

CONSTRUCTION INDUSTRY LONG SERVICE LEAVE PAYMENTS BOARD

INFORMATION PRIVACY POLICY

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Authorisation

The Information Privacy Policy of the Construction Industry Long Service Leave Payments Board (Board) is issued under the authority of the Chief Executive Officer. It has been produced to clearly document Board policies on the management of personal information.

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1 INTRODUCTION

There is currently no legislation governing the privacy of personal information in Western Australia. This Information Privacy Policy is based on the requirements of the *Information Privacy Bill 2007* currently before the Western Australian Parliament (as of December 2010). The Policy will be reviewed when the Bill is enacted and amendments made as required.

Information Privacy Principle 5 in the *Information Privacy Bill 2007* relates to openness and requires government agencies to clearly document policies on the organisation's management of personal information and make the document available to anyone who requests it. This document fulfils this requirement and is intended to be read by construction industry employers and employees in addition to Construction Industry Long Service Leave Payments Board (Board) officers.

Personal information is information or a documented opinion about an individual whose identity is apparent, or can reasonably be ascertained from the information or opinion.

The Board collects and retains information from construction industry employers and registered employees, as required by the *Construction Industry Portable Paid Long Service Leave Act 1985* (the Act), to determine an employer's liability (if any) under the Act and an employee's eligibility and entitlement to portable long service leave in the construction industry.

2 PRIVACY POLICY STATEMENT

2.1 Personal Information Held

The Board collects and holds information about employers and registered employees in the construction industry in Western Australia.

Information is only collected on employers and registered employees whilst they are working in the construction industry. Information is not collected after employers or employees leave the industry.

Construction Industry Employers

Information collected about construction industry employers includes:

- Company name and ABN number;
- Company address, telephone numbers and other contact details;
- Data submitted on quarterly employer returns (how many days each employee has worked for them during the quarter);
- Records of contacts with the Board; and
- Financial transactions with the Board.

Specific information about employers is collected direct from the employer. General information is collected from:

- Publicly available sources;
- The Australian Business Register;
- Apprenticeship records;
- Lists of contractors obtained from firms engaged in the construction industry; and
- Inspections of records of firms engaged in the construction industry.

Construction Industry Employees

Information collected about construction industry employees includes:

- Employee name;
- Address, telephone numbers and other contact details;
- Date of birth;
- Records of contacts with the Board; and
- Records of employment history within the construction industry, number of service days, wage information and entitlement to long service leave.

Information about employees is collected direct from the employee and from their employer/s on the quarterly returns submitted to the Board. Employers provide information on the number of service days for each employee on their quarterly returns and the amount of wages associated with those days.

Board Employees

Personal information about employees of the Board is also collected and held. Board employees can access their own personal information on request.

2.2 Purpose of Records

The Board collects and retains information from construction industry employers and registered employees, as required by the *Construction Industry Portable Paid Long Service Leave Act 1985* (the Act), to determine an employer's liability if any under the Act and to determine an employee's eligibility and entitlement to portable long service leave in the construction industry.

2.3 How Long Records Are Kept

Records containing personal information about construction industry employers and employees are kept indefinitely. This is because workers often return to the industry after leaving and may add to their previous long service leave entitlement.

2.4 Who is Entitled to Have Access to Personal Information

Construction Industry Employers

Construction industry employers can access their own personal information, quarterly returns data and financial transactions with the Board. They **cannot** access information about their current or past employees' service in the industry nor do they have access to the information supplied by employees' previous employers.

Employers can be told whether an employee is registered and given the employee registration number. Any other information they require must be obtained from the employee directly.

Construction Industry Employees

Construction industry employees are able to access their own personal information held by the Board. This includes information on their service in the industry supplied by employers through the lodgement of quarterly returns and their entitlements.

Board Officers

Board officers may access personal information relating to employers and employees to enable them to carry out the business of the Board.

Interstate Schemes

The Board has a reciprocal agreement with interstate Long Service Leave Schemes which provides for the exchange of employee service details at the request of the employee. This allows for the accrual of service entitlements from more than one State and the eventual payment of that entitlement.

Third Parties

The Board will not sell or pass personal information to third parties unless access is required by law e.g. court subpoena, or formally requested by the Australian Taxation Office or Centrelink.

In general terms the Board will only deal with the registered employee in respect of issues such as total service in the scheme and amounts of long service paid or related entitlements. In respect of employers, only those matters relating to returns submitted by them may be disclosed or discussed with them.

Union officials and representatives of employer associations can be told whether an employee or employer is registered with the Board and be supplied with the registration number.

Unions act on behalf of employees and details of an individual employee's service can be discussed with union officials where the contact has been prompted by Board correspondence or as a result of recent Board contact with the employee.

Unions may confirm whether an employer has submitted a return but may not be given any information about the employees or other detail contained in the return.

With spouses, partners and relatives, only those matters that relate to specific service issues where the person ringing on behalf of a registered employee has specific and detailed knowledge of the issue, will be discussed.

The Board frequently receives notification of change of address and enquiries from employees' spouses or partners. Before a change of address is accepted the Board satisfies itself of the caller's identity by requiring information such as the employee's registration number, address, date of birth and/or most recent employers.

This policy of the Board is based on the facts that its client base is predisposed to a culture of telephone communications and averse to formal written communication; the Board has fostered the concept of telephone communication in respect of advising the Board of changes in circumstances such as address; and there is no financial benefit to any other person of misdirecting mail because long service payments can only be paid to the account of the registered employee.

The Board perceives that there is a benefit to ensuring that the employee is in regular receipt of communication and advice of annual statements of recorded service from the Board and that it would prejudice the interests of employees not to accept such advice from their spouses and partners.

Reporting

Information that is aggregated and does not therefore identify an individual may be released for reporting purposes e.g. Board annual reports, statistics.

2.5 How to Obtain Access to Personal Information

Construction industry employers and employees can obtain information through one of the following methods:

- Accessing the Board website at www.walslboard.com.au and logging on using their employer or employee number and password;
- Calling the Board office on (08) 9476 5400 or toll free (country callers) on 1800 198 136;
- Sending an email to staff@walslboard.com.au;
- Writing to the Board at PO Box 1333, West Perth, WA 6872; or
- Visiting the Board's office at 1st Floor, 26 Colin Street, West Perth.

Registered employees receive an Annual Notice which states the total number of service days accrued towards their long service leave entitlement.

To satisfy itself of a caller's identity the Board requires information such as the employee's registration number, address, date of birth and/or most recent employers. Persons attending the Board's offices will be required to show identification such as a driver's licence.

3 WEBSITE PRIVACY

3.1 Collection of Personal Information

Employees can log on to the Board website using their employee number and password and update their contact details. This information is recorded in the database used by the Board to manage the Scheme.

Employers can log in to the Board website using their employer number and password and update their contact details and submit quarterly returns. This information is recorded in the database used by the Board to manage the Scheme.

Apart from standard log files, which record web access information such as the requesting server's IP address, date and time of visit etc, no further personal information is obtained from persons accessing the Board's website.

3.2 Cookies

As a matter of policy the Board does **not** use cookies. Cookies are small text files that websites attach to a user's hard drive which record information about the user e.g. user preferences.

3.3 Links to External Websites

The Board website contains links to external websites. The Board is not responsible for the privacy practices or the content of these websites.

4 PERSONAL INFORMATION HANDLING PRACTICES

The following personal information handling practices in place at the Board are in accordance with the requirements of the eight Information Privacy Principles in the *Information Privacy Bill 2007*.

4.1 Collection

The Board collects information from construction industry employers and registered employees, as required by the *Construction Industry Portable Paid Long Service Leave Act 1985* (the Act), to determine an employer's liability (if any) under the Act and an employee's eligibility and entitlement to portable long service leave in the construction industry.

Information is collected direct from employees and employers. Employers provide information on the number of service days and the amount of wages associated with those days for each employee on their quarterly returns.

Employers and employees will be referred to this policy to ensure that they are aware of the purposes for which their information is collected, to whom it will be disclosed and how they can gain access to it.

4.2 Use and Disclosure

The Board will only use or disclose personal information about employers and employees for the purpose for which it was collected.

Section 2.4 details to whom personal information about employers and employees can be disclosed.

4.3 Data Quality

The Board takes steps to ensure that the personal information it collects, uses and discloses is accurate, up to date and complete.

Employers and employees may request the update or correction of their personal information. Certain information, such as contact details, can be amended by employers or employees logging onto the Board website. If the Board declines to change the personal information reasons will be provided in writing.

4.4 Data Security

The Board takes steps to protect the personal information held against misuse, loss and unauthorised access, modification or disclosure. These steps include password access to the internal Board computer network and database, password access for employers and employees to the Board website and physical access restrictions to protect hard copy records.

Records will only be destroyed in accordance with approved disposal authorities, as required by the *State Records Act 2000*, and will be destroyed in such a manner that ensures that the information cannot be retrieved.

4.5 Openness

This Information Privacy Policy documents Board policies regarding the management of personal information. This document is available on the Board website and is provided to anyone who requests the information.

4.6 Identifiers

The Board allocates registration numbers as identifiers to employers and registered employees. The allocation of these identifiers is necessary to carry out the functions of the Board. The registration numbers are unique to Board and are not identifiers assigned by another public organisation.

4.7 Anonymity

The Board will make every reasonable effort to protect the anonymity of individuals who do not wish to identify themselves, whilst advising them of the consequences of anonymity and any limitations this places on the extent of the service that can be provided.

4.8 Transborder Data Flow

The Board has a reciprocal agreement with interstate Long Service Leave Schemes which provides for the exchange of employee service details at the request of the employee. This allows for the accrual of service in the construction industry in more than one State.