



PRIVACY MANAGEMENT PLAN

Under

PRIVACY AND PERSONAL INFORMATION PROTECTION ACT 1998

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1.0 INTRODUCTION

The Building and Construction Industry Long Service Payments Corporation was established in 1982. On 1st January 2011 the Corporation's name was changed to the Long Service Corporation enabling it to administer both the Building and Construction Industry Long Service Payments Act 1986, which provides a portable long service payments scheme to building and construction workers in NSW and the Contract Cleaning Industry (Portable Long Service Leave Scheme) Act 2010 which provides a portable long service leave scheme to contract cleaners in NSW.

The Building and Construction scheme operates at no direct cost to worker and employer members. It is funded by a levy on the cost of building work.

The Contract Cleaning scheme operates at no direct cost to the worker. It is funded by a levy on registered employers.

The Long Service Corporation currently administers two long service schemes in NSW – the Building and Construction Industry Scheme and the Contract Cleaning Industry Scheme. The Building and Construction Scheme provides a service to over 297,000 registered workers and more than 30,000 registered employers in building and construction work in NSW. The Contract Cleaning Industry Scheme will provide a service to approximately 30,000 registered workers and more than 1,000 registered employers in the contract cleaning industry.

The main functions of the Corporation are:

- Ensuring that building industry workers and contract cleaners are registered in the relevant scheme and are recording service
- Ensuring that building industry employers and contract cleaning employers are aware of their obligations and are complying with the relevant scheme
- Collecting the long service levy and managing the fund
- Paying claims to building and construction workers and employers
- Paying leave entitlements to contract cleaning industry workers
- Marketing the relevant scheme to the building and construction industry and the cleaning industry in NSW

Services provided by the Corporation include:

- Customer and Levy Helpline operating from 8.30am – 5.00pm Monday to Friday
- Interpreter services offering support to our many workers and employers from non English speaking backgrounds
- Face to face customer service from our two office locations at Gosford and Lidcombe
- Field advisory services – our Inspectors are available to do site and office visits to employers to explain long service obligations, benefits and coverage queries
- TAFE presentations for building and construction apprentices
- Presentations at industry events such as trade evenings or association meetings.
- Union delegate training
- Advisory service to other industry stakeholders such as accountancy firms.
- Provision of electronic returns for employers and councils

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- Field visits to private certifiers and 152 local councils to provide support and assist on building levy matters
 - Presentations at industry events organised by local councils or certifiers

The Long Service Corporation is accountable to advisory committees who are responsible for and have discretion in the review of Corporation decisions relating to the administration of the scheme where they have been appealed by a registered worker, employer, a person attempting to register as a worker or by a levy payer in respect of levy payments.

The Building and Construction Industry Long Service Payments Committee is the advisory and appellant body for the Building and Construction Industry Scheme. The Committee consists of 11 members from unions, employers and ministerial appointments.

The Contract Cleaning Industry Long Service Payments Committee is the advisory appellant body for the Contract Cleaning Industry Scheme. The Committee consists of 8 members from unions, employers and ministerial appointments.

The Committees are empowered to advise on administration of the Act, including matters concerning publicity, scheme eligibility, investment of funds and the rate of the long service levy.

2.0 REQUIREMENTS OF THE PLAN – Summary of requirements and how the Corporation complies

The Corporation's database of personal information is not a public register and is not available for general inspection. Its genesis and maintenance is underpinned by the Building and Construction Industry Long Service Payments Act 1986 for the purposes of registering workers, recording service in the building and construction industry and ultimately paying a long service benefit once an eligible period of service is reached. In 2010 a Bill was passed enabling the Corporation to develop and administer the Contract Cleaning Industry (Portable Long Service Leave Scheme) Act 2010. This scheme commenced on 1 July 2011 and the Corporation is responsible for maintaining a register of workers and employers, recording service and ultimately paying a long service benefit once an eligible period of service is reached.

Specific records relating to any worker are freely available to the registered worker about whom they relate, once the Corporation has established the workers identity.

In carrying out its charter the Corporation has developed policies and practices which have been analysed in terms of the Privacy Act and where necessary have been modified to accord with the requirements of the Act. The Corporation's Privacy Management Plan describes compliance of existing operations with each of the requirements of the twelve Principles of the Privacy and Personal Information Protection Act 1998 (Privacy Act). It is available to staff, consultants, temporary staff, stakeholders and scheme members to enable them to understand current compliance of personal information with the Privacy Act and practices and policies which the Corporation utilises in its dealings with external persons to ensure privacy of personal information. The Plan is located on the Corporation's intranet for ready access and reference.

Specific customer interactions which regularly occur in the Corporation's telephone Helpline service to registered workers, employers, levy payers and other stakeholders are individually reviewed and documented in Appendix 1 to ensure that all future dealings with customers conform to the Privacy Act and the standards identified.

In accordance with the requirements of Section 13 of the Privacy and Personal Information Protection Act 1998, a statement of nature of data, sources and purposes and authority for the collection of records of personal information kept and who may have access is listed in Appendix 2.

The Corporation has in place a Complaints Register and formal complaints forms. It is intended that this system will continue to be used for any complaints in respect of privacy issues. Corporation staff are already familiar with the system and where appropriate inform potential complainants of the option of formal complaint. The existing complaints forms and procedures have been modified to enable formal lodgement of complaints in respect of privacy matters which may then be used to review and, if appropriate, upgrade the Corporation's compliance with the Privacy Act. Privacy complaints will be handled in the same manner as normal complaints however they are to be referred to the Director when finalised for review and notification to the complainant and the Privacy Commissioner. Appendix 3 details these internal review and complaints procedures.

The Corporation has in place extensive marketing processes advising stakeholders of their rights and obligations and these will continue to be enhanced where appropriate to reflect the requirements of the Privacy Act.

The Corporation is granted powers of investigation by the Building and Construction Industry Long Service Payments Act 1986 and by the Contract Cleaning Industry (Portable Long Service Scheme) Act 2010 in respect of payment of levies and the recording of service and payment of long service payments to workers and where appropriate to employers. The Corporation's investigation practices comply with the Investigations Code of Practice released by Privacy NSW and are summarised in Section 5 of the Plan.

In respect of inter-agency transfers of personal information the Corporation complies with the Investigations Code of Practice in referring matters of bad debt to the State Debt Recovery Office, which is also subject to the Privacy Act. Reciprocal arrangements for contributing to long service payments of workers who work in multiple states requires disclosure of personal information of the workers involved between sister schemes in other states to allow identification of the worker and calculation of total service in the building and construction industry in all states. Such exchange is underpinned by the Building and Construction Industry Long Service Payments Act 1986 and by requirements in this Act to ensure that workers are not paid long service payments twice for the same period of service. It is envisaged that national reciprocal arrangements will be in place for the contract cleaning industry by the end of 2011.

The Corporation's internal audit functions are authorised by the Public Finance and Audit Act, for the protection of public monies and revenues and are so permitted under s25 of the Privacy Act.

The Corporation does not require or participate in any inter-agency transfers of personal information however in the exceptional circumstance that this is required the Inter-agency Transfers of Information code of practice would be observed.

3.0 Personal Information

In respect of the Corporation and its charter, personal information includes information about workers who register and become scheme members, their employers and levy payers. Personal information held by the Corporation which readily identifies persons includes:

3.1 Scheme

- The person's name,
- date of birth,
- address,
- industry occupation,
- employers' names and addresses and time spent working for different employers.
- In the case of self employed workers details of gross income and prescribed costs as defined by the governing legislation are additionally kept to enable the calculation of days' service in the building and construction industry in any particular financial year.

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- Tax Agent details are maintained on the worker's record for self employed members. These details include Tax Agent's name, Australian Business Number, address and telephone number.

With time, derived personal information becomes identifiable in respect of workers who are registered:

- eligibility for long service payments
- amount of long service payment
- amounts of long service payment paid by employers where claimed from the Corporation.

In addition to worker's personal details, details on employers are also kept to facilitate operation of the scheme and include:

- employers' names
- employers' addresses
- employers' business
- contact person's names
- telephone numbers
- employer's title
- Australian Corporation Numbers
- Australian Business Numbers.

3.2 Levy Payment

Building and Construction Industry

The Corporation and its agents, Local Government Councils, retain information about levy payers to ensure legislated levies on prescribed building and construction work has been paid and that the Corporation may if the need arises refund levies collected because of termination of work, overpayment, exemption or work not proceeding. The Corporation's agents are subject to the Privacy Act's requirements in respect of this information.

Levies are currently collected at the rate of 0.35 percent for all prescribed building and construction work costing \$25,000 or more. Levies can be paid directly to the Corporation or are collected through local councils who act as agents for the Corporation. In addition NSW Government agencies which are responsible for civil and other works require contractors winning tenders to pay the levy prior to letting of contracts. These latter levies may be paid to some local councils and to the Corporation.

To administer collection of levies and associated functions provided for by the Building and Construction Industry Long Service Payments Act 1986 the Corporation and its agents collect minimal information including:

- Name of levy payer
- Address of levy payer
- Address of property in respect of levy paid
- Reference or approval number of proposed building and construction works.
- Value of work
- Amount of levy paid

Contract Cleaning Industry

The Corporation retain information about levy payers to ensure legislated levies on prescribed cleaning industry work has been paid and that the Corporation may if the need arises refund levies collected because of overpayment or, exemption. The Corporation's agents are subject to the Privacy Act's requirements in respect of this information.

Levies are currently collected at the rate of 1.7% percent of the ordinary remuneration of workers and payable by employers in the contract cleaning industry. Levies can be paid directly to the Corporation or through online facilities

To administer collection of levies and associated functions provided by the Contract Cleaning Industry (Portable Long Service Scheme) Act 2010 the Corporation collects minimal information including:

- Name of levy payer
- Address of levy payer
- Amount of levy paid

3.3 *Other types of personal information*

Personal information relating to staff of the Corporation is maintained by another Government Department through an outsourcing arrangement. The Corporation will ensure that the Privacy Management Plan of the contracted agency is acceptable to the Corporation but anticipates that the contracting agency will comply with the requirements of the Privacy Act.

4.0 Comparison of Corporation's information handling policies and practices with the requirements of the Privacy Act and its Principles.

The purposes of this section are to review the Corporation's major policies and practices in respect of the personal data collected by the Corporation with the requirements of the privacy legislation. The Privacy and Personal Information Protection Act 1998 (Privacy Act) sets out certain requirements embodied in twelve Information Protection Principles (IPPs) with which the Corporation must comply. The following sections summarise the privacy principles as relevant to the Corporation and the Corporation's compliance in their regard.

Principle 1 (Section 8) Information collection and purpose of collection of personal information

Personal information shall only be collected for inclusion in a record if it is collected for a purpose that is a lawful purpose that is necessary and directly related to a function or activity of the Corporation. Personal information shall not be collected by unlawful or unfair means.

IPP1 Information collection and compliance by Corporation

- Personal information collected relates only to information which will allow for the operation of the scheme. The Building and Construction Industry Long Service Payments Act 1986 and the Contract Cleaning Industry (Portable Long Service Leave Scheme) Act 2010 provide for the registration of persons and the recording of service with particular employers or for grants of service in the scheme in certain other situations.
- In order to administer the provisions of the Acts and the schemes, the Corporation collects from employers and workers, essential information, which has been indicated in section 3.0 of this Privacy Management Plan, to identify persons, their employers and sufficient information about occupation and time periods spent carrying out such work during each financial year to enable the recording of service in each worker's record.
- In response to worker requests for review of their service records, arising from annual notification of recorded service to registered workers, the Corporation will collect information about the nature of work and time spent carrying out work from employers and other sources nominated by the registered worker in order to determine whether the work comprises eligible service in the scheme.
- The Corporation may obtain information in respect of work carried out by registered workers and times involved from audit and inspection. Audit and inspection are authorised by the Building and Construction Industry Long Service Payments Act 1986 and the Contract Cleaning Industry (Portable Long Service Leave Scheme) Act 2010 in respect of administering the scheme. Notwithstanding, the Corporation's objectives are to educate and assist employers, workers and particularly self employed workers to comply with the prescribed requirements and achieve maximum benefit
- Additionally, the Corporation and its agent local councils collect certain minimal information as detailed in section 3 of this Privacy Management Plan in respect of levy payments for building and construction work upon payment of the long service levy.

Principles 2 and 3 (Section 9 & 10)- Solicitation of personal information from individual concerned

Personal information shall be obtained directly from the individual concerned except where the individual authorises otherwise, or where personal information may be disclosed to the collector in accordance with these Principles or a Code of Practice under this Act.

Reasonable steps are to be taken to ensure that the individual concerned is informed of the purpose of the information, its basis of collection and rights of access to and rectification of the data and the person(s) in charge of the records.

IPP 2&3 Information solicitation and compliance by the Corporation

- The Corporation solicits all information directly from workers and employers and, in the case of self employed workers through the agency of tax agents, in a form as approved by the Corporation by authority of the Building and Construction Industry Long Service Payments Act 1986 and the Contract Cleaning Industry (Portable Long Service Leave Scheme) Act 2010. The information is obtained by way of forms for registration and forms for notifying service or income and prescribed costs in the case of self employed workers which are retained in imaged and data processed form and comprise workers' service records in the scheme.
- Any discussion in respect of these documents is either with workers, their employers or their tax agents on the basis of Principle 11, that workers in using these agencies would be aware of possibility and would expect any necessary disclosure to occur in respect of submitted documents to ensure that their service record is accurate and kept up to date, as required by Principle 8.
- The Corporation frequently receives notification of change of address and inquiries from worker's spouses or partners. Before a change of address is accepted the Corporation satisfies itself of the caller's identity requiring the quoting of worker number, previous address and date of birth of the worker and most recent employers. This policy of the Corporation is based on the fact its client base is predisposed to a culture of telephone communications and averse to formal written communication; the Corporation has fostered the concept of telephone communication in respect of advising the Corporation of changes in circumstances such as address; there is no financial benefit to any other person of misdirecting mail because long service payments can only be paid to the account nominated by the registered worker. Under Section 26 of the Privacy Act the Corporation perceives that there is a benefit to ensuring that the worker is in regular receipt of communication and advice of annual statements of recorded service from the Corporation and that it would prejudice the interest of worker not to accept such advices from their spouses and partners. Appendix 1 to this Plan addresses the issue of the Corporation's Helpline business activities and conformance with the Privacy Act in greater detail.
- Workers and Employers in the building and construction industry can access their records online to check for accuracy and to amend their contact details. A large majority of the service recorded is by employers lodging online. This will be expanded for the building and construction industry to include Tax Agents for the financial year 2010/11. Access is only granted via a password and each party can only view records they have submitted or directly relate to them. All access is password protected. Passwords are granted only after the Corporation is satisfied of the authenticity of the person to whom it is being issued.

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- In response to worker requests for review of their service records arising from annual notification of recorded service to registered workers the Corporation will collect information about the nature of work and time spent carrying out work from employers and other sources nominated by the registered worker to determine whether the work comprises eligible service in the scheme. The provision of this information by the worker is taken to be authorisation by the worker to seek further information from the persons and organisations nominated.

Information solicitation and compliance by the Corporation (continued)

- The Corporation may obtain information about work carried out by registered workers and times involved from audit and inspection. Audit and inspection are authorised by the Building and Construction Industry Long Service Payments Act 1986 and the Contract Cleaning Industry (Portable Long Service Leave Scheme) Act 2010 in respect of administering the schemes. Notwithstanding, the Corporation's objectives are to educate and assist employers, workers and particularly self employed workers to comply with the prescribed requirements and achieve maximum benefit for themselves and their employees.
- The Corporation undertakes considerable marketing of the rights and obligations of workers and employers and to explain information requirements and purposes. Such information dissemination occurs pre-registration to potential new workers in the industry, existing workers and employers and post registration to workers and employers regularly throughout the Corporation's annual cycle of scheme administration.
- Workers are provided a statement of their record annually and are provided with explicit information as to how to review the information and how to take action to request their record be reviewed. The Corporation markets its telephone Helpline services to workers and employers as an avenue for scheme information with respect to compliance and for assistance with worker records. Information is provided in 15 community languages represented in the building and construction industry and the contract cleaning industry regarding the telephone Helpline service and the availability of an interpreter service.
- In respect of levy collections for the building and construction industry the Corporation and its agents collect the long service levy and related information from levy payers who may act as agents on behalf of other persons. Such arrangements are beyond the responsibility of the Corporation in respect of the Privacy Act. In taking a levy, receipts with the relevant information are also issued to the levy payer. It is reasonable to expect that levy payers are aware of rights to access and inquiry as for any normal commercial transaction with a Government agency. Accordingly no special steps are seen necessary to advise levy payers that there is a right of access and correction of their record and the levy paid. Notwithstanding, the Corporation's telephone Helpline is advertised prolifically on levy information material provided to levy payers and the levy unit handles considerable numbers of inquiries in respect of exemptions from the levy and refunds due to overpayment or termination of work in the building and construction industry.
- In respect of levy collections for the contract cleaning industry the Corporation collects the long service levy and related information from levy payers. In taking a levy, receipts with the relevant information are also issued to the levy payer. It is reasonable to expect that levy payers are aware of rights to access and inquiry as for any normal commercial transaction with a Government agency. Accordingly no special steps are seen necessary to advise levy payers that there is a right of access and correction of their record and the levy paid. Notwithstanding, the Corporation's telephone Helpline is advertised prolifically on levy information material provided to levy payers and the levy unit handles considerable numbers of inquiries in respect of exemptions from the levy and refunds due to overpayment.

Principle 4 (Section 11) - Solicitation of personal information generally

Where personal information for inclusion in a record is collected, steps are to be taken to ensure that it is relevant to that purpose, *not excessive*, and is *accurate*, up to date and complete; and its collection does not intrude to an unreasonable extent upon the personal affairs of the individual concerned.

IPP4 Information solicitation generally and compliance by the Corporation

- Section 3.0 of this Plan indicates the information collected by the Corporation in respect of scheme and long service levy administration. The information requirements in respect of service in the industry from employers and self employed workers are legislated as a requirement to collect levies for contract cleaning work and prescribed building works.
- Information in respect of employers' and workers' identities, work carried out or industry business and address are seen as minimum requirements to identify the worker and the nature of their work so as to determine eligibility for scheme membership. Levy payer details are the minimum possible to enable administration of levy payments and refunds and other queries in respect of payments.
- The Corporation handles large volumes of personal information which requires considerable data processing and correction resources, particularly where keying and other entry errors occur. Accordingly, the Corporation has a responsibility from the perspective of minimising scheme administration costs to ensure that only essential personal data is collected. These are described in Section 3 of the Plan and are seen to be the minimum information requirements to administer the scheme.

Principle 5 (Section 12) - Storage and security of personal information

- A record keeper shall ensure that personal information is: stored for specified, explicit and lawful purposes and used consistently with those purposes; adequate, relevant, and not excessive in relation to the purposes for which it is stored;
- processed fairly and lawfully;
- kept for no longer than is necessary for the purposes for which the information is stored;
- personal information is protected, by such security safeguards as it is reasonable in the circumstances to take, against loss, against unauthorised access, use, modification or disclosure, and against other misuse; and
- if it is necessary for the personal information to be given to a person in connection with the provision of a service to the record keeper, everything reasonably within the power of the record keeper is done to prevent unauthorised use or disclosure of the information

IPP5 Storage and security of personal information and compliance by the Corporation

- The Corporation stores only that information necessary to administer the scheme and to ensure its integrity. Specific issues raised by workers in writing and the Corporation's responses form part of that worker's record however significant actions in respect of any worker's service record results in a change in the

computerised worker system. Computer records of registrations, service, long service payment claims and levies paid are kept essentially indefinitely to ensure the integrity of the scheme as workers are able to register and seek retrospective consideration of service in the industry. Previous registration, service and claim payments records are essential to prevent and detect any potential fraud and is consistent with the legislated charter of the Corporation. Levy payers in the building and construction industry may seek refunds where work is terminated on incomplete buildings 12 months after cessation of work thus leaving by necessity an open ended right to seek levy refunds which results in the need to retain records indefinitely. Levy payers in the contract cleaning industry may seek refunds where work is deemed ineligible thus leaving by necessity an open ended right to seek levy refunds which results in the need to retain records for a prescribed period.

- The Corporation has in place routine procedures for computer systems data backup and a Disaster Recovery Plan and Business Continuity Plan to enable both the safeguarding of crucial data in the worker system which is a live database and to enable business resumption in another location should the need arise.
- Access to the Worker and Levy systems is controlled by access levels which reflect delegations to carry out tasks related to the administration of worker and levy system records. Access involving crucial inputs which reflects in financial impacts requires verification and validation by a second person with adequate security access to enable such a transaction to take place. An audit trail is generated in the computerised systems including persons authorising transactions. Regular audits are carried out and the Corporation has implemented a regular audit presence in the core business activities of the Corporation. A regular staff rotation policy is complemented by regular update of access levels to ensure only access to areas of the computer systems relevant to current position of the staff member.
- As well as a regular audit presence in the core areas of the Corporation's functions, audits of computer systems and procedures is undertaken to determine that adequate security exists to ensure that collected personal data is data processed, entered into the Corporation's computer systems and protected from misuse and inadvertent loss due to data handling, computer or related systems failure. All audit recommendations to date been implemented although a number of systems documentation and update recommendations are still ongoing at the time of the preparation of this Plan.
- **The Corporation does not divulge any personal information related to provision of a service to the record keeper with the following exceptions:**
- Personnel data supplied by staff of the Corporation is directed to another government agency which provides personnel services under a service agreement. This agency is subject to the Privacy legislation.

Principle 6 (Section 13) - Information relating to records kept by recordkeeper

A record keeper who has possession or control of records that contain personal information shall take such steps to enable any person to ascertain whether the record keeper:

- has possession or control of any records that contain personal information relating to that person
- the nature and purposes of usage of that information;
- steps for that person to obtain access to the record.

A record keeper shall maintain a record setting out:

- the nature, sources and purposes and authority for collection of the records of personal information kept and who may have access;

A record keeper shall:

- make the record maintained under clause 3 of this Principle available for inspection by members of the public; and
- give the Commissioner, in the month of June in each year, a copy of the record so maintained.

IPP6 Information relating to keeping of records and compliance by the Corporation

- The Corporation provides extensive ongoing information to registered workers and employers as well as prospective workers and employers who may register with the schemes. The information includes statements on the rights and obligations of both workers and employers which includes explanations of the nature and use of the information collected. Similarly comprehensive information is provided to agent councils and levy payers as to their rights and obligations. The Corporation advertises its telephone Helpline service widely to encourage workers, employers and levy payers to use it for any inquiry and to raise any concerns through this channel for quick assistance and response.
- Access by a person to their record is encouraged through marketing and promotion of the Corporation's telephone Helpline service as the avenue of contact with the Corporation for any issue in respect of registration and record. A listing of a person's record details can be provided upon request by the person through a pre-programmed system letter which extracts the data upon activation by telephone Helpline Client Service Officers.
- Additionally, the Corporation forwards a comprehensive listing to each registered worker of their record details including all service recorded in the scheme as at 30 June of each year. Included with the *Annual Statement of Recorded Service* is comprehensive information on steps to be taken to enable errors or omissions to be investigated and corrected. Information in 15 community languages on the availability of a telephone interpreter service is also included to facilitate contact by persons who may not be proficient in English.
- A record of the nature, sources and purposes and authority for the collection of records of personal information kept and who may have access is listed in Appendix 2.

Principle 7 (Section 14) - Access to records containing personal information

An individual about whom personal information is kept shall, without excessive delay or expense, be entitled to have access to that record, except to the extent that the record keeper is required or authorised to refuse to provide the individual with access to that record under the applicable provisions of any law of New South Wales that provides for access by persons to documents.

IPP7 Access to records containing personal information and compliance by the Corporation

- Access by a person to their record or assistance with levies paid is encouraged through marketing and promotion of the Corporation's telephone Helpline service as the avenue of contact with the Corporation for any issue in respect of registration and record and levy payments. A listing of a person's registration details can be provided upon request by the person through a pre-programmed computer generated letter which extracts the data upon activation by Helpline Client Service Officers. Similarly the Corporation is able to reissue a receipt of levy payment which includes the details held by the Corporation on the levy payment and the payer.
- Additionally, the Corporation forwards a comprehensive listing to each registered worker of their recorded details including all service recorded in the scheme as at 30 June of each year. Included with the *Annual Notice of Recorded Service* is information on steps to be taken to enable errors or omissions to be investigated and corrected. Information in 15 community languages on the availability of a telephone interpreter service is also included to facilitate contact by persons who may not be proficient in English. Knowledge of the content of their records by registered workers is a cornerstone of the Corporation's effective administration of scheme records and to ensure workers achieve their full entitlement for service in the industry.
- Registered workers in the building and construction industry can access their records online to check for accuracy and amend contact details. Access is only granted via a password and each party can only view records directly related to them. Passwords are only issued after the Corporation is satisfied of the authenticity of the person to whom it is being issued.
- In the levy collection area the need for corrections by levy payers are rare but when they do arise they are related to incorrect payment. The Corporation advertises its Helpline service widely in levy payer literature with the invitation to contact the Corporation if there are any concerns as to the levy or its amount.

Principle 8 (Section 15) - Alteration of records containing personal information

A record keeper shall ensure that the record is:

- accurate; and
- relevant, up-to-date, complete and not misleading.
- Where personal information has been changed the individual concerned shall be entitled to have recipients of that information notified of the alterations by the record keeper.

Where a record keeper is not willing to amend a record, in accordance with a request by the individual concerned, the record keeper shall, if so requested by the individual concerned, take such steps (if any) as are reasonable in the circumstances to attach to the record any statement provided by that individual of the correction, deletion or addition sought.

IPP8 Alteration of records containing personal information and compliance by the Corporation

- The Corporation's legislative charter is dependent on accurate and up to date information on registered workers' service records and levy payments. Accordingly, considerable resources are directed towards achieving this goal. This includes ongoing marketing of requirements to registered employers and workers and levy payers. Other educational and awareness activities are undertaken to ensure agent councils respond correctly to the legislated levy collection requirements and to ensure service details on registered workers are collected in legislated timeframes from employers and self employed workers and that workers are notified of annual changes in service records so as give them ample opportunity, consistent with periods provided for in the Corporation's governing legislation, to request that their records be reviewed and corrections and omissions addressed.
- The Corporation forwards each registered worker a comprehensive listing of their record details including service in the scheme as at 30 June of each year. The *Annual Statement of Recorded Service* details the changes in workers' records which have resulted during the year as a result of notifications of service and indicate the cumulative impact on their service totals.
- Included with the *Annual Statement of Recorded Service* is comprehensive information on steps to be taken to enable errors or omissions in worker service to be investigated and corrected. Information in 15 community languages on the availability of a telephone interpreter service is also included to facilitate contact by persons who may not be proficient in English.
- Where the Corporation refuses to change a record, as a result of the work carried by the registered worker being ineligible for coverage by the scheme, the Corporation has in place approved appeal procedures to an independent Industry Committee which gives the opportunity of impartial review of the workers situation. The appeal process is underpinned by the Corporation's governing legislation.
- Where the Corporation refuses to change a record relating to the collection of the Long Service Levy, the Corporation has in place approved appeal procedures to an independent Industry Committee which gives the opportunity of impartial review of the levy value and the date of payment. This appeal process is similarly underpinned by the Corporation's governing legislation.
- Under legislated provisions appeals are either upheld or dismissed. An upheld appeal will result in the subject record being modified and all resultant corrective actions being taken. As a result, however, the Corporation's governing legislation effectively precludes additional comment by a person on their record once an

appeal is dismissed. However, the appeal and outcomes form part of the records of the Corporation in respect of such persons.

Principle 9 (Section 16) - Record keeper to check accuracy etc. of personal information before use

A record keeper shall not use personal information without taking such steps (if any) as are, in the circumstances, reasonable to ensure that, having regard to the purpose for which the information is proposed to be used, the information is relevant accurate, up to date and complete.

A record keeper who has possession or control of a record that contains personal information shall not use the information except for a purpose to which the information is relevant).

IPP9 Record keeper to check accuracy etc of personal information before use and compliance by the Corporation

- The final purpose of the worker database maintained by the Corporation under the umbrella of the governing legislation is to accurately record service of workers in the industry and finally to provide a long service payment when they reach a point of eligibility as defined in the governing legislation.
- The levy database in the building and construction industry is maintained to ensure levies have been paid in respect of building projects approved for initiation of construction and to enable levy refunds related to overpayments, exemptions and construction terminations. The levy database in the contract cleaning industry is similarly kept to ensure levies have been paid in respect of contract cleaning industry work and to enable levy refunds related to overpayments and exemptions.
- The Corporation undertakes checks at data processing and entry to ensure that all data received by the Corporation is captured by the computerised worker and levy systems, that corrupted data entries are corrected and that all registered workers have regular opportunity, as required by the governing legislation, to review their records and seek changes.
- At point of payment of a claim for a long service payment, workers' occupations and final accumulated service is confirmed with workers before any claim is paid.
- The procedures underlying the above broad outcomes are regularly audited and in particular there is a presence in the core functions of the Corporation which relate to levy collection, worker record keeping and payment of long service payment claims.
- The databases of the Corporation are strictly used only for the purposes of the scheme excluding those situations where the Corporation is subpoenaed to provide information to the courts, usually in relation to family law.

Principle 10 (Section 17) - Limits on use of personal information

1. A record keeper who has possession or control of a record that contains personal information shall not use the information for a purpose other than that for which it was collected unless:

- the individual concerned has consented to use of the information for that other purpose;
- use of the information for that other purpose is required or authorised by or under law.

IPP10 Limits on use of personal information and compliance by the Corporation

- The Corporation has not used and does not plan to use its database for any other purpose than that provided for in its governing legislation.

Principle 11 (Section 18) - Limits on disclosure of personal information

Personal information shall not be disclosed to a person, body or agency (other than the individual concerned) unless:

- The disclosure is directly related to the purpose for which the information was collected, and the agency disclosing the information has no reason to believe that the individual concerned would object to the disclosure.
- The individual concerned is reasonably likely to have been aware, or has been made aware in accordance with section 10 that information of that kind is usually disclosed to that other person or body.

A person, body or agency to whom personal information is disclosed under clause 1 of this Principle shall not use or disclose the information for a purpose other than the purpose for which the information was given to the person, body or agency.

IPP11 Limits on disclosure of personal information and compliance by the Corporation

- Personal data of workers is supplied to various legal jurisdictions from time to time when subpoenaed by the courts. The Corporation ensures compliance with the strict requirements for information specified by the subpoena but has no further control of this information once supplied to the courts.
- During the course of conducting business the Corporation discloses limited and particular information in a variety of situations. These disclosures relate to the conduct of its business and the maintenance of accurate worker records, assisting workers to ensure they obtain maximum benefits in the scheme and ensuring that levies are collected as required by legislation.
- In each case it is ensured that only particular matters are covered and is done so in the belief that the individual concerned would be aware that such disclosure would take place and/or would not object to the disclosure as it has the purpose of maintaining their record up to date and accurate so as to ensure the accurate payment of the long service levy at point of claim. Appendix 1 to this Privacy Management Plan examines these particular business actions and their relation to the Privacy Act.

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- Disclosure in the building and construction industry in respect of levy information or the levy database occurs only between the Corporation and its agent councils and relates to ensuring that the levy has been paid correctly. The collection of the levy is underpinned by the Building and Construction Industry Long Service Payments Act 1986. However, It is expected levy payers would be reasonably aware that such an exchange may take place. Furthermore, as the Corporation is granted investigative powers in respect of payment of levies the exchange of information relating to building approvals and levy payments between agent councils and the Corporation is seen to be exempted by the Privacy Commissioner's Investigations Code of Practice.

Principle 12 – (Section 19) Special Restrictions on disclosure of Personal Information

Notwithstanding Principles 10 and 11 information relating to ethnic or racial origin, political opinions, religious or philosophical beliefs, trade union membership, health or sexual life shall not be used or disclosed by a record keeper without the express written consent, freely given, of the individual concerned. A public sector agency may not disclose personal information to any person or body outside NSW unless privacy legislation applies in that jurisdiction. Information relating to an individual's criminal history may only be processed as required or authorised by law or a Code of Practice under this Act.

IPP12 Special restrictions on disclosure of personal information and compliance by the Corporation

- The Corporation is not required to disclose any information to jurisdictions outside of NSW except in one situation, this being in respect of reciprocal arrangements between all states of Australia and Territories. The arrangements in place enable aggregation of service in all jurisdictions for the purposes of determining eligibility of workers to a long service payment funded proportionately by agencies in various states. These arrangements are underpinned by the governing legislation and by formal agreements between Ministers and are consequently exempted from compliance with the Privacy Act. Notwithstanding, such exchange is carried out with the full knowledge of the worker whose record is involved.
- The Corporation may from time to time utilise aggregated information on ethnicity for planning and other purposes as it collects and keeps preferred language information. Such purposes require disclosure of aggregated information only and do not contravene the Privacy Act.

5.0 General exemptions from compliance with Privacy Act in respect of investigations related to law enforcement.

General exemptions of Privacy Act to investigations related to enforcement.

The Privacy Commissioner has released an Investigations Code of Practice which relates to areas of law enforcement which agencies may have. The Corporation has a number of enforcement powers granted to it under the Building and Construction Industry Long Service Payments Act 1986 and the Contract Cleaning Industry (Portable Long Service Leave Scheme) Act 2010 which relate to:

- ensuring the veracity of information provided to it by employers and workers for the purposes of obtaining credit of service in the scheme ultimately leading to a claim for payment of a long service benefit. To this end the Corporation may investigate service with an employer by inspection of employers' records and other documents or tax agents records in respect of information provided to the Corporation.
- ensuring the proper payment of the Long Service Levy and including the eligibility for claiming of exemptions in the building and construction industry. To this end the Corporation may under the Building and Construction Industry Long Service Payments Act 1986 require persons to produce records as to the costs of a building.

The Investigations Code of Practice released by the Privacy Commissioner does not require compliance with Principles 2, 3, 6, 7, 8, 10, 11 and 12 if compliance would be detrimental or prevent the proper exercise of the Corporation's conduct of an investigation. Most importantly, these exemptions allow sources of information other than the person and the disclosure of information regarding that person where complying with these IPPs would prejudice the investigation of the matter. Accordingly, where the Corporation believes, in respect of the building and construction industry:

- There has been avoidance or underpayment of the building and construction levy the Corporation may seek information of a general or specific nature from Councils and other building approving bodies in respect to the non payment of part or whole of a levy without informing the persons under investigation.
- There has been fraudulent claim for service or long service payment from the scheme the Corporation may seek information from employers or other relevant persons without informing persons under investigation.

The Corporation is not required under the said code of practice to make these investigations known to any persons or to advise any persons that such investigations were undertaken.

The persons about whom the investigations relate have no right of access to the findings of such investigations under the said code of practice as the content of the investigation is a matter of evidence. Similarly there is no right of access to this information for the purposes of correction.

Under the said code of practice investigatory information with respect to suspected breaches of the law may be exchanged with other agencies or persons who may have direct knowledge of the situation which may add to the veracity of the evidence and the investigation.

Appendix 1 – Procedures adopted in the course of the Corporation’s business to ensure records and personal information are accurate and up to date and that no disclosure of personal information occurs in respect of telephone Helpline services.

In terms of the “Privacy Act” there is no restriction on the receipt of information provided by a person or disclosure of information to a person if that information relates to that person. Likewise there is no restriction on the receipt or disclosure of information where this is underpinned by legislation, is related to law enforcement or is required under to be disclosed under other legislation, such as subpoena by courts, disclosure to the Australian Tax Office or CentreLink. Any other receipt of information or disclosure of information must be either allowed by the Building and Construction Industry Long Service Payments Act 1986, the Contract Cleaning Industry (Portable Long Service Leave Scheme) Act 2010 or else it is governed by the Information Protection Principles embodied in the “Privacy Act”.

The magnitude of the Corporation’s telephone Helpline business however sometimes requires consideration of information provided by person’s apparently authorised by the worker to act on their behalf. Receipt, discussion and consideration of some such information is justified in certain circumstances on the basis of Section 26 of the Privacy Act where such receipt is based on the belief that the worker would not object to the receipt of such information, as it is directly related to the purpose of the Building and Construction Industry Long Service Payments Act 1986 or the Contract Cleaning Industry (Portable Long Service Leave Scheme) Act 2010, ie to maintain accurate information on worker registrations and service, and the interests of the worker would be prejudiced by the Corporation not taking notice of such information. Such receipt of information may include at times some disclosure of information to the informant (apparently authorised person) to clarify specific issues. Such disclosure is justified on the basis that it is directly related to the purposes of the Act, i.e. is to maintain accurate registrations and worker records, and that it is reasonably believed that the worker would not object to such disclosure in the circumstances.

In using such information and taking such disclosure actions the onus is upon the Corporation to ensure that actions taken in accord with IPP 11 or the Section 26 exemption of the “Privacy Act” can be justified and that they are taken only after careful consideration of the circumstances. In addition care needs to be taken to ensure that the action does not extend to releasing information which could then be argued to have been a disclosure which prejudiced the position of the worker.

Disclosure in this situation needs to be carefully managed to ensure that it only relates to discussion of information matters that are clearly within the ambit of the current knowledge of the person ringing the Helpline service. No additional information must be offered by the Customer Service Officer which cannot be seen to be to the advantage of a worker and does not promote the purpose of the Building and Construction Industry Long Service Payments Act 1986 or the Contract Cleaning Industry (Portable Long Service Leave Scheme) Act 2010, i.e. maintaining accurate and up-to-date records. An example where the worker would be advantaged and the purposes of the Act maintained, is in respect of an inquiry by a spouse as to a letter received from the Corporation about missing service and while addressing this issue the Client Service Officer notices other missing service which has only recently come to light and advises the spouse as to what needs to be done. An example of disadvantage or a disclosure not in keeping with the Act would be where, in the latter situation, the client service officer speaking with the spouse offered information on

claims made or service balance, which the worker may not wish their spouse to know. The table below details briefly the policy of the Corporation in respect of servicing telephone Helpline calls in these situations. It should be stressed that it is always preferable to deal directly with registered workers irrespective of language difficulties and to invite a call back by the registered worker or the use of the telephone interpreter service.

It should be understood that the “Privacy Act” does not affect any information provision or exchange that does not relate to an identifiable person.

It should be noted that dealing with an agent of the worker under the conditions indicated below, apart from a tax agent, is only to be undertaken as a last resort. The Customer Service Officer should offer alternatives which would enable contact with the registered worker personally, eg where agents are used due to lack of proficiency in English offer to arrange to ring back and facilitate contact through the telephone interpreter service.

<p>Information from workers' spouse/partner – mainly in respect of address changes and sometimes in respect of investigation of <i>Annual Statements of Recorded Service</i> reviews.</p>	<ul style="list-style-type: none"> • Spouses/ partners of workers often ring up with change of address information or to clarify issues with respect to Annual Statements of Recorded Service. • In such situations the Corporation must be satisfied of the identity of the caller and relationship to the worker. Before address changes are accepted the caller must correctly quote name, previous address, date of birth of worker, employer or tax agent submitting last recorded service. With respect to other matters once the identity of the caller is verified no information may be provided to the person except by way of clarifying specific matters raised by the caller which would indicate that the caller is familiar with the current situation of the worker. • Disclosure of information not related to specific information provided raised by the apparently authorised spouse is to be avoided eg requests in relation to service balance should be handled by sending out a letter of service balance. Disclosure in respect of service gaps and action required to correct these is allowable. • It is noted that it is in the best interests of a worker for subsequent mailings to go to the correct address and for queries with respect to service to be addressed and clarified so that additional information requirements of the Corporation may be provided. In accordance with IPP 11 the Corporation has no reason to believe a worker would object to disclosure in this situation as it relates only to a problem with service which if properly resolved may benefit the worker. In addition, section 26 of the Privacy Act provides exemption from compliance with IPP 2 of the Privacy Act if compliance would prejudice the interests of the worker which the Corporation believes would be the case in virtually all such interactions with spouses or their partners where change of address or circumstances is provided.
<p>Appeals investigations</p>	<ul style="list-style-type: none"> • Investigations require information collection from third parties notably employers or accountants signing certificates for self employed workers. It is expected that workers would reasonably understand that an appeal lodged by them with a listing of

	<p>personal information including employers could result in contact with these persons. Accordingly no specific authority is seen necessary to action appeal investigations.</p> <ul style="list-style-type: none"> • Notwithstanding, the investigating Customer Service Officer (CSO) should only ask open questions which will require the contacted parties to provide information which will allow the CSO to make a judgement as to situation of the appellant. Disclosure of information provided by the appellant and the seeking of confirmation is to be avoided.
Telephone interpreter service	<ul style="list-style-type: none"> • Use of a telephone interpreter through this service is seen as agreement by the person, about whom the personal information relates, to such exchange of information and disclosure to the interpreter for the purposes of translation. The Telephone Interpreter service operates under the auspices of the Ethnic Affairs Commission and the Corporation expects that such interpreters operate under a code of conduct as well as being under the umbrella of the Privacy Act. • Similarly the use of CLAS qualified staff falls in the same category as the staff are accredited by the Ethnic Affairs Commission and operate under codes of conduct.
Giving worker numbers to employers	<ul style="list-style-type: none"> • The Corporation, based on information supplied by registered employers such as worker name and date of birth, will provide employers with workers' registration numbers if registered or advise that a person is not registered. While this is a technical disclosure it comprises limited information which is necessary for employers to know in respect of notifying service of a worker or registering a worker as required by the Building and Construction Industry Long Service Payments Act 1986 or the Contract Cleaning Industry (Long Service Leave Scheme) Act 2010 (if the worker is not already registered). • It is noted that it is in the best interests of a worker for them to be registered and for service to be logged against their registration. IPP 11 of the Privacy Act provides exemption from compliance if the disclosure is directly related with the purposes of the scheme and if there is reasonable belief on the part of the Corporation that there would not be no objection to the disclosure and that the individual would be reasonably aware that such disclosure is possible. • Legislative provisions of the Building and Construction Industry Long Service Payments Act 1986 and the Contract Cleaning Industry (Long Service Leave Scheme) Act 2010 requires employers to register workers if they are not already registered. Therefore employer inquiry for registration numbers and their provision is also reasonable to comply with legislation.
Employers making inquiries on behalf of workers who are not proficient in the English language	<ul style="list-style-type: none"> • Employers will sometimes ring with change of address information or to clarify issues with respect to Annual Statements of Recorded Service for workers who are not proficient in the English language. <ul style="list-style-type: none"> • In such situations the Corporation must be satisfied of the identity of the caller and relationship to the worker. Before address changes are accepted the caller must quote name,

	<p>previous address, date of birth of worker and year of first employment of the worker by that employer.</p> <ul style="list-style-type: none"> • With respect to other matters once the identity of the caller is verified no information may be provided to the person except by way of clarifying any specific matters raised by the caller which would indicate that the caller is familiar with the current situation. • Disclosure of information not related to specific information matter raised by the apparently authorised person is to be avoided. Disclosure in respect of service gaps and action required to correct these is allowable. • It is noted that it is in the best interests of a worker for subsequent mailings to go to the correct address and for queries with respect to service to be addressed and clarified. Section 26 of the Privacy Act provides exemption from compliance with parts of the relevant parts of the Privacy Act if compliance would prejudice the interests of the worker. Under IPP 11 there is also reasonable belief by the Corporation that the registered worker would not object to the disclosure as it is directly related to the purposes of the Act, ie to maintain accurate records of service.
<p>Union delegate inquiries on behalf of worker</p>	<ul style="list-style-type: none"> • Union delegates on work sites will sometimes ring the telephone Helpline to advise change of a workers address or to clarify issues with respect to <i>Annual Statements of Recorded Service</i> for workers who are not proficient in the English language. • In such situations the Corporation must be satisfied of the identity of the caller and relationship to the worker. Some proof of the worker’s difficulty with English should be sought, eg worker’s preferred language. Suggest the telephone interpreter service. Before address changes are accepted the caller must quote name, previous address, date of birth of worker and employer on most recent recorded service. • With respect to other matters once the identity of the caller is verified no information may be provided to the person except by way of clarifying any specific matters raised by the caller which would indicate that the caller is familiar with the situation. • Disclosure of information not related to specific information matter raised by the apparently authorised person is to be avoided. Disclosure in respect of service gaps and action required to correct these is allowable. • Notwithstanding, any of the above it is preferable to invite the union delegate to assist the worker in filling out a record update form or an address change advice form. • It is noted that it is in the best interests of a worker for queries with respect to service to be addressed and clarified. Section 26 of the Privacy Act provides exemption from compliance with parts of the relevant parts of the Privacy Act if compliance would prejudice the interests of the worker. Under IPP 11 there is also reasonable belief by the Corporation that the registered worker would not object to the disclosure as it is directly related to the purposes of the Act, i.e. to maintain accurate records of service.

<p>Tax Agents inquiring on behalf of workers</p>	<ul style="list-style-type: none"> • Tax agents often use the telephone Helpline to clarify issues with respect to workers particularly those who are self employed and use the service of tax agents to lodge self employed worker certificates for the purposes of recording service in the scheme. <ul style="list-style-type: none"> • In such situations the Corporation must be satisfied of the identity of the caller and relationship to the worker. Before any matter can be discussed the caller must quote name, address and date of birth of worker and tax agents registration and telephone number on most recent service recorded by the Corporation. Ring back should be used if there is any doubt. • With respect to other information matters once the identity of the caller is verified no information may be provided to the person except by way of clarifying any specific matters raised by the caller which would indicate that the caller is familiar with the current situation. Discussion of certificates endorsed by the tax agent is allowable as it is clear that they were acting on the workers behalf. • Disclosure of information not related to specific issue raised by the authorised person is to be avoided. Disclosure in respect of service gaps and action required to correct these is allowable. • It is noted that it is in the best interests of a worker for queries with respect to service to be addressed and clarified so that any additional information requirements are supplied to the Corporation and the workers record amended. Section 26 of the Privacy Act provides exemption from compliance with parts of the relevant parts of the Privacy Act if compliance would prejudice the interests of the worker. Under IPP 11 there is also reasonable belief by the Corporation that the registered worker would not object to the disclosure as it is directly related to the purposes of the Act, i.e. to maintain accurate records of service.
<p>Reciprocity claims, interstate schemes need information from Corporation to facilitate a reciprocity claims</p>	<p>Section 55 of the Building and Construction Industry Long Service Payments Act 1986 and Section 112 – 114 of the Contract Cleaning Industry (Portable Long Service Leave Scheme) Act 2010 makes provision for the Minister to enter into an agreement containing reciprocal arrangements with other states and territories which relate to the exchange of information between the schemes in relation to credits and entitlements and the payment of long service benefits. The current agreement for the building industry deals with reciprocal payments but does not specifically address exchange of information between schemes prior to payment. However it would not be possible for the reciprocal arrangements to operate without an exchange of worker registration and service information in respective states. Accordingly, such exchange of personal information is in accord with the Building and Construction Industry Long Service Payments Act 1986 the Contract Cleaning Industry (Portable Long Service Leave Scheme) Act 2010 and may freely occur where it is clear that a worker has service in states other than NSW.</p>
<p>Counter inquiries from workers</p>	<p>Workers prove identity by confirming name, address and date of birth, employer on last recorded service. In this regard the inquiry is treated the same as a telephone inquiry to the Helpline. If possible the production of a driver's licence should be requested.</p>

<p>Contact by employers regarding long service payment options to a worker</p>	<p>Occasionally employers ring to discuss payment options with respect to specific workers. Disclosure in this situation is related to the legislated purpose for which the information was collected and the Corporation has no reason to believe that a worker would object to the disclosure under Privacy Principle 11. It would also be reasonable for the worker to be aware that such disclosure could be possible given the information provided to workers on operation of the scheme.</p> <p>Once employer identity is confirmed (using the same criteria as above) only information regarding the service relevant to that employer may be disclosed.</p>
<p>Major contractors wishing to check registration details of sub contractors on particular projects.</p>	<ul style="list-style-type: none"> • Such inquiries arise because principal contractors on large projects are reluctant to allow sub contractors on-site who are not registered with the scheme and possibly relates to concerns as to legal liability for long service leave of sub-contractors' employees. • The Corporation is not able to disclose details of the subcontractor's employer registration but <u>is able to confirm or not confirm details</u> provided by the major contractor or simply to confirm the employer is registered and is active. • No details are to be provided as to workers related to such employers. <p>Such disclosure is made on the basis of IPP 11 that there is reasonable belief that the employer would not object to such disclosure and not confirming such details could prejudice the interests of sub-contractors by delaying or preventing the obtaining of sub-contract work.</p>
<p>Tax agents querying payout details, tax, record of service or other information on behalf of clients.</p>	<ul style="list-style-type: none"> • Tax agents often ring on the telephone Helpline to clarify issues with respect to workers particularly those who are self employed and use the service of accountants to lodge self employed worker certificates for the purposes of recording service in the scheme. • Before any matter can be discussed the caller must quote name, address and date of birth of worker and tax agents registration number on most recent service received by the Corporation. The telephone number should also be checked. Ring back should be used if there is any doubt. • Once the identity of the caller is verified no information may be provided to the person except by way of clarifying any specific matters raised by the caller which would indicate that the caller is familiar with the current situation. • Disclosure of information not related to specific issue raised by the authorised person is to be avoided. Disclosure in respect of service gaps and action required to rectify is allowable. • Where the apparently authorised person's identity accords with that on service records free discussion on those documents is in accord with the Building and Construction Industry Long Service Payments Act 1986 or the Contract Cleaning Industry (Long Service Leave Scheme) Act 2010

	<ul style="list-style-type: none"> It is noted that it is in the best interests of a worker for queries with respect to service to be addressed and clarified. Section 26 of the Privacy Act provides exemption from compliance with parts of the relevant parts of the Privacy Act if compliance would prejudice the interests of the worker. Under Principle 11 there is also reasonable belief by the Corporation that the registered worker would not object to the disclosure as it is directly related to the purposes of the Act, i.e. to maintain accurate records of service.
E-Mail through website-worker details	E-mail enquiries are usually of a general nature such as requests for forms or scheme information. Any inquiries of a personal information nature are treated as normal correspondence and information supplied is dependent on confirmation of identity as in normal correspondence.
Australian Tax Office inquiry re individual claim or in respect of child support.	<p>The Corporation fully complies with any such enquiries on the basis that there is a legislative requirement (under relevant laws) that require cooperation with such inquiries.</p> <p>Such requests are to be handled by a unit manager or under the direction of a unit manager.</p> <p>All requests should be confirmed by fax with an indication of the section of the tax act under which the information is sought.</p> <p>The Tax Office should be asked whether they would have any objection to the worker being advised of the information released to the Tax Office. If the information disclosed is related to a compliance investigation by the Tax Office then under the Privacy Act the Corporation is not obliged to advise of such a disclosure.</p>
Centrelink inquiries.	<p>The Corporation fully complies with any such enquiries on the basis that there is a legislative requirement (under relevant laws) that require cooperation with such inquiries.</p> <p>Such requests are to be handled by a unit manager or under the direction of a unit manager.</p> <p>All requests should be confirmed by fax with an indication of the section of the social security act under which the information is sought.</p> <p>CentreLink should be asked whether they would have any objection to the worker being advised of the information released to CentreLink. If the information disclosed is related to a compliance investigation by CentreLink then under the Privacy Act the Corporation is not obliged to advise of such a disclosure.</p>
Matters not to be disclosed to anybody	<p>The Corporation uses warning flags and messages to enable certain actions at appropriate times or to ensure particular actions with particular worker records, eg Child Support Agency garnish order on a claim payment at the time a worker claims.</p> <p>Such warnings and messages do not comprise personal information as defined by the Privacy Act. They are used to ensure correct</p>

	administrative action and are not to be revealed to agents, employers or workers.
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Appendix 2 Statement of nature of data, sources and purposes and authority for the collection of records of personal information kept and who may have access as required by Section 13 of the Privacy and Personal Information Protection Act 1998.

(TO BE UPDATED AND SUPPLIED TO THE PRIVACY COMMISSIONER IN JUNE OF EACH YEAR)

Personal information held by the Corporation and its purposes and access has been discussed in detail in the Corporation’s Privacy Management Plan. This table comprises a summary for the purposes of submission to the Privacy Commissioner as required each year.

Statement of data, sources, purposes, authority for collection and who may have access				
Data	Sources	Purpose for collection	Authority for Collection	Persons who may access.
<ul style="list-style-type: none"> The registered person’s <ul style="list-style-type: none"> Name, date of birth, address, occupation in building and construction industry or contract cleaning industry employers’ names and addresses and time spent working for different employers. <ul style="list-style-type: none"> In the case of self employed workers details of gross income and prescribed costs as defined by the governing legislation are additionally kept 	<ul style="list-style-type: none"> Obtained from workers who register with the scheme or their employers (from 1 July 1988) <ul style="list-style-type: none"> From accountants and tax agents who represent workers and prepare their financial matters. 	<ul style="list-style-type: none"> Enables the recording of service in the scheme to ultimately obtain entitlement for long service payments. <ul style="list-style-type: none"> enables the calculation of days’ service in the building/ construction industry in any particular financial year . Enable the recording of service in the scheme to ultimately obtain entitlement for long service payments. 	<ul style="list-style-type: none"> The Building and Construction Industry Long Service Payments Act 1986and the Contract Cleaning Industry (Portable Long Service Leave Scheme) Act 2010 gives authority for registration and requires employers to register workers and notify service to the Corporation. <ul style="list-style-type: none"> The Building and Construction Industry Long Service Payments Act 1986 and the Contract Cleaning Industry (Portable Long Service Leave Scheme) Act 2010 give authority for registration and enables tax agents to notify details of income on behalf of the worker. 	<ul style="list-style-type: none"> Customer Service Officers and other senior staff who have authority in accord with operational needs. Workers have access to their own records. Corporation will confirm registration details and provide worker registration numbers to employers. <ul style="list-style-type: none"> Customer Service Officers and other officers of the Corporation who have authorised access.

Statement of data, sources, purposes, authority for collection and who may have access				
Data	Sources	Purpose for collection	Authority for Collection	Persons who may access.
<ul style="list-style-type: none"> • Eligibility for long service payments • amount of long service payment 	<ul style="list-style-type: none"> • Derived by worker system computer application from service lodged on behalf of workers. 	<ul style="list-style-type: none"> • Enables the recording of service in the scheme to ultimately obtain entitlement for long service payments. 	<ul style="list-style-type: none"> • The Building and Construction Industry Long Service Payments Act 1986 and the Contract Cleaning Industry (Portable Long Service Leave Scheme) Act 2010 gives authority for registration and requires employers to register workers and notify service to the Corporation. 	<ul style="list-style-type: none"> • Customer Service Officers and other senior staff who have authority in accord with operational needs. Workers have access to their own records. Corporation will confirm long service eligibility with employers who may be paying a benefit to workers and claiming back from Corporation.
<ul style="list-style-type: none"> • Amounts of long service payment paid to employers where claimed from the Corporation. 	<ul style="list-style-type: none"> • Derived by Worker System computer application upon payment of claim to employer. 	<ul style="list-style-type: none"> • Prevents double payments to workers. 	<ul style="list-style-type: none"> • The Building and Construction Industry Long Service Payments Act 1986 and the Contract Cleaning Industry (Portable Long Service Leave Scheme) Act 2010 authorises payment of claims to employers and specifies that double payments are not be allowed. 	<ul style="list-style-type: none"> • Customer Service Officers and other senior staff who have authority in accord with operational needs. Workers have access to their own records. Employers would be able to confirm that they were paid a claim against the workers record.
<ul style="list-style-type: none"> • Employer's name • Employer's address • Employer's business • Contact person's name • Telephone numbers • Employer's title 	<ul style="list-style-type: none"> • Obtained from employers who register with the scheme. 	<ul style="list-style-type: none"> • Enables the recording of service of workers in the scheme to ultimately obtain entitlement for long service payments. Enables employers to claim payment back from Corporation where they pay long service benefits to a registered worker. 	<ul style="list-style-type: none"> • The Building and Construction Industry Long Service Payments Act 1986 and the Contract Cleaning Industry (Portable Long Service Leave Scheme) Act 2010 gives authority for registration of workers and requires employers to notify service to the Corporation. Registration of employers follows to enable provisions of the act to be carried out. 	<ul style="list-style-type: none"> • Customer Service Officers and other senior staff who have authority in accord with operational needs. Employers have access to their own details.

Statement of data, sources, purposes, authority for collection and who may have access				
Data	Sources	Purpose for collection	Authority for Collection	Persons who may access.
<ul style="list-style-type: none"> • Name of levy payer • Address of levy payer • Address of property in respect of levy paid • Reference or approval number of proposed building and construction works. • Amount of levy paid 	<ul style="list-style-type: none"> • From the levy payer in respect of building and construction work by way of local council agents upon application for building approval where there application for exemption of levy, refund of levy, payment by instalments or where levy is paid directly to the Corporation. 	<ul style="list-style-type: none"> • To record levy liability information in circumstances described in sources. 	<ul style="list-style-type: none"> • The Building and Construction Industry Long Service Payments Act 1986. 	<ul style="list-style-type: none"> • Customer Service Officers and other senior staff who have authority in accord with operational needs. Levy payers have access to their own records if required.
<ul style="list-style-type: none"> • Name of levy payer • Address of levy payer • Amount of levy paid 	<ul style="list-style-type: none"> • From the levy payer in respect of contract cleaning work where levy is paid directly to the Corporation or by way of refund. 	<ul style="list-style-type: none"> • To record levy liability information in circumstances described in sources. 	<ul style="list-style-type: none"> • The Contract Cleaning Industry (Portable Long Service Leave Scheme) Act 2010 	<ul style="list-style-type: none"> • Customer Service Officers and other senior staff who have authority in accord with operational needs. Levy payers have access to their own records if required.
<ul style="list-style-type: none"> • Personnel information. 	<ul style="list-style-type: none"> • From staff 	<ul style="list-style-type: none"> • Standard public sector requirements. 	<ul style="list-style-type: none"> • Public sector management act and regulations. 	<ul style="list-style-type: none"> • Personnel officers and staff supplying information. • Other officers in accordance with public sector personnel policies

Appendix 3 Supplementary Procedures for internal review of complaints where complaints are related to privacy issues

The procedures for handling complaints related to treatment of private information are to be combined with normal complaint handling procedures developed by the Corporation. The form is an integrated form which is self explanatory and contains the procedures for handling complaints of different varieties including complaints relating to treatment of private information. The following lists the procedure.

Customer Service Officers in taking details of a complaint related to treatment of private information should ensure the following details are covered as a minimum:

- The date of the event concerning the customer. The event should not be more than 6 months prior to the complaint otherwise it cannot be considered without approval of the Privacy Commissioner. In the latter case proceed to take details but advise complainant that matter will need to be sent to the Privacy Commissioner in the first instance.
- The name of the person or unit involved in the event, if they remember.
- Full details of the event.
- Full details as to how the event affected the customer.
- Ask how the customer would have wanted the situation to have been handled.
- Ask what the customer wants done now.
- Ask whether there is a daytime contact number if someone wants to ring to further discuss the issue.
- Ensure that the complaint is personally signed by the complainant if possible.

Supervisor should:

- conduct preliminary investigation except if the supervisor was mentioned by the customer or was personally involved in the event resulting in the complaint, in which case the Customer Relations Manager should conduct preliminary investigation to ascertain the facts.

The Manager Support Services should:

- review the facts and determine whether the problem related to the Privacy Management Plan not being followed.
- review the issue and findings and determine whether there is a fundamental problem with the Plan and propose solutions.
- submission and recommendations should be prepared for final decision by the Director.
- ensure the complaint is documented in the Privacy Act and complaints files.

Director's unit should in writing:

- advise the customer of the outcome of the investigation and any action being taken to prevent the problem occurring in future and
- thank the customer for their concern in pointing out a weakness that has been rectified.
- advise the complainant that, if they are not satisfied with the outcome of the internal review, they may lodge further complaint with the Administrative Decisions Tribunal.

General

- The Privacy Management Plan is to be modified together with any relevant procedures and policies.
- A report of the incident and outcomes is to be prepared for approval by the Director for release to the Privacy Commissioner.

RECORD OF CUSTOMER COMPLAINT

COMPLAINT NUMBER: _____

GENERAL

Receiving Officer: _____

Date: _____

How was the complaint received?

Telephone

Counter

Written

COMPLAINANTS DETAILS

'E' or 'W' number (if applicable): _____

Family name: _____

Given Name/s: _____

Address: _____

Phone (hm): _____

Phone (wk): _____

_____ P/C _____

Facsimile: _____

Complaint/Problem Details, How customer was affected in detail : *

What Does the Customer Want Done? *

Signature of customer if the complaint is related to privacy of information _____

RECORD OF ACTION TAKEN

1 Supervisor's Comments *:

Complaint:

Resolved

Referred

Signature: _____

2 Referred to Manager Support Service

3 Complaints Register Updated

4 Complaint Finalised

* Continue on a separate piece of paper if insufficient space

COMPLAINTS HANDLING PROCEDURES GUIDE

What is a Complaint?

Where every effort has been made by a staff member to effectively explain why a particular policy or legislative requirement has been applied to a customer or why a delay has occurred, or how and why a particular disclosure was made and the customer is still clearly dissatisfied — this should be treated as a complaint. Also, in every instance where a customer is dissatisfied with the behaviour of or treatment by a staff member — this should be treated as a complaint.

Steps to follow when a complaint is received from a client.

Actions	Completed
Complaint Recipient's Actions	
1/ Can the matter be resolved locally? A complaint about privacy of information must proceed through all steps on this form. Yes <input type="checkbox"/> No further action required No <input type="checkbox"/> See next step	<input type="checkbox"/>
2/ Record the details of the complaint on the <i>Record of Customer Complaint</i> form and confirm the details.	<input type="checkbox"/>
3/ Advise the complainant what will happen next & check to see that they are satisfied with this course of action.	<input type="checkbox"/>
4/ Collect any further information which may be pertinent to the case.	<input type="checkbox"/>
5/ Give the <i>Record of Customer Complaint</i> form and documentation to supervisor.	<input type="checkbox"/>
Supervisor's Actions	
1/ Check that the <i>Record of Customer Complaint</i> form has been completed correctly and relevant information supplied.	<input type="checkbox"/>
2/ Will resolution of the complaint take longer than 10 days? If yes , send acknowledgment to complainant.	<input type="checkbox"/>
3/ Review the complaint and take action in accordance with the complaint type (ie. (a) legislation/policy, (b) delay or (c) staff behaviour/treatment) or (d) privacy of information complaint.	<input type="checkbox"/>
<div style="display: flex; justify-content: space-between;"> <div style="width: 30%;"> <p>a) Legislation/Policy Related</p> <ul style="list-style-type: none"> • Review to see that the matter was handled in a way consistent with legislation/policy. • Where the outcome or advice was correct:- i/ Make comments and recommendation and forward the <i>Record of Complaint Received</i> form to CRM. • Where the outcome or advice was incorrect:- i/ Take remedial action and write to complainant; and ii/ Make comments on <i>Record of Customer Complaint</i> form and forward to CRM. </div> <div style="width: 30%;"> <p>b) Delay Related</p> <ul style="list-style-type: none"> • Identify the reason for the delay. • Make comments and recommendation and forward the <i>Record of Customer Complaint</i> form to CRM. • The Supervisor may be asked by the CRM to draft a written apology to the complainant. • Identify reason for the delay to see if procedures need modifying. </div> <div style="width: 30%;"> <p>c) Staff Behaviour Related</p> <ul style="list-style-type: none"> • Sign <i>Record of Customer Complaint</i> form and forward to MSS. • Further information may need to be provided to the MSS at a later date. <p>d) Privacy of Information Related</p> <ul style="list-style-type: none"> • Customer Service Officers are to observe information requirements listed in the supplementary procedure. • All other officers are follow procedures in the supplementary procedures. </div> </div>	
4/ The Supervisor may be asked by the Support Services Manager or the Manager Scheme Services to assist in the resolution of any complaints and to modify procedures if necessary.	<input type="checkbox"/>

Appendix 4 – Training Plan

The Privacy Management Plan implementation includes training for staff which will involve:

- Briefing sessions on requirements upon the Corporation of the Privacy Act identified in this Privacy Management Plan.
- Ongoing training in units by unit managers.
- Installation of Privacy Management Plan on the Corporation's intranet as a reference tool.
- As the process of internal review will be linked to the existing complaints procedure only minimal training will be required to implement this incremental system.
- As in the case of general complaints staff will be instructed to take any matter raised in relation to privacy of information as requiring formal complaint and investigation in accordance with the procedure in Appendix 3.