



Australian Government
**Safety, Rehabilitation and
Compensation Commission**

SRCC Privacy Policy

March 2022

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1. SRCC's privacy policy

- 1.1. The SRCC takes its privacy obligations very seriously and is committed to meeting the highest standards when collecting, storing, using and disclosing personal information. The SRCC will take reasonable steps to:
 - a) comply with the requirements of the *Privacy Act 1988* (Privacy Act) and the *Australian Government Agencies Privacy Code*
 - b) make sure all members understand and comply with their privacy obligations
 - c) ensure that its privacy policy is up to date and complete
 - d) respond promptly and honestly to complaints
 - e) maintain an effective working relationship with the Office of the Australian Information Commissioner.

2 What is the purpose of this privacy policy?

- 2.1. The purpose of this privacy policy is to:
 - a) clearly communicate our personal information handling practices
 - b) enhance the transparency of our operations
 - c) give individuals a better and more complete understanding of the sort of personal information that we hold, and the way we handle that information.
- 2.2. The Privacy Act sets the minimum standards we have to meet when handling personal information, as an Australian Government agency. 'Personal information' is defined in the Privacy Act as:

'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.'
- 2.3. The Privacy Act contains 13 Australian Privacy Principles (APPs). The APPs:
 - a) set out legally binding standards for handling personal information
 - b) regulate how we collect, store, use and disclose personal information
 - c) allow people to access the information that we keep about them
 - d) allow people to correct or update their information.
- 2.4. The APPs are contained in Schedule 1 of the Privacy Act. They can be found on the OAIC [website](#).
- 2.5. We may review and update this policy from time to time, to take account of new laws or technology, or changes to our functions, operations and practices. This privacy policy was last reviewed in March 2022.
- 2.6. This privacy policy is published on our website, at <http://www.srcc.gov.au/privacy>. We can also provide you with a copy of the policy in another form, if it is reasonable to do so. If you would like a copy of this policy in another form, please contact the SRCC Secretariat using the contact details at the end of this policy.

3. What kinds of personal information does the SRCC collect and hold?

Collection of solicited information

- 3.1. We only collect personal information if it is reasonably necessary for, or directly related to, one or more of our functions or activities. These include functions and activities under the *Safety, Rehabilitation and Compensation Act 1988* (SRC Act) and the *Work Health and Safety Act 2011* (WHS Act).
- 3.2. We currently collect and hold personal information about:
 - a) Commission Members (including names, contact details and banking details)
 - b) Employees covered by self-insured licensees (including contact details, medical and employment information)
 - c) People who contact us for enquiries, representations and complaints (including names, contact details and details of their submission or feedback).
- 3.3. Certain information we may collect is 'sensitive information' as defined in the Privacy Act. In particular, information contained in workers' compensation claim records, work health and safety investigation records, and personnel records is likely to be sensitive.
- 3.4. We generally only collect and hold sensitive information about an individual with the consent of the relevant individual. However, there are certain circumstances where we are authorised to collect and hold sensitive information without the consent of the individual concerned, as described in APP 3.4.

Collection of unsolicited information

- 3.5. We are occasionally provided with personal information that we have not requested or solicited. When this occurs, we will determine within a reasonable period whether that information is reasonably necessary for, or directly related to, one or more of our functions or activities. If the unsolicited information does not relate to one or more of our functions or activities, subject to the requirements of the *Archives Act 1983* (the Archives Act), we will destroy or de-identify the information as soon as is practicable.

4. How does the SRCC collect and hold personal information?

Collection of personal information

- 4.1. We only collect personal information by lawful and fair means.
- 4.2. These may include:
 - a) when a member provides information to us in connection with their appointment
 - b) when a member completes any necessary forms required in connection with their appointment
 - c) from individuals writing to us or contacting us
 - d) during consultation forums under the WHS Act
 - e) during reviews of administrative practices and procedures used by a licensee in the performance of their functions.
- 4.3. At or before the time we collect information about you, or as soon as practicable after collection, we will take reasonable steps to notify you or otherwise ensure that you are aware of the matters that are required by APP 5, including, but not limited to:
 - a) the fact that we have collected the information and the circumstances of the collection
 - b) the details of the relevant law under which the collection is required or authorised (if any)
 - c) the main consequences (if any) for you if we do not collect the personal information
 - d) how you can access and correct information about you or make a complaint about a breach of the APPs.

Holding of personal information

- 4.4. Personal information is stored on our behalf by Comcare in a secure IT system. Access is monitored and is provided on a need-to-know basis to authorised personnel. Personal information may also be stored in paper records held securely in accordance with Australian government security guidelines. When no longer required, personal information is destroyed or archived in accordance with the provisions of the Archives Act.
- 4.5. We take all reasonable steps to protect the personal information that we hold from misuse, interference and loss, and from unauthorised access, modification or disclosure. This includes appropriate measures to protect electronic materials and materials stored and generated in hard copy and ensuring that people we contract with are subject to the same strict privacy obligations that we operate under.

5. What are the purposes for which the SRCC collects, holds, uses and discloses personal information?

- 5.1. The SRCC performs functions in connection with workers' compensation, under the SRC Act and WHS Act.
- 5.2. We may collect, hold, use and disclose personal information for the purposes of performing these functions, which may include:
 - a) assessing applications from Commonwealth authorities and corporations for the grant of a self-insurance licence
 - b) conducting inquiries, audits and other assessment processes of licensee conformity with the SRC Act and relevant conditions of self-insurance licences
 - c) responding to information requests from, or providing briefing to, the portfolio and other relevant agencies.
- 5.3. Where we hold information about you that was collected for a primary purpose (such as reviewing a submission), we do not require your consent to use and disclose the information for that purpose. However, we will not use or disclose the information for another purpose (a secondary purpose) unless:
 - a) you have consented to the use or disclosure of the information
 - b) the use or disclosure falls within one of the specific exceptions in APP 6.2. This may occur, for example, where the use or disclosure:
 - i. is for a purpose which is directly related to our original purpose of collection, and which you would reasonably expect us to use or disclose the information for
 - ii. is required or authorised by or under Australian law (such as the SRC Act)
 - iii. will prevent or lessen a serious threat to somebody's life or health, or assist in the location of a missing person
 - iv. is reasonably necessary to allow us to take appropriate action when we suspect unlawful activity or misconduct of a serious nature that relates to our functions or activities
 - v. is reasonably necessary for establishing, exercising or defending a legal or equitable claim
 - vi. is reasonably necessary for the purposes of a confidential alternative dispute resolution process
 - vii. is reasonably necessary for the enforcement of the criminal law or of a law imposing a penalty, or for the protection of public revenue.

6. How can you access and correct personal information that the SRCC holds?

- 6.1. We take reasonable steps to ensure that the personal information we collect, use or disclose is accurate, up-to-date and complete.
- 6.2. If we are satisfied that personal information we hold is inaccurate, out of date, incomplete, irrelevant or misleading, we will take reasonable steps to correct that information.
- 6.3. You can request access at any time to the personal information we hold about you and may ask us to either correct the information or include a statement indicating that the information is inaccurate, out of date, incomplete, irrelevant or misleading. To do so, please contact our SRCC Secretariat:

Telephone: 1300 366 979

Email: secretariat@comcare.gov.au

Post: Safety, Rehabilitation and Compensation Commission
GPO Box 9905
Canberra ACT 2601.

- 6.4. We will respond to such a request within 30 days. We will not charge you for making the request, for giving you access to your personal information, for correcting your information or for associating a statement with your information about its accuracy.
- 6.5. We will give access to the information in the manner you request, if it is reasonable and practicable to do so.
- 6.6. However, we can decline access to, or correction of, personal information under circumstances set out in the Privacy Act. If we cannot provide you with access to your personal information, or refuse your request to correct your personal information or include a statement with the information about its accuracy, we will give you a written notice setting out our reasons.

7. Will the SRCC send your personal information overseas?

- 7.1. It is not our normal practice to disclose personal information to a person who is not in Australia or an external Territory.
- 7.2. If you nominate an email account to communicate with us, you acknowledge your email service provider may store information in data centres outside of Australia. By providing us with permission to email information to your nominated address you are consenting to this possibility.

8. Can you deal with the SRCC anonymously?

- 8.1. Your identity is typically relevant to the fulfilment of our purpose for collecting, using, holding or disclosing personal information. Most of the time, it is not likely to be practicable for us to deal with you if you have not identified yourself or have used a pseudonym. If you are concerned about not being able to deal with us anonymously, you can make an anonymous inquiry by contacting the SRCC Secretariat and explaining the circumstances.

9. What does the SRCC do to make sure it complies with the Australian privacy principles?

- 9.1. We have taken reasonable steps to implement practices, procedures and systems relating to our functions and activities to ensure that we comply with the APPs, including:
- a) requiring staff providing assistance to the SRCC to be adequately trained in our obligations under the APPs and this privacy policy
 - b) ensuring that our privacy policy is regularly reviewed and updated
 - c) undertaking a program of privacy audits to make sure that our privacy policy is being fully implemented
 - d) maintaining an effective working relationship with the Office of the Australian Information Commissioner.

10. How can you make a complaint about a breach of the Australian privacy principles?

- 10.1. You may make a complaint to us if you consider that we have interfered with your privacy or otherwise breached our obligations under the APPs or under a binding APP Code in relation to the management of your personal information.

- 10.2. Any complaints should be in writing, providing as much detail as possible, and addressed to Comcare's SRCC Secretariat:

Telephone: 1300 366 979

Email: secretariat@comcare.gov.au

Post: Safety, Rehabilitation and Compensation Commission
GPO Box 9905
Canberra ACT 2601.

- 10.3. We will take reasonable steps to investigate any complaint, and to notify you of the outcome of our investigation within 30 days.

- 10.4. If we do not respond to the complaint within 30 days, or you are not satisfied with the outcome of our investigations, you can make a complaint directly to the Office of the Australian Information Commissioner. Further details about how to make a complaint are set out at <http://www.oaic.gov.au/privacy/privacy-complaints>.

11. How can you learn more about privacy?

- 11.1. The website of the Office of the Australian Information Commissioner contains further information about privacy, including the APPs, legislation and policies. The site address is: <http://www.oaic.gov.au/privacy/>.

12. Further information

- 12.1. If you would like any further information or to access or correct your personal information, please contact the SRCC Secretariat:

Telephone: 1300 366 979

E-mail: secretariat@comcare.gov.au

Post: SRCC Secretariat
Safety, Rehabilitation and Compensation Commission
GPO Box 9905
Canberra ACT 2601

- 12.2. We offer interpreter services in a number of languages. If you require interpreter services, details of how to access these services are available on [Comcare's website](#).

