

Policy Statement

From time-to-time Linked Community Services (LINKED) is required to collect, hold, use and/or disclose personal information relating to individuals (including, but not limited to its customers, contractors, suppliers and employees) in the performance of its business activities.

The information collected by LINKED will, from time to time, be accessible to certain individuals employed or engaged by LINKED who may be required to use the information in the course of their duties.

Purpose

The purpose of this document is to set out LINKED's policy in relation to the protection of personal information, as defined, under the Privacy Act 1998 (Cth) the ("Act"), which includes the Australian Privacy Principles ("APP"). The APPs regulate the handling of personal information.

The obligations imposed on LINKED under this policy are also imposed on any individual employed or engaged by LINKED ("employees").

This policy outlines LINKED's requirements and expectations in relation to the handling of personal information.

Scope

This policy applies to all employees, independent contractors, consultants and other workers engaged by LINKED and who have access to personal information in the course of performing their duties.

Procedural Statement

Information

What is personal information?

Personal information means 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 recorded in material form or not about an individual whose identity is apparent, or can reasonably be ascertained, from the information or opinion.

What is not personal information?

This policy does not apply to the collection, holding, use or disclosure of personal information that is an employee record as they are exempt from the APPs.

An employee record is a record of personal information relating to the employment of an employee. Examples of personal information relating to the employment of the employee include, but are not limited to, health information and information about the engagement, training, disciplining, resignation, termination, terms and conditions of employment of the employee.

Employees (such as those engaged in a supervisory, operations or human resource capacity) will have access to employee records. Employees who have access to employee records must ensure that the information is handled confidentially and for a proper purpose only. Employee records are only permitted to be collected, used and disclosed where the act of doing so is directly related to a current or former employment relationship.

Employees who have access to employee records and who may have a question about the use or disclosure of employee records should contact Corporate Services Manager.

Kinds of information that LINKED collects and holds:

LINKED collects personal information that is reasonably necessary for one or more of its functions or activities or if LINKED has received consent to collect the information. If LINKED collects sensitive information (as defined below), LINKED must also have obtained consent in addition to the collection being reasonably necessary.

The type of information that LINKED collects and holds may depend on an individual's relationship with LINKED, for example:

- **Candidate:** if a person is a candidate seeking employment with LINKED, LINKED may collect and hold information about that candidate including the candidate's name, address, email address, contact telephone number, gender, age, employment history, references, resume, medical history, emergency contact, taxation details, qualifications and payment details.
- **Client:** if a person is a client of LINKED, LINKED may collect and hold information including the client's name, address, email address, contact telephone number, gender and age and other sensitive information.
- **Supplier:** if a person or business is a supplier of LINKED, LINKED may collect and hold information about the supplier including the supplier's name, address, email address, contact telephone number, business records, billing information and information about goods and services supplied by the supplier.
- **Referee:** if a person is a referee of a candidate being considered for employment by LINKED, LINKED may collect and hold information including the referee's name, contact details, current employment information and professional opinion of candidate.
- **Sensitive information:** LINKED will only collect sensitive information where an individual has given consent to the collection of the information and the information is reasonably necessary for one or more of LINKED's functions or activities. Sensitive information includes, but is not limited to, information or an opinion about racial or ethnic origin, political opinions, religious beliefs, philosophical beliefs, membership of a trade union, sexual preferences, criminal record, health information or genetic information.
- **Images of individuals in photographs or video (images)** are personal information under the Privacy Act where the person's identity is clear or can reasonably be worked out from that image.

How LINKED collects and holds personal information:

LINKED (and the employees acting on LINKED's behalf) must collect personal information only by lawful and fair means.

LINKED may collect personal information in a number of ways, including without limitation:

- through application forms (e.g. job applications, VIP and loyalty program applications);
- by email or other written mechanisms;
- over a telephone call;
- in person;
- through transactions;
- through LINKED website;
- through lawful surveillance means such as a surveillance camera;
- by technology that is used to support communications between individuals and LINKED;
- through publicly available information sources (which may include telephone directories, the internet and social media sites); and
- direct marketing database providers.

When LINKED collects personal information about an individual through publicly available information sources, it will manage such information in accordance with the APPs.

At or before the time or, if it is not reasonably practicable, as soon as practicable after, LINKED collects personal information, LINKED must take such steps as are reasonable in the circumstances to either notify the individual or otherwise ensure that the individual is made aware of the following:

- the identity and contact details of LINKED;
- that LINKED has collected personal information from someone other than the individual or if the individual is unaware that such information has been collected;
- that collection of personal information is required by Australian law, if it is; the purpose for which LINKED collects the personal information;
- the consequences if LINKED does not collect some or all of the personal information;
- any other third party to which LINKED may disclose the personal information collected by LINKED;
- LINKED's privacy policy contains information about how an individual may access and seek correction of personal information held by LINKED and how an individual may complain about a breach of the APPs; and

- whether LINKED is likely to disclose personal information to overseas recipients, and the countries in which those recipients are likely to be located.

Unsolicited personal information is personal information that LINKED receives which it did not solicit. Unless LINKED determines that it could have collected the personal information in line with the APPs or the information is contained within a Commonwealth record, it must destroy the information to ensure it is de-identified unless LINKED determines that it is acceptable for LINKED to have collected the personal information.

Use and Disclosure of Personal Information

The main purposes for which LINKED may use and/or disclose personal information may include but are not limited to:

- recruitment functions;
- client service management;
- training and events;
- surveys and general research; and
- business relationship management including Transport for New South Wales.

LINKED may also collect, hold, use and/or disclose personal information if an individual consents or if required or authorised under law.

Direct marketing:

- LINKED may use or disclose personal information (other than sensitive information) about an individual for the purpose of direct marketing (for example, advising a customer about new goods and/or services being offered by LINKED);
- LINKED may use or disclose sensitive information about an individual for the purpose of direct marketing if the individual has consented to the use or disclosure of the information for that purpose; and
- an individual can opt out of receiving direct marketing communications from LINKED by contacting the Operations Manager in writing or if permissible accessing LINKED's website and unsubscribing appropriately.

Disclosure of Personal Information

LINKED may disclose personal information for any of the purposes for which it was collected, as indicated under clause 6 of this policy, or where it is under a legal duty to do so.

Disclosure will usually be internally and to related entities or to third parties such as contracted service suppliers.

If an employee discloses personal information to a third party in accordance with this policy, the employee must take steps as are reasonable in the circumstances to ensure that the third party does not breach the APPs in relation to the information.

Access to personal information

If LINKED holds personal information about an individual, the individual may request access to that information by putting the request in writing and sending it to the Privacy Officer. LINKED will respond to any request within a reasonable period, and a charge may apply for giving access to the personal information where LINKED incurs any unreasonable costs in providing the personal information.

There are certain circumstances in which LINKED may refuse to grant an individual access to personal information. In such situations LINKED will provide the individual with written notice that sets out:

- the reasons for the refusal; and
- the mechanisms available to you to make a complaint.

If you receive such a request, please contact Corporate Services Manager.

Correction of personal information

If LINKED holds personal information that is inaccurate, out-of-date, incomplete, irrelevant or misleading, it must take steps as are reasonable to correct the information.

If LINKED holds personal information and an individual makes a request in writing addressed to the Operations Manager to correct the information, LINKED must take steps as are reasonable to correct the information and LINKED will respond to any request within a reasonable period.

There are certain circumstances in which LINKED may refuse to correct the personal information. In such situations LINKED will give the individual written notice that sets out:

- the reasons for the refusal; and
- the mechanisms available to the individual to make a complaint.

If LINKED corrects personal information that it has previously supplied to a third party and an individual requests LINKED to notify the third party of the correction, LINKED will take such steps as are reasonable to give that notification unless impracticable or unlawful to do so. If you receive such a request, please contact Corporate Services Manager.

Integrity and security of personal information

LINKED will take such steps (if any) as are reasonable in the circumstances to ensure that the personal information that it collects is accurate, up-to-date and complete. Employees must take steps as are reasonable in the circumstances to protect the personal information from misuse, interference, loss and from unauthorised access, modification or disclosure.

If LINKED holds personal information and it no longer needs the information for any purpose for which the information may be used or disclosed and the information is not contained in any Commonwealth record and LINKED is not required by law to retain the information, it will take such steps as are reasonable in the circumstances to destroy the information or to ensure it is de-identified.

If you are unsure whether to retain personal information, please contact Corporate Services Manager to discuss.

Anonymity and Pseudonymity

Individuals have the option of not identifying them self, or using a pseudonym, when dealing with LINKED in relation to a particular matter. This does not apply:

- where LINKED is required or authorised by or under an Australian law, or a court/tribunal order, to deal with individuals who have identified themselves; or
- where it is impracticable for LINKED to deal with individuals who have not identified themselves or who have used a pseudonym.

However, in some cases if an individual does not provide LINKED with the personal information when requested, LINKED may not be able to respond to the request or provide you with the goods or services that you are requesting.

Complaints

Individuals have a right to complain about LINKED's handling of personal information if the individual believes LINKED has breached the APPs.

If an employee becomes aware of an individual wanting to make such a complaint to LINKED, the employee should direct the individual to first contact Corporate Services Manager in writing. Complaints will be dealt with in accordance with LINKED's Feedback/Complaints Procedure and LINKED will provide a response within a reasonable period. Individuals who are dissatisfied with LINKED's response to a complaint, may refer the complaint to the Office of the Australian Information Commissioner.

Compliance Responsibility

Breach of this policy

An employee directed by LINKED to do an act under this policy and which relates to personal information, must ensure that in doing the act they comply with the obligations imposed on LINKED. An employee directed by LINKED who fails to do an act in accordance with this policy will be deemed to have breached this policy and will be subject to formal counselling and disciplinary action, up to and including possible termination of the employee's employment.

Related Documents, Policy & Legislation

The Privacy Act 1988 (Privacy Act) (<https://www.legislation.gov.au/Series/C2004A03712>)

Client Records Policy

Record Keeping Policy

Feedback/Complaints Policy