



everyone's family

People & Culture Privacy Policy

Policy

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1 Overview and Principles

1.1 Purpose

The Smith Family supports and is bound by the Australian Privacy Principles (APPs) under the Privacy Act 1988 (the Act). The Act and the APPs regulate the handling of personal information about individuals by The Smith Family. This includes the collection, use, disclosure, storage of personal information and access to and correction of that information.

The Smith Family has publicly available privacy policies that cover the elements required under the APPs for how we manage the personal information of our team members and other stakeholders. The Smith Family's Privacy Compliance Manual is our comprehensive internal guide to the practices, procedures and systems to implement privacy protection across The Smith Family.

The purpose of these Procedures is to document the principles, practices, procedures and systems that apply to the management of People and Culture records at The Smith Family, so as to ensure that the privacy and confidentiality of these records is maintained and The Smith Family complies with the law and its obligations of confidentiality to its paid team members.

These Procedures are intended to be read in conjunction with The Smith Family's Privacy Compliance Manual, as well as The Smith Family's Record Retention Policy.

1.2 Scope

These Procedures outline the approach to the management of People and Culture records at The Smith Family. It covers records held for paid team members, past, present and future and any individual engaged by the Smith Family through a third-party. .

The management of records relating to volunteers is covered by the Volunteers Privacy Procedures.

These Procedures apply to The Smith Family Board, Executive, managers, team members and to all locations where The Smith Family conducts its operations.

1.3 Definitions

Employee record: Under the Act, an employee record is a record of your current or former employment relationship, including personal information relating to the employment of an employee.

Examples of personal information relating to the employment of the employee are information about all or any of the following:

- the engagement, training, disciplining or resignation of the employee;
- the termination of the employment of the employee;
- the terms and conditions of employment of the employee;
- the employee's personal and emergency contact details;
- the employee's performance or conduct;
- the employee's hours of employment;
- the employee's salary or wages;
- the employee's membership of a professional or trade association;
- the employee's trade union membership;
- the employee's recreation, long service, sick, personal, maternity, paternity or other leave;
- the employee's taxation, banking or superannuation affairs.

Health information: As relevant to an employment context, health information includes personal information about:

- the health or a disability (at any time) of an individual;
- an individual's expressed wishes about future provision of health services to him or her;
- a health service provided, or to be provided, to an individual.

Sensitive Information: Sensitive Information is a type of personal information and is defined by the Act as information about an individual's:

- racial or ethnic origin
- health information
- political opinions
- membership of a political association, professional or trade association or trade union
- religious beliefs or affiliations
- philosophical beliefs
- sexual orientation or practices
- criminal record
- genetic information
- biometric information that is to be used for certain purposes
- biometric templates.

1.4 Responsibilities and approvals

The Head of People and Culture is the Policy Owner and responsible for the implementation of these Procedures.

1.5 Legislative Context

The Smith Family is bound by the Australian Privacy Principles (**APPs**) under the *Privacy Act 1988 (the Act)* that came into effect on 12 March 2014. The APPs supersede the National Privacy Principles that previously applied to The Smith Family.

Under the 'employee record' exemption, The Smith Family does not need to comply with the APPs when it handles current and past employee records for something that is directly related to the employment relationship. However, the Act and the APPs do apply to other People and Culture records that contain personal information.

Workplace laws also require a range of information to be made and kept for each employee and enable requests to be made for access to those records.

2 Protecting Personal Information

2.1 Privacy Act – employee record exemption

Although most employee records are exempt from the requirements of the privacy laws, it is The Smith Family's policy to apply a reasonable standard of confidentiality to the collection, use and storage of such information.

It must be noted that **volunteer** records are not covered by the employee record exemption and are subject to the Act and the APPs. It should also be noted that in some cases information held on employees' files would not be subject to the employee record exemption rule.

The exemptions relating to employees' records also do not apply to **prospective team members**. Any information collected during the recruitment process and any other information obtained from prospective employees will be collected and maintained in accordance with the Act. Accordingly, The Smith Family will meet the requirements of the Act and comply with its principles in relation to such records.

2.2 Employee Information

Even if exempt from privacy laws, employee information is confidential and may be disclosed to external parties only if that information is required by those parties to provide a service to The Smith Family or required by law.

At The Smith Family, employee records generally include relevant personal information, job history, remuneration history, performance review information (where collected) and other information related to the employment past and present.

It may include health information where a pre-employment medical has been performed, or where a work injury has occurred.

It may also include sensitive information where this information has a direct relationship with the capacity of the employee to perform the duties of a position, i.e. health information for a position requiring heavy lifting, or where it is required by insurance companies (workers compensation claims) or by law. Information on racial or ethnic origin is sometimes collected by The Smith Family (eg. Aboriginal and Torres Strait Islander background is requested as part of our Reconciliation Action Plan measurements).

The types of information collected by The Smith Family, why it is collected and to whom it is disclosed so that The Smith Family can perform a range of obligations, is listed below. However, it must be noted that not all information collected and held may be listed here as information held may be specific to an individual employee or may be information that is held by The Smith Family and not disclosed to employees.

Information collected	Why it is collected	To whom it may be disclosed
Name, address, contact details, gender, date of birth Aboriginal or Torres Strait Islander descent Document proving right to work in Australia	To establish an employee record and undertake core HR functions, including preparation of employment contracts, payroll. Management of any workplace injuries and pre-employment checks	Payroll providers, Workers Compensation providers, Insurance companies, Doctors, Rehabilitation providers, Australian Tax Office (ATO), Superannuation Fund, Australian Criminal Intelligence Commission (ACIC), unions, relevant people leaders, Human Resources team
Next of kin details	Emergency contact	Relevant people leaders
Bank account and superannuation provider details	Remuneration payment	Payroll providers, Finance team, Human Resources team
Employment History	Recruitment Process	Individuals involved in the recruitment process, including hiring managers and Human Resources team
Education and qualification details	Recruitment Process	Individuals involved in the recruitment process, including hiring managers and Human Resources team
Referee name and contact details	Recruitment Process	Individuals involved in the recruitment process, including hiring managers and Human Resources team

Details of physical or medical conditions (related to position only)	Only collected if it impacts on job performance or as part of a workers compensation claim or accident/injury	Workers Compensation and Rehabilitation providers, insurance companies, Doctors, relevant team leader
Employment status details, i.e. part-time, casual	Remuneration payment	Payroll provider, unions, relevant people leaders
Remuneration details including fringe benefits and other third-party payments including child support payments	Remuneration payment	Payroll provider, ATO, Finance team, unions, relevant people leaders
Leave details	Remuneration payment	Payroll providers, relevant people leaders
Performance details	Performance reviews and succession planning	Relevant people leaders, People & Culture team
Employment history	Recruitment process	Recruitment selection panel

2.3 Payroll System

The Smith Family's payroll system contains a diverse range of personal information about paid team members of The Smith Family. Standard information such as names, addresses and phone numbers is maintained as well as more sensitive information, which may include marital status and health information.

Due to the type of information held in this system, The Smith Family will be diligent in giving access to and monitoring the system so that incidents of unauthorised access do not occur, and information is not divulged to unauthorised persons or misused in any way.

These electronic records are protected by strict access protocols. The Smith Family team members that require use of the payroll system will be given access to the appropriate information and to a level that is necessary for them to perform their jobs. This will be done through restricting their access to information not relevant to their position. In other words, a manager may gain access to information relating to his or her team, but not to information on team members outside of their general supervision.

2.4 PC access and screens

The computers of the People and Culture team that are used to access personal information are located in a corner area of the building and not in any thoroughfare. Password protected screensavers will be used at all times to ensure that there is no casual observance by unauthorised people. Similarly when a member of the People and Culture team leaves their desk they must ensure that the computer screen has no personal information visible that may be open to casual observance.

2.5 Storage of downloaded files from the payroll system

Electronic files that are downloaded from the payroll system are to be kept within a shared directory to which access is restricted. If no longer needed, such files should be deleted from the directory. Where possible any hard copies should be shredded or kept in locked filing cabinets.

2.6 Requests for HR information and reports

Requests for HR information and reports are to be placed with the National Manager, Human Resources, Human Resources Advisor or Human Resources Coordinator.

2.7 E-mailing HR information and reports

HR information and reports that are e-mailed internally are protected from external scrutiny by a firewall protecting all The Smith Family electronic files. No information or reports should be e-mailed to external sources without the explicit consent of the National Manager, Human Resources. In cases where HR reports are e-mailed externally, files must be encrypted in the manner advised by Business Information Services team or team members must be non-identifiable.

2.8 Printing

Personal information on employees can be printed, but care must be taken with the position of printers and ensuring printouts are not left in unsecure environments. Any paper with personal information on it that is to be disposed of should be shredded or placed in a secure document destruction bin.

2.9 Conversations

Details about identified individuals should not be discussed in corridors, in reception areas or any other public locations. Care should also be taken when conversing over the telephone.

2.10 Confidentiality and privacy obligations

A confidentiality and privacy clause is currently included in all employment contracts and is part of The Smith Family's Code of Conduct. These clauses outline the obligations for all team members in regards to privacy and confidentiality. Any breaches of these clauses may lead to further disciplinary action up to and including the termination of employment or engagement with The Smith Family.

2.11 Contractor confidentiality

The Smith Family may employ contractors who are carrying out work for us or on our behalf. Where these contractors will handle or have access to personal information as part of their role, they must agree to abide by the APPs when dealing with information from The Smith Family, even if they themselves are exempt from the Act. This can be achieved by requiring the contractor to sign The Smith Family's *Confidentiality and Privacy Agreement* (available from the Privacy Officer or Company Secretary), or by incorporating equivalent clauses in the contract for service,

2.12 Health privacy

Team members are not required to inform The Smith Family of the specific nature of their illness and may request their doctor to omit the nature of their illness from any certificates of absence provided. However, team members are under an obligation to inform The Smith Family of the nature of any illness or injury:

- that may impact of the ability of the employee to carry out the duties of their position;
- may endanger the lives of others;
- may endanger the life of the actual team member;
- may require first aid treatment at the workplace;
- that requires specialised equipment at work and/or needs outside normal scope;
- that may require long periods of absence from work;
- if it is sustained at the workplace.

2.13 Prospective team member/ recruitment process

In the case of prospective team members, The Smith Family is required to comply with the APP's. Prospective team member records include personal and job details and may include health information. Such information is collected in the course of people applying to The Smith Family for employment. The purpose for which this personal information is collected will be clearly disclosed to the applicant.

If an employment relationship is not subsequently established, the records are destroyed immediately by shredding or placement in a secure document destruction bin.

Prospective team members will be able to request either the return of all records (but not including any assessment material, as this information may include opinions of management which is not open to disclosure to prospective team members) or their immediate destruction.

Where a prospective team member offers names of referees for The Smith Family to contact to ascertain prior history and suitability for a position, he or she will be asked during the interview for verbal consent to The Smith Family contacting those referees.

All team members applying for a position with The Smith Family will be subject to a National Criminal History Check (NCHC). The Smith Family is an accredited organisation with the Australian Criminal Intelligence Commission (ACIC) and checks will be completed through this organisation. In the instance where there is a disclosable outcome, the team member will be notified by a member of the People & Culture team. If the disclosable outcome impacts on the individual's suitability for the position, this will be discussed with the relevant hiring manager and may be used by The Smith Family management as part of its assessment of the applicant.

Under child protection legislation, The Smith Family is required to screen successful applicants who will be engaged in a role that may involve contact with children and young people and/or access to information on children and young people. In this regard The Smith Family requests consent from the applicants to carry out certain checks. Any information that is made known to The Smith Family through this process of checking will remain strictly confidential and will not be disclosed to any third parties but may be used by The Smith Family management as part of its assessment of the applicant.

2.14 Disclosure to another organisation

The exemption of employee records from the Privacy Act does not continue if the employee records are disclosed by The Smith Family to another organisation. For example, if The Smith Family discloses information to an insurer for the purposes of workers compensation then in the hands of the insurance company that information would be subject to the Privacy Act requirements.

2.15 Health information of team members

As employee records are exempt from the Privacy Act and APPs, it may appear that this includes health information that The Smith Family may hold which is directly related to the employment relationship. However, as health information falls within the definition of 'sensitive information' for the purposes of the Privacy Act, to which more stringent requirements apply, members of the People and Culture team will exercise extreme caution in disclosing health information.

Health information is not to be disclosed unless the team member has given express consent, and any requests to access or disclose health information of employees are to be referred to the National Manager, Human Resources or Human Resources Advisor.

3 Data Accuracy

3.1 Data Accuracy

At all times the People and Culture team will take care to ensure that the information collected and held about paid team members and individuals engaged through third parties is accurate. This information will also be regularly checked to ensure its accuracy.

Paid team members and individuals engaged through third parties are also encouraged to maintain accuracy of information held, especially in relation to address and contact details, additional training or education undertaken etc.

Refer to Section 6 of The Smith Family's *Privacy Compliance Manual* for more information.

4 Record storage and retention

4.1 Data Accuracy

Employee records are subject to internal physical and access security requirements.

People & Culture are progressively moving all employee files away from paper records and to electronic records. These records are stored on a secure service and are only accessible to relevant members of the People & Culture team.

In the transition to electronic employee files, those that have not yet been converted will be held as paper records for Community Programs employees. These records are held in locked cabinets adjacent to the People and Culture work area at National Office. Paper records for current Recycling employees are held in locked files at the Villawood site. Access is available only to nominated members of the People and Culture team who may provide individual files on request to the relevant Manager/Team Leader for work purposes. These controls apply to existing and former employees, and relevant contractors for whom only limited information is held.

Managers are permitted to hold employee and contractor names and next of kin details in case of emergencies. They may hold this information in either paper or electronic format. If held in paper format it must be held in a secure cabinet that can be only accessed by the manager and a selected team member. The same applies to electronic format, with a password protected file accessible to the manager and selected team member.

Employee records collected outside of the People and Culture team are to be mailed by express post marked 'confidential' to the People and Culture team at either National Office or Villawood, whichever applies, within 5 working days after collection.

Resumes of prospective team members distributed to team members involved in the recruitment process will be collected from them at the end of the recruitment process. Alternatively they may be asked to destroy them after the recruitment process is complete.

4.2 Record retention

The general and minimum requirements for the retention of records at The Smith Family, including employee records, are set out in the *Record Retention Policy*.

Refer to Section 3.6 for the requirements for employee records.

5 Individual's access to information

Records of current and past team members can be accessed by those individuals to ensure that accurate information is maintained by The Smith Family. Access does not include information of a

performance or related nature as this information may include opinions of management and comments regarding promotability, which is not open to disclosure to team members.

Paid team members and individuals employed through a third party records are held, and access is provided, under the general supervision of the National Manager, Human Resources, on the advice of the Privacy Officer.

A copy of these Procedures will be available on The Smith Family intranet.

6 Supporting documents

6.1 Related documents

These Procedures should be read in conjunction with the following:

- Privacy Compliance Manual
- Record Retention Policy

A Document information

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