



Australian Government

**Seafarers Safety, Rehabilitation
and Compensation Authority**

Seacare Authority privacy policy



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1. The Seacare Authority's privacy policy

- 1.1. The Seacare Authority takes its privacy obligations very seriously and is committed to meeting the highest standards when collecting, storing, using and disclosing personal information. Seacare will take reasonable steps to:
- a) comply with the requirements of the Privacy Act 1988
 - b) make sure all staff understand and comply with their privacy obligations
 - c) ensure that its privacy policy is up to date and complete
 - d) respond promptly and honestly to complaints
 - e) maintain an effective working relationship with the Office of the Australian Information Commissioner.

2. What is the purpose of this privacy policy?

- 2.1. The purpose of this privacy policy is to:
- a) clearly communicate our personal information handling practices
 - b) enhance the transparency of our operations
 - c) give individuals a better and more complete understanding of the sort of personal information that we hold, and the way we handle that information.
- 2.2. The *Privacy Act 1988* (Privacy Act) sets the minimum standards we have to meet when handling personal information, as an Australian Government agency. Personal information is defined in the Privacy Act as:
- 'Information or an opinion about an identified individual, or an individual who is reasonably identifiable:
- a) whether the information or opinion is true or not; and
 - b) whether the information or opinion is recorded in a material form or not.'

2.3. The Privacy Act contains 13 Australian Privacy Principles (APPs). The APPs:

 - a) set out legally binding standards for handling personal information
 - b) regulate how we collect, store, use and disclose personal information
 - c) allow people to access the information that we keep about them
 - d) allow people to correct or update their information.

2.4. The APPs are contained in Schedule 1 of the Privacy Act. A plain English summary of the APPs is set out in **Schedule 1** of this privacy policy.

2.5. We may review and update this policy from time to time, to take account of new laws or technology, or changes to our functions, operations and practices. This privacy policy was last reviewed in March 2014.

2.6. This privacy policy is published on our website, at <http://www.seacare.gov.au/privacy>. We can also provide you with a copy of the policy in another form, if it is reasonable to do so. If you would like a copy of this policy in another form, please contact the Privacy Officer using the contact details at the end of this policy.

3. What kinds of personal information does the Seacare Authority collect and hold?

Collection of solicited information

- 3.1. We only collect personal information if it is reasonably necessary for, or directly related to, one or more of our functions or activities. These include functions and activities under the *Seafarers Rehabilitation and Compensation Act 1992* (Seafarers Act) and the *Occupational Health and Safety (Maritime Industry) Act 1993* (OHS(MI) Act). We also collect personal information related to employment services, human resource management and other corporate service functions.
- 3.2. We currently collect and hold the classes of personal information described in **Schedule 2**. Schedule 2 describes, in respect of each class of personal information we collect:
 - a) the purpose for which we collect, hold, use and disclose the information
 - b) the details we collect, including any sensitive content
 - c) the Seacare staff who have access to the information
 - d) whether the information is usually disclosed to any third parties
 - e) how we hold the records containing the information.
- 3.3. Certain information we collect is 'sensitive information' as defined in the Privacy Act. In particular, information contained in workers' compensation claim records, work health and safety investigation records, asbestos-related claim records and personnel records is likely to be sensitive.
- 3.4. We generally only collect and hold sensitive information about an individual with the consent of the relevant individual. However, there are certain circumstances where we are authorised to collect and hold sensitive information without the consent of the individual concerned, as described in APP 3.4. These include where the collection:
 - a) is required or authorised under law
 - b) will prevent or lessen a serious threat to somebody's life or health, or assist in the location of a missing person
 - c) is reasonably necessary to allow us to take appropriate action when we suspect unlawful activity or misconduct of a serious nature that relates to our functions or activities
 - d) is reasonably necessary to establish, exercise or defend a legal or equitable claim, or for the purposes of a confidential alternative dispute resolution process
 - e) is reasonably necessary for the enforcement of the criminal law or of a law imposing a pecuniary penalty, or for the protection of public revenue.

Collection of unsolicited information

- 3.5. We are occasionally provided with personal information that we have not requested or solicited. When this occurs, we will comply with the requirements regarding dealing with unsolicited personal information set out in APP 4.

4. How does the Seacare Authority collect and hold personal information?

Collection of personal information

- 4.1. We only collect personal information by lawful and fair means.
- 4.2. These include:
- a) when an individual's employer provides us with documents relating to a workers' compensation claim under the Seafarers Act
 - b) when an individual provides us with documents relating to a workers' compensation claim under the Seafarers Act in circumstances where the individual is taken to be employed by us
 - c) when we seek information from people such as a treating health professional in connection with a workers' compensation claim
 - d) when we collect information relating to incidents that cause death, serious injury or illness of a person or a dangerous incident pursuant to the Seafarers Act and the OHS(MI) Act
 - e) when an individual provides information to us in connection with a job application or their employment
 - f) when an individual completes security forms required in connection with their employment
 - g) when we collect information in relation to HSR training course accreditation
 - h) from contractors or suppliers who are working with us
 - i) from individuals writing to us or contacting us.
- 4.3. Where reasonable and practical, we usually collect the personal information about you directly from you. However, we may also collect personal information from someone other than you if you consent, or if we are required or authorised to do so under an Australian law or a court or tribunal order.
- 4.4. At or before the time we collect personal information about you, or as soon as practicable after collection, we will take reasonable steps to notify you or otherwise ensure that you are aware of the matters that are required by APP 5, including:
- a) the details of the relevant law under which the collection is required or authorised (if any)
 - b) if we collect personal information about you from another source, the fact that we have collected the information and the circumstances of the collection
 - c) the main consequences (if any) for you if we do not collect the personal information, and
 - d) the fact that our APP privacy policy contains other information, including how you can access and correct your personal information, or make a complaint about a breach of the APPs.
- 4.5. The matters that are required by APP 5 are addressed in this privacy policy (including Schedule 2). Accordingly, our notification of information collection under APP 5 will generally cross-reference this privacy policy.

Holding of personal information

- 4.6. We hold all our records in accordance with the provisions of the Archives Act 1983 (Cth) (Archives Act). Schedule 2 describes how we hold each class of personal information we currently collect, including the format and location of the relevant records.
- 4.7. We take all reasonable steps to protect the personal information that we hold from misuse, interference and loss, and from unauthorised access, modification or disclosure. This includes appropriate measures to protect electronic materials and materials stored and generated in hard copy, and ensuring that people we contract with are subject to the same strict privacy obligations that we operate under.

Destruction and de-identification of personal information

- 4.8. Personal information that we collect and hold is generally either contained in a Commonwealth record (as defined in the Archives Act) or required to be retained by or under an Australian law. We manage Commonwealth records (including those that contain personal information) in accordance with the Archives Act, the Administrative Functions Disposal Authority, and any relevant Records Disposal Authority

5. What are the purposes for which the Seacare Authority collects, holds, uses and discloses personal information?

- 5.1. The Seacare Authority performs functions in connection with supporting the Seacare scheme under the Seafarers Act and OHS(MI) Act.
- 5.2. We may collect, hold, use and disclose personal information for the purposes of performing these functions.
- 5.3. Schedule 2 identifies the specific purpose of collecting each class of personal information that we currently hold.
- 5.4. Where we hold personal information about you that was collected for a particular purpose, we will not use or disclose the information for another purpose unless:
 - a) you have consented to the use or disclosure of the information
 - b) the use or disclosure falls within one of the specific exceptions in APP 6.2. This may occur, for example, where the use or disclosure:
 - i. is for a purpose which is directly related to our original purpose of collection, and which you would reasonably expect us to use or disclose the information for
 - ii. is required or authorised by or under Australian law
 - iii. will prevent or lessen a serious threat to somebody's life or health, or assist in the location of a missing person
 - iv. is reasonably necessary to allow us to take appropriate action when we suspect unlawful activity or misconduct of a serious nature that relates to our functions or activities
 - v. is reasonably necessary for establishing, exercising or defending a legal or equitable claim
 - vi. is reasonably necessary for the purposes of a confidential alternative dispute resolution process
 - vii. is reasonably necessary for the enforcement of the criminal law or of a law imposing a pecuniary penalty, or for the protection of public revenue.

- 5.5. Schedule 2 identifies, in respect of each class of personal information which we currently collect or hold, who the personal information may usually be disclosed to and the purpose of such disclosure.

6. How can you access and correct personal information that the Seacare Authority holds?

- 6.1. We endeavour to ensure that the personal information we collect, use or disclose is accurate, up-to-date and complete.
- 6.2. If we are satisfied that personal information we hold is inaccurate, out of date, incomplete, irrelevant or misleading, we will take reasonable steps to correct that information.
- 6.3. You can request access at any time to the personal information we hold about you, and may ask us to either correct the information or include a statement indicating that the information is inaccurate, out of date, incomplete, irrelevant or misleading. To do so, please contact our Privacy Officer.
- 6.4. We will respond to such a request within 30 days. We will not charge you for making the request, for giving you access to your personal information, for correcting your information or for associating a statement with your information about its accuracy.
- 6.5. We will give access to the information in the manner you request, if it is reasonable and practicable to do so.
- 6.6. However, there are situations where it may not be appropriate for us to provide you with access to information, for example, where we are required or authorised to refuse to give access to the information under the *Freedom of Information Act 1982* or other law.
- 6.7. If we cannot provide you with access to your personal information, or refuse your request to correct your personal information or include a statement with the information about its accuracy, we will give you a written notice setting out our reasons.

7. Will the Seacare Authority use your personal information for direct marketing?

- 7.1. When we undertake commercial activities, we are subject to the same restrictions on using or disclosing personal information for direct marketing purposes that apply to private sector organisations.
- 7.2. We do not typically use or disclose personal information for direct marketing purposes in connection with our commercial activities. If we use or disclose personal information for direct marketing purposes, we only do so where this is permissible under APP 7. For example, we:
- a) obtain your consent to use or disclose your information for direct marketing purposes if it is practicable, unless you would reasonably expect us to use or disclose the information for direct marketing purposes
 - b) provide a simple means by which you may easily request not to receive direct marketing communications from us
 - c) highlight your ability to request not to receive further direct marketing communications from us in every communication we send, if you would not reasonably expect us to use or disclose personal information for direct marketing purposes or if we have collected the information from someone other than you.

8. Will the Seacare Authority send your personal information overseas?

8.1. In most instances, we are not likely to disclose personal information to a person who is not in Australia or an external Territory. However, if you are or have been located outside Australia or an external Territory and you are seeking or have sought medical attention or undergone rehabilitation activities in relation to a claim and disclosure to an overseas recipient becomes a possibility, we will comply with APP 8.

9. What are the main consequences for you if the Seacare Authority does not collect your personal information?

9.1. If we do not collect personal information from an individual for the purposes of performing one of our functions, we will not be in a position to undertake the relevant function with respect to the relevant individual or issue.

10. Can you deal with the Seacare Authority anonymously?

10.1. Your identity is typically relevant to the fulfilment of our purpose for collecting, using, holding or disclosing personal information. Most of the time, it is not likely to be practicable for us to deal with you if you have not identified yourself or have used a pseudonym. If you are concerned about not being able to deal with us anonymously, you can make an anonymous inquiry by contacting the Privacy Officer and explaining the circumstances.

11. What does the Seacare Authority do to make sure it complies with the Australian privacy principles?

11.1. We take our privacy obligations very seriously, and are committed to meeting the highest standards when collecting, storing, using and disclosing personal information.

11.2. We have taken reasonable steps to implement practices, procedures and systems relating to our functions and activities to ensure that we comply with the APPs, including:

- a) requiring all our staff to be adequately trained in our obligations under the APPs and this privacy policy
- b) ensuring that our privacy policy is regularly reviewed and updated
- c) undertaking a program of privacy audits to make sure that our privacy policy is being fully implemented
- d) maintaining an effective working relationship with the Office of the Australian Information Commissioner.

12. How can you make a complaint about a breach of the Australian privacy principles?

- 12.1. You may make a complaint to us if you consider that we have interfered with your privacy or otherwise breached our obligations under the APPs in relation to the management of your personal information.
- 12.2. Any complaints should be in writing, providing as much detail as possible, and addressed to our Privacy Officer.
- 12.3. We will take reasonable steps to investigate any complaint, and to notify you of the outcome of our investigation within 30 days.
- 12.4. If we do not respond to the complaint within 30 days, or you are not satisfied with the outcome of our investigations, you can make a complaint directly to the Office of the Australian Information Commissioner. Further details about how to make a complaint are set out at <http://www.oaic.gov.au/privacy/making-a-privacy-complaint>.

13. How can you learn more about privacy?

- 13.1. The website of the Office of the Australian Information Commissioner contains further information about privacy, including the APPs, legislation and policies. The site address is: <http://www.oaic.gov.au/privacy/>.

14. How can you contact the Seacare Authority's privacy officer?

- 14.1. Our Privacy Officer can be contacted by:

Telephone: 1300 366 979

Fax: (02) 6274 8848
(02) 6274 8626

E-mail: privacy@comcare.gov.au

Post: Privacy Officer
Comcare
GPO Box 9905
Canberra ACT 2601

- 14.2. We offer interpreter services in a number of languages. If you require interpreter services to speak to our Privacy Officer, details for how to access these services are available at: http://www.comcare.gov.au/about_us/contact_us/interpreter_services.

Schedule 1 – Summary of the APPS

The Office of the Australian Information Commissioner has provided the following summary of the Australian Privacy Principles.

APP 1 – Open and transparent management of personal information

Ensures that APP entities manage personal information in an open and transparent way. This includes having a clearly expressed and up to date APP privacy policy.

APP 2 – Anonymity and pseudonymity

Requires APP entities to give individuals the option of not identifying themselves, or of using a pseudonym. Limited exceptions apply.

APP 3 – Collection of solicited personal information

Outlines when an APP entity can collect personal information that is solicited. It applies higher standards to the collection of 'sensitive' information.

APP 4 – Dealing with unsolicited personal information

Outlines how APP entities must deal with unsolicited personal information.

APP 5 – Notification of the collection of personal information

Outlines when and in what circumstances an APP entity that collects personal information must notify an individual of certain matters.

APP 6 – Use or disclosure of personal information

Outlines the circumstances in which an APP entity may use or disclose personal information that it holds.

APP 7 – Direct marketing

An organisation may only use or disclose personal information for direct marketing purposes if certain conditions are met.

APP 8 – Cross-border disclosure of personal information

Outlines the steps an APP entity must take to protect personal information before it is disclosed overseas.

APP 9 – Adoption, use or disclosure of government related identifiers

Outlines the limited circumstances when an organisation may adopt a government related identifier of an individual as its own identifier, or use or disclose a government related identifier of an individual.



APP 10—Quality of personal information

An APP entity must take reasonable steps to ensure the personal information it collects is accurate, up to date and complete. An entity must also take reasonable steps to ensure the personal information it uses or discloses is accurate, up to date, complete and relevant, having regard to the purpose of the use or disclosure.

APP 11—Security of personal information

An APP entity must take reasonable steps to protect personal information it holds from misuse, interference and loss, and from unauthorised access, modification or disclosure. An entity has obligations to destroy or de-identify personal information in certain circumstances.

APP 12—Access to personal information

Outlines an APP entity's obligations when an individual requests to be given access to personal information held about them by the entity. This includes a requirement to provide access unless a specific exception applies.

APP 13—Correction of personal information

Outlines an APP entity's obligations in relation to correcting the personal information it holds about individuals.

Schedule 2—Personal information digest

Seafarers safety, rehabilitation and compensation authority

Address: GPO Box 9905
Canberra

1. Workers' compensation claim records under the Seacare Scheme

Purpose: To maintain a database of all claims made under the *Seafarers Rehabilitation and Compensation Act 1992* (Seafarers Act) and to enable the Seafarers Safety, Rehabilitation and Compensation Authority to manage compensation claims made against the Seacare Safety Net Fund. The primary purpose of the claims database is to enable the Seacare Authority to compile workers' compensation statistics and data relevant to the operation of the Seacare scheme

Content: Name, gender, date of birth, address, contact details, occupation, pay details, names and contact details of employers, medical diagnosis and other information, treating health professionals, witnesses to injuries, nature of illness or injury, prior physical or mental health issues, disabilities, racial or ethnic origin, language spoken, relationship details and financial circumstances

Regarding: Approximately 6000 claims made by approximately 4000 employees within the Seacare jurisdiction who have claimed workers' compensation benefits under the Seafarers Act. Personal information on claims is recorded

Disclosed to: The Seafarers Safety, Rehabilitation and Compensation Authority, approved rehabilitation providers, treating health professionals, Comcare's legal advisers and actuaries, courts, tribunals, employers and Commonwealth agencies where there is an obligation under law to provide it (including Comcare's Minister, superannuation boards, the Health Insurance Commission and Centrelink) and, in limited circumstances, contracted service providers conducting customer surveys or related activities

2. Notification of claims under the Seacare Scheme

Purpose: To collect information pursuant to the Seafarers Rehabilitation and Compensation Act 1992—this requires employers to provide the Seacare Authority with a determination form relating to all claims for workers' compensation

Content: The names of injured people, pay details, the name and contact details of the employer's representative making the determination, what the injured person was doing at the time of the incident, the nature of their injuries, and a determination on whether the claim was accepted or rejected

Regarding: Approximately 6000 determinations made in relation to approximately 4000 individuals

Disclosed to: Agencies that are parties to investigations, courts, and other relevant authorities

3. Health and safety representative training course accreditation—Seacare

Purpose: To assist the Seacare Accreditation Panel to assess courses submitted for accreditation by the Seacare Authority under the *Occupational Health and Safety (Maritime Industry) Act 1993*

Content: For course providers: company name, name of trainer(s) and qualifications, contact person's name, contact details, training providers who deliver health and safety representative training

Regarding: Approximately 10 training providers who deliver health and safety representative training

Disclosed to: The Seacare Authority, the Seacare Authority HSR Courses Accreditation Panel and the Seacare Authority's Accreditation Advisor

4. Event records

Purpose: To maintain information on attendance at Comcare and Seacare conferences and other seminars and forums

Content: Participants' names, work addresses, contact details, employer, positions held, physical disabilities or special needs

Regarding: Approximately 6000 Comcare staff and staff of other agencies who have participated in Comcare and Seacare events

Disclosed to: This information is not usually disclosed to anyone other than the agency concerned

5. Seafarers safety, rehabilitation and compensation Authority (Seacare Authority) members records

Purpose: To support the provision of secretariat services to the Seacare Authority

Content: Given names, phone numbers, email addresses, home addresses, bank details, declarations of interest, electronic signatures and photos.

Regarding: Approximately 27 past and present members of the Seacare Authority

Disclosed to: Seacare Authority, Comcare Annual Reports, external auditors and the Australian National Audit Office

6. Meeting papers and minutes—Seacare

Purpose: To support the provision of secretariat services to the Seacare Authority

Content: Name, date and place of injury, details of any other claims, nature of injury, disabilities and impairments and claim cost details

Regarding: 120 claims

