

# Privacy Policy



## **PURPOSE**

To ensure that only personal information is collected that is reasonably necessary for the primary purpose of delivering Employment, Community, Education and Training Services, and is managed in accordance with relevant Privacy Acts, Regulations and Guidelines.

## **SCOPE**

This policy applies to all personal information collected by all MADEC services and sites. All clients/students/employees and relevant stakeholders will be referred to within this policy as 'client/s'.

## **STATEMENT**

MADEC Australia maintains ISO 27001 Information Security Management System certification. This certification ensures information we hold remains confidential (only the authorized persons have the right to access information), integrity is maintained (only authorized persons can change the information) and is available (information is accessible to authorized persons whenever it is needed).

## **1 - COLLECTION**

In order to provide the best service possible MADEC will only collect personal information if the information is reasonably necessary for, or directly related to one or more service functions.

The types of personal information we may collect include:

- identifying information such as name and date of birth and tax file numbers;
- employment details including current and previous employment history;
- education details including current and previous education history;
- contact information such as home address, home and mobile phone numbers and email address;
- government-issued identifiers including Services Australia;
- financial information, such as bank account and credit card details;
- sensitive information, including information about your ethnic background;
- information about involvement in other programs you participate in or memberships you may have.

The information will only be collected by fair and lawful means and not in an intrusive manner. We will endeavour to collect personal information directly from the client unless it is unreasonable or impracticable to do so. In some cases the information may be collected from a third party such as Services Australia or an employer as part of employment.

You generally have the right not to identify yourself when dealing with us where it is lawful and practicable for us to allow it. However, on many occasions we will not be able to do this. For example, we will need your name and other identifying details in order to enroll you in a course or offer you employment.

If you do not provide or authorize the provision of personal information we request, we may be unable to provide you with some or all of our services or the product and services of our partners.

## **2 - DISCLOSURE**

MADEC will not disclose your personal information to a third party without your consent other than those listed below.

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In undertaking our business activities, we may **disclose** your personal information to persons or organizations in Australia and overseas (only if you are employed under a Pacific Australia Labour Mobility Scheme arrangement) including:

- our agents and service providers;
- our professional advisors;
- health insurance and health service providers;
- potential or actual buyers of our assets;
- payment system operators and financial institutions;
- your agents and advisors or other persons authorised by, or responsible for, you;
- government agencies;
- your educational institution, migration agent or broker if you have Overseas Health Cover or a visitors cover product;
- third parties with whom MADEC partners or works with to improve its value to you;
- other service providers or other third parties who assist us in the detection and investigation of fraud or other suspected unlawful activity.
- your employer (or their authorised representatives); and
- other parties to whom we are authorised or required by law to disclose information.

All clients/staff will be requested to sign a disclosure form on registration / enrolment / commencement. The contents of the form will be explained to the client to ensure you understand what information you are authorizing to be released/disclosed.

MADEC may only disclose personal information to overseas recipients (participating in the Pacific Australia Labour Mobility Scheme) if the information has been collected for the purposes of supplying services for the Programme and it is relevant to the program delivery and authorisation is given.

MADEC may however disclose personal information without the clients consent if the disclosure is:

- required or authorised by law;
- required in order to investigate an unlawful activity;
- required by an enforcement body of investigative activities; or is
- necessary to prevent a serious and imminent threat to a person's life, health or safety, or to public health or safety.

### 3 - DATA QUALITY

Clients are encouraged to help us keep your personal information accurate, complete, up-to-date and relevant by contacting us and informing us of any changes to their details. Individuals have the option of not identifying themselves, or of using a pseudonym when dealing with the organisation, however to provide the most appropriate service to the client in most cases this would be considered impracticable.

### 4 - DATA SECURITY

Information is protected from misuse, interference, loss, unauthorised access, modification or disclosure. Information stored in electronic medians is protected by individual password access and access is only given to staff that require access to deliver a particular service. Other computer and network security technologies include firewalls, antivirus software and email filtering. Hard copy information is securely locked i.e. filing cabinets in secure offices. Any breach of security identified under an Employment Services contract, will be handled in accordance with the *Records Management Instructions Guidelines* under the notifiable data breaches scheme.

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We will also take reasonable steps to destroy or permanently de-identify personal information if it is no longer required or is not contained in any Commonwealth record or retention is required by any regulatory guideline.

## 5 - ACCESS AND CORRECTION

The client will be provided with the opportunity to access the personal information we hold and where appropriate, clients may be able to correct that information if it is deemed to be incorrect or misleading.

If request for access or information correction is received by an individual reasonable access / correct to their own personal information may be given. The Privacy Officer will respond to the request within 30 days after the request is made. The access to the information in the manner requested by the individual will be given if it is reasonable and practicable to do so or given in a way that meets the needs of the organisation and the individual. There will be no charge to the individual making the request.

If access/correction cannot be given a written notice will set out the reasons for the refusal and the mechanisms available to complain about the refusal.

If information is corrected notification of correction will also be given to any relevant third party. If refusal has been given a statement that the information is inaccurate, out of date, incomplete, irrelevant or misleading will be associated in such a way that will make the statement apparent to users of the information.

In some circumstances access may not be provided circumstances include the following:

- Access would create a serious threat to safety
- Providing access will have a unreasonable impact upon the privacy of other individuals,
- Denying access is required or authorised by law
- The request if frivolous or vexatious
- Legal proceedings are underway or anticipated and the information would not be accessible through the process of discovery in the proceedings
- Negotiations may be prejudiced by such access
- Providing access is likely to prejudice law enforcement
- Providing access is likely to prejudice action being taken or to be taken with respect to suspected unlawful activity or serious misconduct relating to MADECs functions or activities or
- Access would reveal a commercially sensitive decision-making process.

For jobseekers this may also include:

- Medial/psychiatric records (other than those actually supplied by the Participant or Employer)
- Psychological records and
- Information provided by other third parties.

Where MADEC refuses access to Personal Information for individuals entered under a Employment Services Program the jobseeker or employer will directed to the relevant department for consideration under the provisions of the Commonwealth Freedom of Information Act. MADEC is then bound by any directive that a funding body makes under this Act.

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## 6 - SENSITIVE INFORMATION

MADEC will not collect personal 'sensitive' information unless the individual consents to the collection of the information and it is reasonably necessary for delivery of one or more services, and will be destroyed when no longer required. Sensitive Information includes racial or ethnic origin, political opinions, membership of a political association, religious beliefs or affiliations, philosophical beliefs, membership of a professional or trade association, membership of a trade union, sexual preferences or practices, criminal record, health or genetic information.

## 7 – USE OF PERSONAL INFORMATION

We may **use** your personal information for these purposes, including to:

- process your application for Education and Employment Services and provide you with information on such services
- manage our relationship with you;
- process and audit wages payments and job seeker claims;
- analyse, investigate, pursue and prevent suspected fraudulent activities;
- manage and develop Education and Employment Services;
- assess your suitability for and contact you about Education and Employment Services that we believe may be of benefit to you;
- partner or work with third parties to improve our offering and value to you;
- manage and develop our business and operational processes and systems;
- conduct marketing, feedback and research activities;
- manage and resolve any legal or commercial complaints or issues;
- perform other functions and activities relating to our business; and
- comply with our legal obligations.

## USE OF RECORDING DEVICES

The non-consensual use of audio and visual recording devices by employees, clients and contractors in the workplace is prohibited. Further, employees, clients and contractors are explicitly prohibited from arranging for others to make non-consensual audio or visual data recordings.

This does not apply when required to accommodate an employee who has an impairment or disability and who is otherwise unable to write or conveniently record information or data.

Modern technology and the large number of, and use, of personal mobile communication and other electronic devices, has made it increasingly easy for non-consensual recordings to be made in the workplace. However, MADEC has a broad responsibility to ensure that non-consensual audio or visual data recordings via the use of specific devices or devices such as 'smartphones', does not occur.

The strategic goals outlined in the *MADEC Quality and Safety Policy* embody the principles of decency, honesty, courtesy and professionalism and exemplify the way we should behave in the workplace.

A secretive or non-consensual recording is not in keeping with these principles and has the potential to destroy the relationship of trust and confidence between the employer and the employee and / or client and / or contractor.

The use of audio or image data recordings is also restricted in accordance with various State and Commonwealth legislation.

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## **8 - UNSOLICITED PERSONAL INFORMATION**

If MADEC receives any unsolicited personal information and the information was not contained in a commonwealth record it will be destroyed or information de-identified.

## **8 - RESOLVING YOUR PRIVACY CONCERNS**

If clients believe that their privacy has been infringed or a breach has occurred, they are entitled to complain. All complaints whether verbal or in writing will be responded to within 5 working days.

Clients can contact:

The Privacy Officer

Phone: (03) 5021 3472

Email: [hmadec@madec.edu.au](mailto:hmadec@madec.edu.au)

PO Box 5055, MILDURA VIC 3502

If clients believe the complaint has not been adequately dealt with they may complain to the Privacy Commissioner

Officer of the Australian Information commissioner (OAIC)

Phone: 1300 363 992

Email: [enquiries@oaic.gov.au](mailto:enquiries@oaic.gov.au)

GPO Box 5218, Sydney NSW 2001

If MADEC becomes aware of any breach or possible breach by any personnel or subcontractor of any personal information pertinent to an Employment Services participant we will immediately notify the relevant funding body.

## **9 - AVAILABILITY**

This policy will be publicly available on the MADEC website, free of charge in hard copy or other form (electronic) at any MADEC office to any interested parties.

**Custodian: Quality Manager**

## **REFERENCES:**

Privacy Act 1988

Privacy Amendment (Enhancing Privacy Protection) Act 2012

Privacy Fact Sheet 17 – Office of the Australian Information Commissioner