

1. Purpose

The aim of this policy is to outline how Maxima will apply the Australian Privacy Principles in relation to the data it collects.

2. Scope

This policy applies to all Maxima employees, contractors, subcontractors and anyone present on a Maxima premises engaged in the collection and use of information collected.

3. Definitions

Personal information is: 'Information or an opinion about an identified individual, or an individual who is reasonably identifiable:

- whether the information or opinion is true or not; and
- whether the information or opinion is recorded in a material form or not.

Privacy is a fundamental human right that underpins freedom of association, thought and expression, as well as freedom from discrimination. But it's hard to define. Different countries offer different views, as do individuals.

Generally speaking, privacy includes the right:

- to be free from interference and intrusion
- to associate freely with whom you want
- to be able to control who can see or use information about you

And there are different ways to look at privacy, such as:

- physical privacy (for instance, being frisked at airport security or giving a bodily sample for medical reasons)
- surveillance (where your identity can't be proved or information isn't recorded)
- information privacy (how your personal information is handled)
- Information privacy is about promoting the protection of information that says who we are, what we do and what we believe.

Protected Information is defined as "information about a person that was obtained by an officer under the Social Security law; and is held or was held in the records of the Department or the Human Services Department" - section 23(1)(a) of the Social Security Act 1991 (Cth). Broadly speaking, this means that information about a person who is serviced by an Employment Services Provider is protected information if the person receives a Social Security benefit or payment. Such information could include the person's name, date of birth and contact details.

4. Principles

We collect and manage personal information as a contracted service provider to a range of Commonwealth, State and Territory government agencies and as an independent service provider. We will meet the requirements of the Australian Privacy Principles and act in accordance with the Privacy Act 1988 (Cth). Our services include being a provider of vocational training, group training, employment services and supports under the national disability insurance scheme (NDIS).

4.1 Our commitment

In accordance with the APP requirements, when we collect your personal information we will:

- check that the information is reasonably necessary for our functions or activities as they relate to the services we deliver;
- check that the information is current, complete and accurate. This may sometimes mean that we will have to cross-check the information that we collect from you with third parties;
- record and hold your information in our electronic records management system (EDRMS). Personal information received will not be disclosed to overseas recipients.
- retrieve your information when we need to use or disclose it for our functions and activities. At that time, we will check that it is current, complete, accurate and relevant. This may sometimes mean that we will have to cross-check the information that we collect from you with third parties once again - especially if some time has passed since we last checked these details with you.

- subject to some exceptions, permit you to access your personal information in accordance with the requirements of the APP.
- correct or attach associated statements to your personal information in accordance with requirements of the APP.
- destroy or de-identify your personal information when it is no longer needed for any purpose for which it may be used or disclosed provided that it is lawful for us to do so. We do not destroy or de-identify information that is contained in a Commonwealth Record.
- respect and protect the privacy of our NDIS clients who receive support and service and this may include health information.

4.2 How personal information is collected

How we collect your personal information will differ depending on whether you are a:

- Jobseeker
- Customer
- Participant in a training Program
- Referee
- NDIS participant

In particular, personal information for:

Jobseekers will be collected from you when you fill out and submit one of our application forms or any other information in connection with your application to us for work or registration with us for work with a third party.

With reference to **Disability Employment Services** provision, personal information is also collected when:

- An Employment Services Assessment (ESAT) is undertaken
- Ongoing Support and Supported Wage Assessments are completed
- You provide us with medical reports during the course of your service
- Gathering feedback in relation to placement related activity

Participants in a training program will be collected when you fill out and submit one of our enrolment forms or any other information in connection with your application to us for enrolment into a vocational training program or course.

Customers will be collected when you provide details to us for business or business-related social purposes;

Referees will be collected when details are provided to us in the course of our checking of Jobseeker references with you and when we are checking information that we obtain from you about Jobseekers;

NDIS Customers will be collected when:

- delivering employment and capacity building services or other support/s that align with your goals and aspirations;
- evaluating and monitoring the support services provided to you by Maxima to ensure we work effectively with you;
- contacting you about the support/s you have received;
- helping to resolve complaints made by you; and
- involving you in surveys conducted by Maxima or the NDIS.

Note - If you do not provide some or all of your personal information, Maxima may not be able to provide you with the requested support/s..

We sometimes collect information from third parties and publicly available sources when it is necessary for a specific purpose such as checking information that you have given us or where you have consented or would reasonably expect us to collect your personal information in this way. In particular, personal information may be collected through the following avenues:

Publicly available sources

We may also collect personal information about you from a range of publicly available sources including newspapers, journals, directories, the Internet and social media sites.

Photos & Images

Photographs, scan photo ID, or capture and retain video image data of you may be required for some of our services. In these situations, we will elect to sight rather than retain such documents, unless the retention is required by law.

Video and photographic images may be used as an adjunct to worksite safety assessment and monitoring processes to enable a visual record of the site hazard environment and work processes. These worksite records will only be accessed by duly authorised persons. Worksite images may also be provided to the relevant safety regulator or agency for the purpose of investigation in the event of an incident. These records will not be given to any other person or agency unless authorised or required by law.

Security camera surveillance may be used in service delivery and office areas to ensure the safety of staff, visitors and the public and if necessary, to facilitate the investigation and prosecution of criminal offences. Security footage will only be accessed by the facility manager and duly delegated persons authorised to do so. Security footage may also be provided to the relevant law enforcement agency for the purpose of investigation & prosecution in the event of an incident. This information will not be given to any other person or agency unless authorised or required by law.

Electronic Transactions

Sometimes, we collect personal information that individuals choose to give us via online forms or by email, for example when individuals:

- ask to be on an email list such as a job notification list;
- register as a site user to access facilities on our site such as a job notification board;
- make a written online enquiry or email us through our website;
- submit a resume by email or through our website;
- sending an email requesting information on our services or to make a complaint;
- submit applications for the Recognition of Prior Learning;
- undertake online skills, psychological or psychometric testing.

4.3 What personal information is collected and held

Personal information that we collect and retain is information that is reasonably necessary for the proper delivery of our functions and activities as a provider of vocational training, group training, employment services and NDIS provider is likely to differ depending on whether you are a:

- Jobseeker
- Customer
- Participant in a training program
- Referee
- NDIS customer

In particular, the type of information that we typically collect and retain for:

Jobseekers is information that is necessary to assess amenability to work offers and work availability; suitability for placements; or to manage the performance in work obtained through us and includes:

- Employment Service Assessments Skills assessments
- Medical reports
- Work history including details of previous employers, including placements undertaken through Maxima
- Education and training history
- Details of licenses held
- Cultural background

Customers is information that is necessary to help us manage the presentation and delivery of our services and may include:

- Company contact details and details of those responsible for purchasing employment or training services, managing or supervising on-hire or group training placements.
- The nature of the business you are engaged in
- Qualifications of those supervising Australian Apprentices
- WHS site assessments
- Service history with our organisation
- Credit history

Participants in a Training Program is information that is necessary to help us manage the presentation and delivery of our services and may include:

- Skills assessments
- Work history including details of previous employers, including placements undertaken through Maxima
- Education and training history
- Details of licenses held
- Cultural background

Referees is information that is necessary to help to make determinations about the suitability of one of our jobseekers in particular jobs or particular types of work and may include:

- The position held, role and employer of the referee
- Relationship of the referee to jobseeker
- Comments made about the jobseeker's work performance, technical skill levels and/or general employability skills

NDIS Customers is information that is necessary to help us plan and deliver registered NDIS services and may include:

- A person's name
- Address
- Date of birth
- Details about the participant's health or disability
- Banking details
- Gender
- Religion

4.4 How personal information is managed

Personal information is contained within our information record system and is considered an asset in accordance with our Information Asset Management Policy and will be held in our information record system until it is no longer needed for any purpose for which it may be used or disclosed.

Our information management system includes:

- On-site storage of hard copy and electronic data;
- Third party secure storage of records required by law or as outlined in contractual arrangements to be retained for extended periods;
- Storage on ISP servers and that of internet based service providers.

When any personal information is no longer required, it will be de-identified or destroyed in accordance with the processes outlined in the Information Asset Management Policy, or as required under contractual arrangements in place with the relevant government entity (eg NDIS).

We take a range of measures to protect your personal information from:

- misuse, interference and loss; and
- unauthorised access, modification or disclosure.

In protecting your personal information, we have developed a comprehensive framework to protect the security of information that we hold, including:

- Staff training
- Need-to-know and authorisation practices
- Password protection
- Policies on laptop, mobile phone and portable storage device security;
- Destruction procedures including shredding and secure disposal etc.
- Secure hard copy file storage in non-publicly accessible locations
- Pro-active computer network maintenance practices
- Pro-active website maintenance practices

4.5 Disclosure of personal information

Your personal information may be disclosed only for the purposes for which it has been obtained, or for a lawful related purpose. We may also disclose your personal information where we are under a legal duty to do so.

General disclosure will usually be:

- internally and to our related entities (see Related Purpose Disclosures below)
- to our Customers as it relates to the purpose for collection
- to Commonwealth or State Government entities when required by contractual obligations
- to Referees for suitability and screening purposes

Related Purpose Disclosures

We outsource a number of services to contracted service suppliers (CSPs) from time to time. Our CSPs may see some of your personal information. Typically our CSPs would include:

- Software solutions providers;
- I.T. contractors and database designers and Internet service suppliers;
- Legal and other professional advisors;
- Insurance brokers, loss assessors and underwriters;
- Superannuation fund managers;
- Background checking and screening agents;
- NDIS service providers contracted by us.

We will take reasonable steps to ensure that terms of service with our CSPs recognise that we are bound by obligations to protect the privacy of your personal information as required by the Privacy Act 1988 (Cth), and that they will not do anything that would cause us to breach those obligations.

Cross-Border Disclosures

Depending upon the nature of the service you are access, there may be a requirement to disclose your personal details to personnel within our interstate offices. In the event that this disclosure is required, we will contact you for your consent.

Your personal information will not be disclosed to any person or business outside of Australia.

Information Sharing

There are certain circumstances where we may disclose information about a person without consent from the person involved. This might include mandatory reporting requirements on matters relating to vulnerable people, obligations to report incidences of violence, exploitation, neglect and abuse, and sexual misconduct. For such matters, guidance will be sought from the relevant jurisdictions and will be communicated to individuals concerned.

4.6 Accessing personal information

Subject to some exceptions as set out in the Privacy Act 1988 (Cth) and the Freedom of Information Act 1982 (Cth), you may gain access to your personal information that we hold.

There are some circumstances which are exempt from access. These include the evaluative opinion material obtained confidentially in the course of our performing reference checks; and access that would impact on the privacy rights of other

people. In many cases evaluative material contained in references that we obtain will be collected under obligations of confidentiality that the person who gave us that information is entitled to expect will be observed. We do refuse access if it would breach confidentiality.

Access to your personal information can be requested through submitting a written request to the General Manager Corporate Services, Maxima, PO Box 210 Hindmarsh SA 5007. In your request, please be sure to:

- State that you are requesting access to information under the Freedom of Information Act
- State the document(s) you want, giving enough detail to assist us in identifying the document/information.
- Give us an address or email address where we can send you the document/information

When submitting your request, and before we release any information, you will need to be in a position to verify your identity. There is no charge to access a document that has your personal information, however there may be a charge to access to a document that has other information contained within it.

4.7 Correcting personal information

If you believe we have held or disclosed personal information about you that is inaccurate, out of date, incomplete, irrelevant or misleading, you can ask us to notify the third parties to whom we made the disclosure and we will take such steps (if any) as are reasonable in the circumstances to give that notification, unless it is impracticable or unlawful to do so. These may include:

- In the event that we are unable to make the correction you seek, we shall advise you accordingly in writing.
- We will attach all documentation relating to the request for a correction you sought to make, the date on which it was sought and the outcome of the request.
- We undertake to respond to your request within 30 business days.

If you find that personal information that we hold about you is inaccurate, out of date, incomplete, irrelevant or misleading, you can ask us to correct it by contacting us.

We will take such steps as are reasonable in the circumstances to correct that information to ensure that, having regard to the purpose for which it is held, the information is accurate, up to date, complete, relevant and not misleading.

You have a right to complain about our handling of your personal information if you believe that we have interfered with your privacy.

4.8 Lodging a complaint

You can raise any complaint you have regarding how we have handled your personal information in writing with our Executive Manager, Corporate Services, Maxima, PO Box 164 Brooklyn Park SA 5032.

When we receive your complaint:

- We will take steps to confirm the authenticity of the complaint and the contact details provided to us to ensure that we are responding to you or to a person whom you have authorised to receive information about your complaint;
- Upon confirmation we will write to you to acknowledge receipt and to confirm that we are handling your complaint in accordance with our policy.
- We may ask for clarification of certain aspects of the complaint and for further detail;
- We will consider the complaint and may make inquiries of people who can assist us to establish what has happened and why;
- We will require a reasonable time (usually 30 days) to respond;
- If the complaint can be resolved by procedures for access and correction we will suggest these to you as possible solutions;
- If we believe that your complaint may be capable of some other solution we will suggest that solution to you, on a confidential and without prejudice basis in our response;

- Under certain circumstances, complaints regarding possible breaches of our policy and requirements under the APP need to be notified to State or Commonwealth Government entities to comply with contractual arrangements

If the complaint cannot be resolved by means that we propose in our response, we will suggest that you take your complaint to any recognised external dispute resolution scheme to which we belong or to the Office of the Australian Information Commissioner

You may also raise your complaint in writing direct with the Office of the Australian Information Commissioner through their website portal <https://www.oaic.gov.au/privacy/privacy-complaints/lodge-a-privacy-complaint-with-us>, via email enquiries@oaic.gov.au or via mail – GPO Box 5218, Sydney NSW 2001

In addition to the above, the following customers may also access additional avenues:

Jobseekers

Maxima is a member of the Recruitment, Consulting and Staffing Association Australian & New Zealand (RCSA) and is bound by the RCSA Code for Professional Conduct. Jobseekers may also raise any concerns they have in writing with the RCSA PO Box 291t, Collins Street, West Victoria 8007.

It should be noted that the RCSA Association Code and Dispute Resolution Rules do not constitute a recognised external dispute resolution scheme for the purposes of the APPs; however are primarily designed to regulate the good conduct of RCSA members.

Participants in a Training Program

Participants of nationally recognised vocational training services delivered by us as a Recognised Training Organisation may raise concerns in writing to the Australian Skills Quality Authority (ASQA).

NDIS Participant

NDIS participants may raise a complaint in writing to the National Disability Insurance Scheme (NDIS) via <https://www.ndis.gov.au/contact/feedback-and-complaints>

5. Governing Documents

Maxima acknowledge the compliance requirements under both Commonwealth and State Work Health and Safety legislation and our relevant compliance commitments. This policy was made in compliance or to assure compliance with the:

- Australian Privacy Principles
- Copyright Act 1968 (Cwth)
- Freedom of Information Act 1982 (Cwth)
- Governance Toolkit – Safeguarding Vulnerable People
- ISO 27001 Information Security Management System
- Privacy Act 1988 (Cwth)
- RCSA Code for Professional Conduct
- Social Security Act

For a complete list of legislation refer to the [Legal and Other Requirements Register](#).

6. Breach of Policy

Failure by employees to comply with the requirements in this Policy and the supporting Procedures or processes may result in disciplinary action, up to and including termination of employment

A breach of this Policy may also amount to a civil or criminal contravention under the Australian Privacy laws (in particular, the regime contained in the Corporations Act and the Taxation Administration Act), giving rise to significant penalties.

7. Associated Documents

- Confidentiality Procedure (GPR 252-1)
- Fraud Control Plan (GP 099-1)
- Information Sharing Policy (GP 252-2)
- Risk Management Policy (GP 101-1)
- Whistleblower Policy (GP 252-3)

8. Document Control

Document Owner				
Position		Incumbent	Approval Date	
Chief Executive Officer		David Cockram	01/05/2021	
Version Control				
Date	Version	Version Details	Author	Reviewer/s
23/08/2019	7	Published	HR Manager	IS Working Group
01/05/2021	8	Published	Evelyn Pollard Consulting	IS Working Group
25/01/2022	9	Broadening the scope of NDIS activities to include supports other than assistance with finding employment	Acting Quality Manager	CEO
01/02/2022	10	Amended PO Box and job title under section 4.8	Acting Quality Manager	CEO