



## **Employee Records Privacy**

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**Q1. Why does the University ensure privacy in terms of employee records?**

**A1.** The University is subject to the legislative requirements of the *Privacy Amendment (Private Sector) Act 2000* and the *National Privacy Principles of the Act*. Therefore, to ensure the University complies with these Acts the University has developed an “*Employee Records Privacy Policy*” on the management of employee records.

**Q2. What is an employee record?**

**A2.** An employee record is a record of personal information either in electronic or conventional format relating to the employment of a staff member. The record comprises information about employment, including but not limited to, recruitment and selection, terms and conditions of employment, performance, discipline, leave, emergency contact details and resignation. Employees records are confidential and kept in locked storage. Employee records are exempt records from the provisions of the *Privacy Amendment (Private Sector) Act 2000*. The formal employee records at ACU National are held within the Human Resources Directorate.

**Q3. What type of employee information is collected by the University?**

**A3.** Only personal information that is necessary to the functions and activities of the University are collected by the University. This type of information includes for example, selection, employment, appraisal, discipline, remuneration of staff, and University administrative activities.

**Q4. Why does the University collect information on Employee's?**

**A4.** Generally the University will collect information from an employee regarding themselves for a range of purposes including but not limited to: payment of salary; verification of qualifications; verification regarding claims made in an application and interview (from stated referees); contact details in cases of emergency so the University may be able to contact next of kin or other designated person; taxation details; banking information; and superannuation purposes.

**Q5. What can the University use the information for?**

**A5.** The University may only use the information for a purpose for which it was collected unless: the staff member to whom the information relates has consented to the use of the information for some other purpose; the other purpose for which the information is used is directly related to the purpose for which the information was collected; the use of the information for that other purpose is necessary to prevent or lessen a serious and imminent threat to the life or health of the individual to whom the information relates or of another person; or, if so directed by a court of law.

**Q6. How does the University record what information has been released?**

**A6.** If the University uses or discloses personal information it must make a written note of the use of disclosure and of the reason for its disclosure.

**Q7. Who is responsible for ensuring privacy of employee records?**

**A7.** The Human Resources Directorate is responsible for ensuring the privacy of employee records. Employee records are stored in locked cabinets with restricted access.

**Q8. Who can access privacy information regarding an employee?**

**A8.** Current and previous staff are entitled to know whether personal information about them is held by the University; the nature of the information; the main purposes for which it is used and their entitlements to gain access to it. The staff member or former

staff member must provide to the Human Resources Directorate a written request to access their personal records. Staff files are stored and maintained centrally at the Strathfield Campus therefore staff must allow time for the file to be prepared and sent to the relevant Campus for viewing in the presence of a member of the Human Resources Directorate. The University *"Employee Records Privacy Policy"* does restrict access in certain situations these restrictions may be viewed in the policy available on the Human Resources website.

The University may be required to provide employee information to a third party such as the Police, Government agencies, Subpoenas and court orders. In such cases strict guidelines are followed by the University for providing such details regarding an employee.

**Q9. When is private information provided to a third party?**

**A9.** In the case of providing access to a person other than a staff member or former staff member the University will not disclose personal information unless: the disclosure is related to the purpose for which the information was collected; there must be no reason to believe that the staff member concerned would object to the release of the information; the staff member concerned was reasonably likely to have been aware, or had been notified, that the personal information is usually disclosed to the person or agency; the disclosure is necessary to prevent or lessen a serious and imminent threat to life or health of any person; in relation to some investigations and law enforcement process; and, where legislation recognises lawful access by some government agencies. Employee records are stored confidentially with the Human Resources Office based at the Mount Saint Mary Campus. All employee records are to be viewed in the presence of a member of staff from the Human Resources Directorate.

**Q10. How is the information secured and stored by the University?**

**A10.** Employee records are secured and stored in both hardcopy and electronically. Security provisions are established by the Human Resources Directorate including restricted access, locked cabinets for hardcopy records and security profiles for individuals, Supervisors and users of the electronic system that stores employee records.

**Q11. Is approval required to release private information to a third party?**

**A11.** The type of approval required is subject to the type of information being requested. For example, requests for information from the police will not be accepted over the telephone, Staff members receiving written requests for personal information from law enforcement agencies are required to direct the inquirer to the Deputy Vice-Chancellor, Administration and Resources or Delegate.

**Government Agencies:**

Departments such as Social Security, Immigration and Ethnic Affairs, Taxation and ASIO sometimes have a lawful need to access personal information held by the University. Where this need exists it is recognised in the legislation which establishes the departments and regulates their functions. Any Commonwealth Department requiring personal information is informed that the University will supply personal information only in response to a formal notice under the Department's legislation.

**Court Proceedings:**

The personal information held by the University is sometimes required as evidence in court and tribunal proceedings. These may be matters which do not involve the University, or litigation to which the University is joined as a party. For all matters, the Proper Officer to be named in subpoenas and other orders is the Deputy Vice-Chancellor, Administration and Resources or delegate. Subpoenas received by the University must be directed to the office of the Deputy Vice-Chancellor, Administration and Resources for action.

**Financial Institutions:**

In cases such as Financial Institutions requesting information on a staff member, for example, to support a loan application, it is best for the staff member to advise the Human Resources in writing that a request is likely (this can be via email to the Human Resources Consultant responsible for the Campus). This will ensure the process to provide the information is undertaken in a more timely manner. No information will be provided to a financial institution without the approval of the affected staff member.

**Q12. What happens in the case of a breach of private information?**

**A12.** The University privacy policy on employee records is designed to promote and enhance the confidentiality of staff. A failure to comply with the policy will be viewed seriously. If you suspect a breach it should be referred to the Deputy Vice-Chancellor, Administration and Resources or Delegate.

**Q13. How do I find out further information in relation to the privacy of employee records?**

**A13.** You can refer to the Human Resources Directorate website for policy information, discuss the policy with your nominated supervisor and/or contact your local Human Resources Consultant.