



Australian Government
Productivity Commission

PRODUCTIVITY COMMISSION

COMPLETE PRIVACY POLICY

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OVERVIEW

This privacy policy sets out how the Productivity Commission complies with the Australian Privacy Principles (APPs) in the *Privacy Act 1988* (the Privacy Act).

This policy contains information about the collection, use, disclosure and storage of personal information, including sensitive information, and how individuals may access and correct personal information that the Commission may hold.

In performing its functions and administering its legislation, the Commission may collect, hold, use or disclose your personal information. The Commission takes privacy seriously and will only collect, use and disclose your personal information in accordance with the Privacy Act and other applicable laws.

The Privacy Act applies to information about individuals, not to information about entities such as businesses, firms or trusts. If the Commission does not receive personal information about you, the Privacy Act will not apply. Detailed information on the Privacy Act can be found on the Office of the Australian Information Commissioner website: <http://www.oaic.gov.au/>.

WHO SHOULD READ THIS PRIVACY POLICY?

You should read this policy if you are:

- an individual whose personal information may be given to or held by the Commission;
- a contractor, consultant, supplier or vendor of goods or services to Commission or someone who has tendered to provide goods or services to the Commission;
- a person seeking employment with the Commission;
- a person who is or was employed by the Commission;
- a person who has sent correspondence (including submissions) to the Commission;
- a person who has made enquiries or complaints to the Commission;
- a person who has made Freedom of Information requests to the Commission.

GUIDANCE ON THE PRODUCTIVITY COMMISSION'S INFORMATION HANDLING PRACTICES

What is Personal Information?

'Personal information' is information or an opinion about an identified individual, or an individual who is reasonably identifiable, whether the information or opinion is true or not, and whether the information or opinion is recorded in a material form or not (section 6 of the Privacy Act).

What kinds of personal information does the Productivity Commission collect and hold?

The Commission collects and holds a broad range of personal information in records relating to:

- employment services and human resource management;
- the performance of its legislative and administrative functions, including in the conduct of public inquiries and research;
- public awareness, including when people ask to be on an email or mailing list so that the Commission can send them information about its activities and publications;
- the management of contracts;
- correspondence from members of the public;
- complaints (including privacy complaints and competitive neutrality complaints) made; and
- requests made to the Commission under the *Freedom of Information Act 1982* (FOI Act)

In performing its functions, the Commission may collect and hold the following kinds of personal information, which will vary depending on the context of the collection (most of these relate to personnel files – see appendix to this policy):

- your name, address and contact details (phone and facsimile numbers and email address);
- photographs, video recordings and audio recordings of you;
- information about your personal circumstances (for example, marital status, age, gender, occupation, accommodation and relevant information about your partner or children);
- information about your identity (for example, date of birth, country of birth, passport details, visa details, driver license, birth certificate);
- information about your background (for example, educational qualifications, the languages you speak);
- information about your work history (for example, work history, referee comments, remuneration); and
- government identifiers (for example, Tax File Numbers) and bank account details.

How the Productivity Commission collects and holds personal information

The Productivity Commission collects personal information through a variety of different methods including:

- paper-based forms;
- electronic forms (including online forms);
- face to face meetings;
- telephone communications;
- email communications;
- communications by letter;
- communications by fax; and
- the Productivity Commission website.

The Productivity Commission also collects personal information (including contact details) as part of its normal communication processes directly related to the above purposes, including:

- when an individual emails staff members; and
- when an individual telephones the Commission.

It is usual practice for the Commission, or an organisation acting on behalf of the Commission (for example, a contracted service provider), to collect personal information directly from you or someone that you have authorised to provide information to the Commission.

Under the Privacy Act, the Commission is required to take contractual measures to ensure contracted service providers (including sub-contractors) comply with the same privacy requirements applicable to the Commission.

Personal information about you may also be collected via other Commonwealth agencies, State or Territory government bodies, or other organisations. Sometimes the Commission may collect personal information about you from a third party or a publicly available source, but only if you have consented to such collection or would reasonably expect us to collect your personal information in this way.

From time to time, personal information is provided to the Commission without being requested by the Commission. When the Commission receives such information, the Commission will handle it in accordance with its obligations under the Privacy Act.

What is Sensitive Information?

'Sensitive information' is defined in section 6 of the Privacy Act as:

(a) information or an opinion about an individual's:

(i) racial or ethnic origin; or

(ii) political opinions; or

(iii) membership of a political association; or

(iv) religious beliefs or affiliations; or

(v) philosophical beliefs; or

(vi) membership of a professional or trade association; or

(vii) membership of a trade union; or

(viii) sexual orientation or practices; or

(ix) criminal record;

that is also personal information; or

(b) health information about an individual; or

(c) genetic information about an individual that is not otherwise health information; or

(d) biometric information that is to be used for the purpose of automated biometric verification or biometric identification; or

(e) biometric templates.

What kinds of sensitive information does the Commission collect and hold?

On occasion, the Commission may collect and hold sensitive information about you including information about:

- your health (including information about your medical history and any disability or injury you may have);
- any criminal record you may have;
- your membership of a professional or trade association; and
- your racial or ethnic origin.

The Commission may collect sensitive information about you if:

- you have consented and the information is reasonably necessary for, or directly related to, one of the Commission's functions or activities; or
- the collection is required or authorised by law.

Data quality

The Commission will take reasonable steps to maintain and update personal information in its records, or when the Commission is advised by individuals that their personal information has changed.

Data security

The Commission will take all reasonable steps to ensure that all personal information in its possession or control is protected against loss, unauthorised access, misuse, disclosure or modification.

Access to personal information held within the Commission is restricted to authorised persons who are Commission employees or contractors to Commission.

Electronic and paper records containing personal information are protected in accordance with the Australian Government security policies; for example, the Commission uses password protection for network access to electronic files, secure paper files in locked cabinets and compactuses and may use other physical access restrictions (for example, for personnel files).

The Commission periodically conducts audits to ensure it adheres to its protective and computer security policies.

Storage of personal information (and the disposal of information when no longer required) is managed in accordance with the Australian Government records management regime, including the *Archives Act 1983* (Archives Act), Records Authorities and General Disposal Authorities.

Accidental or unauthorised disclosure of personal information

The Commission will take seriously any accidental or unauthorised disclosure of personal information. Complaints will be handled in accordance with the Commission's complaints process (please refer below).

If a breach of the Australian Privacy Principle(s) has been identified, the Commission will advise you of its findings and proposed follow up action which may include, for example, an apology, targeted staff training, revised security or storage arrangements, or amendment of forms to prevent similar situations arising.

If you are not satisfied with the Commission's response, you have the option of making a complaint to the Privacy Commissioner (see below).

PURPOSES FOR WHICH PERSONAL INFORMATION IS COLLECTED, HELD, USED AND DISCLOSED

The Commission only collects personal information for purposes which are directly related to its functions or activities, and only when it is necessary for or directly related to such purposes.

These functions and activities include:

- performing recruitment, employment and human resource management functions in relation to individuals seeking employment with the Commission, Commission members and staff, contractors and secondees to the Commission;
- performing legislative and administrative functions, including in the conduct of public inquiries
- complaints handling;
- contract management;
- responding to enquiries and correspondence from members of the public; and
- responding to requests under the FOI Act and the Archives Act.

The Commission will not ask you for any personal information that it does not need.

The Commission uses and discloses personal information for the primary purposes for which it is collected (for example, to respond to the assistance sought, application or enquiry or to make referrals which the individual, applicant and or enquirer has consented to or is reasonably likely to expect the Commission to make). The Commission will take reasonable steps to provide you with information about the primary purpose of collection at the time the information is collected or as soon as practicable after collection.

Sometimes the Commission will pass on personal information to other staff, government departments, or organisations. The Commission will only do so if the purpose of the disclosure is related to the purpose for which the information was collected. The Commission may also pass on personal information where it is required by law. Where possible, the Commission will notify you at the time it collects the information, or shortly after, if it is likely to pass the information on to another body and, if relevant, the bodies to which the information is likely to be given.

The Commission will only use your personal information for secondary purposes where it is able to do so under the Privacy Act.

Disclosure of personal information overseas

The Commission does not usually disclose personal information to overseas recipients.

In the event it was necessary for the Commission to disclose personal information to overseas recipients, it will only do so in accordance with APP 8.

ACCESSING YOUR PERSONAL INFORMATION

How to seek access to and correction of personal information

You have a right under the Privacy Act to access personal information the Commission holds about you.

You also have a right under the Privacy Act to request corrections to any personal information that the Commission holds about you if you think the information is inaccurate, out-of-date, incomplete, irrelevant or misleading.

If you wish to:

- query how your personal information is collected, held, used or disclosed;
- ask questions about this Privacy Policy; or
- obtain access to or seek correction of your personal information.

Please contact the Commission using the following contact details:

By email: privacy@pc.gov.au

By post:

Privacy Contact Officer
Productivity Commission
Locked Bag 2, Collins St East
Melbourne VIC 8003

COMPLAINTS

How to make a complaint to Productivity Commission

If you are concerned about the Commission's handling of your personal information, you may wish to raise your concern directly with the area of the Commission involved. This may allow for an informal and direct resolution of your complaint.

If you are not satisfied with this outcome, or prefer to make your complaint directly to the Commission's Privacy Officer, you may send your complaint in writing to the above address.

To assist the Commission to consider your complaint, please provide as much information as possible in describing how you think your privacy has been interfered with, including:

- what happened;
- when it happened (including dates);
- what personal information of yours was affected;

- who did it (include individual names if known); and
- how and when you found out about it.

If you wish, you may interact with the Commission anonymously or via a pseudonym. However, please note that if you do wish to make a complaint or for the Commission to otherwise investigate a breach of the Australian Privacy Principles, it may assist the Commission if you provide your personal details. The Commission will treat any details you give it in confidence and in accordance with its obligations under the Privacy Act and any other applicable legislation.

The Commission is committed to the timely and fair resolution of complaints. Your complaint will be investigated and you will be advised of the outcome.

How to make a complaint to the Federal Privacy Commissioner

You have the option of contacting the Federal Privacy Commissioner if you wish to make a privacy complaint against the Commission.

Telephone: 1300 363 992

Email: enquiries@oaic.gov.au

Post: The Privacy Commissioner,

Office of the Australian Information Commissioner,
GPO Box 5218
Sydney NSW 2001

If you make a complaint directly to the Privacy Commissioner rather than to the Commission, the Privacy Commissioner may recommend you try and resolve the complaint directly with the Commission in the first instance.

Privacy Policy Updates

This Privacy Policy will be reviewed and updated as required.

WEBSITE INFORMATION

Generally, the Commission only collects personal information from its website where a person chooses to provide that information.

The Productivity Commission's web server makes a record of each visit to the site and logs the following information for statistical purposes: the user's Internet Service Provider (ISP) address, the user's top level domain name (e.g. .com, .gov, .au, etc.), the date and time of the visit to the site, the pages accessed and documents downloaded, the previous site visited and the type of browser used.

These logfiles are used for statistical purposes to help improve the services offered by the website and to diagnose any problems with our server. No attempt will be made to identify individual users or their browsing activities except, in the event of an investigation, where a law enforcement agency may exercise a warrant to inspect our logfiles.

When an attempt is made to 'hack into' the Productivity Commission's internal network, the user's ISP and relevant law enforcement agencies may be notified.

The Commission's website uses temporary web browser cookies to enable better analysis of user navigation patterns and to provide additional information to our web usage analysis software. These cookies can be blocked by users without affecting their interaction with the Commission's site.

This site has security measures in place to protect the loss, misuse and alteration of the information under our control. If you communicate with the Productivity Commission by email or via an electronic feedback form we will record your email address and other personal information only for the purpose for which you have provided it and will not pass it on to third parties or disclose it to anyone without your consent.

Users of this site should also be aware of the inherent security risks associated with transmission of personal information over the Internet and bear this in mind when deciding whether or not to use the electronic communication facilities available on this site or more conventional means (telephone, fax or through the post).

This website contains links to other sites and the Productivity Commission is not responsible for the privacy practices or the content of these sites.

Website/Twitter

The Commission records any information posted to the Commission's Facebook/Twitter page and uses that information for the purpose of administering its Facebook/Twitter page and considering and/or addressing any comments made.

No attempt will be made to further identify individuals except where authorised or required by law. The Commission is not responsible for the privacy practices or content of Facebook/Twitter or any linked websites.

COLLECTION

Forms

Sometimes, the Commission collects personal information that individuals choose to give the Commission via online forms or by email, for example when individuals use forms on the site to:

- provide information;
- register interest; or
- purchase publications.

The information you provide is not retained on the public web server and will not be used for purposes other than that for which it was provided.

The Productivity Commission will only record your e-mail address if you send the Commission a message. It will only be used for the purpose for which it was provided and will not be added to a mailing list unless that is the purpose of your message.

APPENDIX – HOW THE PRODUCTIVITY COMMISSION HANDLES SPECIFIC TYPES OF FILES THAT CONTAIN PERSONAL INFORMATION

PERSONNEL FILES

The purpose of personnel records is to maintain information for recruitment, human resource management and employment related purposes. Files may contain personal or sensitive information including:

- application(s) for employment including an individual's résumé(s), statement(s) addressing the criteria and referee reports;
- written tasks undertaken by an individual during a selection process;
- notes from the selection committee during the selection process;
- an individual's employment contract and other records relating to their terms and conditions of employment;
- details of financial and other personal interests supplied by some individuals and their immediate family members for the purpose of managing perceived or potential conflicts of interest;
- proof of Australian citizenship;
- certified copies of academic qualifications;
- records relating to an individual's salary, benefits and leave;
- medical certificates or health related information supplied by an individual or their medical practitioner;
- contact details;
- taxation details (including a Tax File Number) and bank account details;
- details of superannuation contributions; and
- information relating to an individual's training and development.

The Commission generally collects this information directly from the individual but may also collect personal information from intermediaries such as recruitment agents and personnel providers. The Commission may also collect personal information about employees and applicants from third parties where the individual has consented to such collection or would reasonably expect the Commission to collect the personal information in this way (for example, referee reports).

Personal information in personnel files is only used for the purpose of maintaining current employee data and information for business and employment related purposes.

The Commission does not give personal information held in these files to other agencies, organisations or anyone else without consent unless the individual would reasonably expect, or has been told, that information of that kind is usually passed to those agencies, organisations or individuals, or the disclosure is otherwise required or authorised by law.

The Commission may use personal information on these files for reporting purposes and may publish information on a de-identified basis in the Annual Report or disclose information on a de-identified basis to other bodies such as the Australian Public Service Commission.

The Commission will maintain and update personal information on these files as reasonably necessary, or when we are advised by individuals that their personal information has changed.

The Commission will take all reasonable steps to ensure that the information on these files that is in its possession or control is protected against loss, unauthorised access, misuse, disclosure or modification and that only authorised employees have access to such material.

The following agency staff have access to information contained on these files:

- officers in the Corporate Services Branch;
- officers in the Commission with responsibilities for managing staff, on a 'need to know' basis.

The information contained in these files is not disclosed to overseas recipients except where reasonably necessary, for example, for the purposes of making travel arrangements overseas. In such circumstances, the Commission will take reasonable efforts to seek your consent prior to making the disclosure.

For information about how to access or correct personal information in administrative files please refer to the 'Accessing Your Personal Information' section of this policy.

INQUIRY AND RESEARCH FILES

The purpose of these records is to record details relating to public inquiries, studies and supporting research. Personal information is collected when an individual takes part in a Commission public inquiry, study or supporting research and provides personal information as part of those activities. (Note: generally research data being analysed is in a de-identified form.)

Personal information recorded may include: name, address, telephone number, facsimile numbers and email addresses of participants.

The personal information contained in these records is for the Commission's use only and is not disclosed to other parties without prior consent.

The following Commission staff have access to this information: officers involved in public inquiries or studies and supporting research; and officers of the Corporate Services Branch and supporting those functions.

For information about how to access or correct personal information in administrative files please refer to the 'Accessing Your Personal Information' section of this policy.

COMPETITIVE NEUTRALITY COMPLAINTS FILES

The purpose of these records is to document complaint queries and record details of investigations relating to competitive neutrality. Records are mainly of organisations and companies but include some individuals.

Content may include: name, address, occupation, telephone and facsimile numbers, email address and Australian Business Number (ABN).

Personal information recorded may include: interviews, meetings, telephone discussions and correspondence between applicants, Commission staff and other interested parties in relation to competitive neutrality issues.

The following Commission staff have access to this personal information: query records - all staff within the Commission working on a complaint investigation or enquiry; investigation records - all staff involved in the investigation on a 'need to know basis'.

FREEDOM OF INFORMATION FILES

The purpose of these records is to maintain a record of requests for access to documents under the FOI Act in order to process the requests.

Personal information contained in FOI files may include: name, contact details (address, telephone number, email address), gender, occupation, marital status, financial information and other personal information volunteered by the applicant. On rare occasions, applicants may volunteer sensitive information including: information relating to physical or mental health, disabilities, racial or ethnic origin, citizenship information, criminal convictions and political beliefs.

The personal information in these records may relate to the FOI applicant and/or third parties to whom the information relates.

The Commission collects personal information in FOI files directly from individuals who make an FOI request.

The Commission uses the personal information in FOI files for the purpose of assessing and processing the FOI application. The Commission may also use the personal information in FOI files for the purposes of reporting (including to the Office of the Australian Information Commissioner). Where such information is published, it will be done so on a de-identified and aggregated basis in order to maintain confidentiality over the information.

Officers in the Corporate Services Branch and officers responsible for processing and decision-making in relation to particular FOI requests, have access to this information. Senior staff in the Commission may have access to the information on a 'need to know' basis. The information is not disclosed to overseas recipients.

We do not give personal information held in FOI files to other agencies, organisations or anyone else without consent unless the individual would reasonably expect, or has been told, that information of that kind is usually passed to those agencies, organisations or individuals, or the disclosure is otherwise required or authorised by law (for example, under the transfer provisions in section 16 of the FOI Act).

The personal information contained in these records may also be disclosed to other agencies with responsibility for the subject of particular FOI requests, the Administrative Appeals Tribunal, the Office of the Commonwealth Ombudsman and the Office of the Australian Information Commissioner.

For information about how to access or correct personal information in administrative files please refer to the 'Accessing Your Personal Information' section of this policy.

MAILING/SUBSCRIPTION LISTS OF THE PRODUCTIVITY COMMISSION

The purpose of these records is to distribute information to subscribers. The content of the material distributed will vary depending on the particular subscription list to which the individual or organisation has subscribed.

Personal information recorded may include: name, address, telephone number, facsimile numbers and email addresses of a subscriber.

Commission staff that have responsibility for maintaining the particular mailing lists may have access to the personal information.

The personal information contained in these records is for the Commission's use only and is not disclosed to other parties without prior consent.

For information about how to access or correct personal information in administrative files please refer to the 'Accessing Your Personal Information' section of this policy.

DOCUMENTS RELATING TO APPLICATIONS FOR CONTRACTS AND CONSULTANCIES

The purpose of these records is to provide information about contractors and consultants who have submitted a response to a Commission tender.

Personal information contained in these files may include: name, position, contact information (address, telephone and facsimile numbers and email address), curricula vitae of individuals seeking to provide services to the Commission.

The following staff have access to this personal information: Commission staff involved in evaluating the particular tender and staff in the Corporate Services Branch.

For information about how to access or correct personal information in administrative files please refer to the 'Accessing Your Personal Information' section of this policy.

FINANCIAL MANAGEMENT RECORDS

The purpose of these records is to comply with legislative requirements in respect of the recording of transactions and to assist management in its planning and accountability responsibilities.

Personal information contained in these files may include: creditor's or debtor's name, address, contact information, bank account details and transaction history.

The following Commission staff have access to this information on a 'need-to-know' basis: officers in the Corporate Services Branch. Professional accounting firms may, from time to time, be contracted to undertake financial services to the Commission and may have access to this information where it is relevant to the work they are undertaking. All Commission officers who are involved in processing and approving financial transactions on behalf of the Commission may have security controlled access to relevant information on the financial management information system.

Some of this information is disclosed as required to the Department of Finance, the Australian National Audit Office, the Australian Government Solicitor and the Commission's internal auditors.

For information about how to access or correct personal information in administrative files please refer to the 'Accessing Your Personal Information' section of this policy.

CORRESPONDENCE TO THE PRODUCTIVITY COMMISSION (INCLUDING SUBMISSIONS)

The purpose of these records is to process correspondence (including submissions) received by the Commission.

Content may include: name, address, date of birth, occupation, gender, marital status, names and status of partners or relatives and other information volunteered by the correspondent.

Sensitive content volunteered may include: physical or mental health, disabilities, racial or ethnic origin, criminal convictions, criminal intelligence, religious affiliations, tax file numbers and other information volunteered by the correspondent.

The following Commission staff have access to this information: staff that are processing, evaluating or preparing responses to the correspondence; or staff involved in the public inquiry or research to which the correspondence relates.

Personal information contained in these records may be disclosed to other departments if they are involved in processing, evaluation or the preparation of the response to the correspondence.

For information about how to access or correct personal information in administrative files please refer to the 'Accessing Your Personal Information' section of this policy.