related to you it doesn't mean we think you're not compliant with the Fair Work Act, but if we find discrepancies, we may take follow-up action.

The data is also used to check trends within industries and helps us to focus on future compliance risks.

To better protect your privacy, we comply with voluntary guidelines about data matching issued by the [Privacy Commissioner](#).

The protocols that we follow to protect your information include:

- publishing data-matching protocols that describe our data-matching activities
- advertising these protocols in the Commonwealth gazette
- secure storage of data-matching information
- only giving access only to authorised employees
- regularly reviewing the progress of projects and checking that information is being properly used and protected
- providing the Information Commissioner with protocols for programs involving more than 5,000 individuals.

Storage and security of personal and sensitive information

We use a range of physical and electronic security measures to protect your personal and sensitive 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 may hold and analyse your personal information within an e-Discovery Platform for the purposes of managing investigations and potential litigation.

Disposal of personal and sensitive information

When we receive personal information about you (whether solicited or unsolicited) the information will, in almost all cases, be treated as a Commonwealth record. We are bound by the *Archives Act 1983* to retain Commonwealth records until we can lawfully dispose of them, generally either in accordance with:

- a ‘records authority’ issued or agreed to by the National Archives – a records authority determines how long we hold information and when we dispose of it
- ‘normal administrative practice’ – which permits the destruction of information that is duplicated, unimportant or of short-term facilitative value.

Generally speaking, the information we collect is retained for seven years. This includes when we advise, assist, educate and inquire into workplace matters or investigate a breach of the Fair Work Act 2009. We may retain information for longer for example, if an investigation is controversial, of major public interest or sets a legal precedent.

Legacy information

We hold information created and/or collected by predecessor agencies to the FWO. You can find out more about the history of workplace relations law in Australia [here](#).

In 2023, the Australian Building and Construction Commission (ABCC) was abolished. Personal and sensitive information originally collected by the ABCC was transferred to the Fair Work Ombudsman due to its resumed building and construction compliance functions.

Complaints

You can complain to us about the handling of your personal information by emailing us at privacy@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 [Privacy 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 by emailing privacy@fwo.gov.au or writing to:

Privacy Officer
Information Governance
Fair Work Ombudsman
GPO Box 9887
Sydney NSW