

## 2.2.11 Privacy Policy

### 2.2.11.1 Introduction

#### Purpose

The purpose of the Privacy Policy is to outline how Spaceframe Buildings complies with its confidentiality and privacy obligations. Spaceframe Buildings is required, by law, to comply with relevant state Acts relating to the handling and management of health records as well as the Federal Privacy Act 1988 which incorporates the 13 Australian Privacy Principles (APP's).

This Privacy Policy sets out how Spaceframe Buildings manages your personal, or health information. For all personal information kept on record, Spaceframe Buildings will take all reasonable steps to:

- ensure that the information is accurate, complete and up -to-date;
- protect the information from misuse, loss or unauthorised access or disclosure;
- provide individuals with access to their own personal information kept by Spaceframe Buildings; and
- store personal information securely with access limited to only those people necessary to manage and use the information according to this Privacy Policy.

#### Legislation

With effect 12 March 2014, the 13 Australian Privacy Principles (APPs) in Schedule 1 of the *Privacy Amendment (Enhancing Privacy Protection) Act 2012*, amends the *Privacy Act 1988* and includes:

- APP 1 — open and transparent management of personal information
- APP 2 — anonymity and pseudonymity
- APP 3 — collection of solicited personal information
- APP 4 — dealing with unsolicited personal information
- APP 5 — notification of the collection of personal information
- APP 6 — use or disclosure of personal information
- APP 7 — direct marketing
- APP 8 — cross-border disclosure of personal information
- APP 9 — adoption, use or disclosure of government related identifiers
- APP 10 — quality of personal information
- APP 11 — security of personal information
- APP 12 — access to personal information
- APP 13 — correction of personal information

Spaceframe Buildings Management is committed to implementing implement practices, procedures and systems that will ensure compliance with the 13 Australian Privacy Principles (APP's).

### 2.2.11.2 Definitions

**Personal Information** 'Personal information' is any information, or an opinion, about you where your identity is apparent or can reasonably be ascertained. This also applies to Spaceframe Buildings subcontractors site workers who are required to provide their personal contact details, including copies of their licences and tickets.

**Health Information** 'Health information' is all identifying 'personal information' collected to provide information on your fitness for duty, such that Spaceframe Buildings can appropriately and best manage your wellbeing whilst at work. This would include personal health information contained in Employee Fitness for Duty Declarations, Medical Certificates from Medical Practitioners (eg, associated with illness or return to work following injury). In the Australian Privacy Principles (APP's) 'Health information' comes under the definition of 'sensitive information'.

**Consent** 'Consent' means 'expressed consent or implied consent'. The four key elements of consent are:

- the worker is adequately informed before giving their consent;
- the worker gives consent voluntarily;
- the consent is current and specific; and
- the worker has the capacity to understand and communicate their consent.

**Note:** 'Implied consent' arises where consent may reasonably be inferred in the circumstances from the conduct of the worker and Spaceframe Buildings. Willingly provided information is usually sufficient to imply consent to collection of information.

### 2.2.11.3 Privacy of Personal Information

#### 2.2.11.3.1 Open and Transparent Management of Personal Information (AAP 1)

Spaceframe Buildings makes this Privacy Policy statement and other material available to Spaceframe Buildings' workers, upon request, to inform them of our policies on management of personal information. Upon request, Spaceframe Buildings staff will let workers know, generally, what sort of personal information we hold, for what purposes, and how we collect, hold and disclose that information.

Spaceframe Buildings will take reasonable steps to ensure that its web environment, internal network and databases are protected from unauthorised access using current technologies. Spaceframe Buildings will store personal and health information on secure servers that are protected in controlled facilities.

#### 2.2.11.3.2 Anonymity and Pseudonymity (AAP 2)

Individuals have the right to be dealt with anonymously, or by using a pseudonym, provided that this is lawful and practicable. However, it would be impracticable for Spaceframe Buildings to deal with workers who have not identified themselves.

Any individual who wishes to provide information to Spaceframe Buildings anonymously will be advised of the potential consequences resulting from their decision.

#### 2.2.11.3.3 Collection of Solicited Personal Information (APP 3)

Spaceframe Buildings will only ask you for personal information where we believe it is necessary for us to know that information in the course of your employment and work activities. Further, we will only collect your personal health information where some specified requirements are met, including in particular:

- a. with your consent; or
- b. when collection is required, authorised or permitted by law or law enforcement purposes; or
- c. the information is received, through an appropriate disclosure by another organisation such as your General Practitioner or other Health Professional, with your consent; or
- d. the collection is necessary to prevent, or lessen a serious threat to life, health or safety of a worker, or the public.

We will ensure that each Worker providing personal information is informed about and understands the purpose of collecting the information, to whom or under what circumstances their personal information may be disclosed to another party, and how they can access the information held about them.

We will ensure that workers providing personal information understand the consequences, if any, of providing

incomplete or inaccurate information.

Spaceframe Buildings may collect personal information such as names, addresses, email addresses, phone numbers, position details, licences held, and fitness for duty related health and other identifying information directly or indirectly to:

- a. comply with legislative, regulatory and/or funding requirements;
- b. conduct quality and safety, legislative due diligence requirements, audits and continual improvement;
- c. engage service providers to provide health checks such as drug and alcohol compliance checks;
- d. perform risk and probity checks in respect of contract management;
- e. oversee and undertake worker performance appraisals and safety management of construction service;
- f. perform administrative operations, including accounting, payroll, risk management, record keeping, archiving, systems development and testing; and
- g. develop, establish and administer alliances and other arrangements with other organisations in relation to the promotion and use of Spaceframe Building services.

Spaceframe Buildings will record e-mail addresses only after direct receipt of a message. E-mail addresses will not be added to a mailing list, unless they have been provided in order to subscribe to Spaceframe Buildings' mailing list portal.

Personal information collected by e-mail, or hard copy or electronic forms, will be used only for the purpose for which it was provided and will not be disclosed without consent, except where authorised or required by law. Health information may be collected by WQPHN directly or indirectly from Health Professionals engaged by Spaceframe Buildings to perform health service checks/screening, required to perform work related activities.

#### **2.2.11.3.4 Dealing with Unsolicited Personal Information (APP 4)**

Unsolicited personal information is personal information received by Spaceframe Buildings, where Spaceframe Buildings has taken no active steps to collect the information. APP 4 outlines the steps Spaceframe Buildings must take, and will take, if it receives unsolicited personal information.

Where it is unclear whether the information received is solicited or unsolicited personal information, Spaceframe Buildings will err on the side of caution and treat the personal information as unsolicited personal information.

#### **2.2.11.3.5 Other Types of Personal Information Held (APP 4)**

Other information collected and held by Spaceframe Buildings includes job applications, personnel files and referrer information. All data collected is considered personal information and will only be used for the purpose for which it was collected, or with prior consent from the individual, and will be managed in accordance with the Australian Privacy Principles (APP's).

#### **2.2.11.3.6 Notification of the Collection of Personal Information (APP 5)**

Spaceframe Buildings will take all reasonable steps to ensure workers have access to this Privacy Policy at, or before, the time of collection of personal information, or as soon as practicable afterwards. This applies to all personal information 'collected' about an individual, either directly from the individual, or from a third party.

#### **2.2.11.3.7 How Spaceframe Buildings Uses and Discloses your Information (APP 6)**

Spaceframe Buildings will ensure that personal information will only be used for the purpose it was collected, or that would reasonably be expected by the worker providing the information.

If a Worker is physically or legally incapable of providing consent, a responsible person (as described under the Act) may do so.

We will only disclose personal information without consent where such disclosure is required by law, or for law enforcement, or in the interests of the Worker's or the public's health and safety.

We will keep records of any such use and disclosure.

Information may be disclosed to a responsible person (as described under the Act).

#### **2.2.11.3.8 When Information can be Disclosed Without your Consent (APP 6)**

We will only disclose your personal information to a third party with your consent, unless:

- a. the disclosure is directly related to the primary purpose for collection;
- b. in an emergency situation, where release of information is necessary to aid medical treatment; or
- c. we are required by law to disclose the information (e.g. reporting of communicable diseases).

#### 2.2.11.3.9 Direct Marketing (APP 7)

Spaceframe Buildings will only use, or disclose, personal information for direct marketing purposes where the individual has either consented to their personal information being used for direct marketing, or has a reasonable expectation that their personal information will be used for this purpose, and conditions relating to opt-out mechanisms are met.

#### 2.2.11.3.10 Cross Border Disclosure of Personal Information (APP 8)

Spaceframe Buildings will take steps to protect Worker privacy if information is to be sent interstate, or outside Australia, and will only transfer your personal information to another State or Territory, or foreign country when:

- a. the individual consents to the transfer;
- b. the transfer is necessary for the fulfilment of a contract between you and Spaceframe Buildings; or
- c. the transfer is for your benefit, but it is impractical to obtain consent; or
- d. the recipient is bound by legislation that is substantially similar to the Privacy Act; or
- e. it is believed that the information will be protected by a privacy scheme, or legal provisions comparable to those in Australia.

#### 2.2.11.3.11 Adoption, Use or Disclosure of Government Related Identifiers (APP 9)

As required by Australian Privacy Principles (APP 9), Spaceframe Buildings will not use Medicare, or Veterans Affairs numbers, or other identifiers assigned by a Commonwealth or State Government agency to identify personal information.

#### 2.2.11.3.12 Quality of Personal Information (APP10)

Spaceframe Buildings will take all reasonable steps to ensure that personal information kept, used or disclosed by Spaceframe Buildings is accurate, complete, and as up to date as practicable.

#### 2.2.11.3.13 Security of Personal Information (APP11)

All reasonable steps are taken to protect personal information collected from misuse or loss, such as computer password access, access restrictions to work areas, office and building security systems, and adequate computer system virus protections and fire wall, and electronic back-up of worker records.

Spaceframe Buildings takes all necessary and reasonable steps to ensure that your personal information is accurate, complete, up-to-date and secure. We may store your health information in both hard copy and on computer. The storage, use and where necessary, transfer of personal health information will be undertaken in a secure manner that protects worker privacy. Hard copy information is kept under lock and key. Information stored on computer is password protected.

#### 2.2.11.3.14 Access to Personal Information (APP12)

You may request access to your personal information held by Spaceframe Buildings. Requests for access should be made in writing. Spaceframe Buildings needs to be satisfied that a request for personal information is made by you, or by another person who is authorised to make a request on your behalf. An identity document will need to be sighted to verify your identity or, if you are authorising another person to access on your personal records on your behalf, then a letter of authority and confirmation of your identity will be required prior to release of your personal information.

#### 2.2.11.3.15 Correction of Personal Information (APP13)

Where necessary, you can also request an amendment to any personal information in records held by Spaceframe Buildings, should you believe that it contains inaccurate information. Such requests should be made in writing. If Spaceframe Buildings does not agree to change your personal information in accordance with your request, you will be notified and we will permit you to make a statement of the requested changes and we will keep the request with your personal record/s. Spaceframe Buildings will use our best efforts to take less than 14 days to respond to your request.

There may be some circumstances in which access is restricted, and in these cases reasons for denying access will be explained. Further details relating to personal records are contained within the Spaceframe Buildings Records Management Policy and Procedures, a copy of which can be shown to you upon request.

#### 2.2.11.3.16 Updating Your Personal Information (APP 13)

If at any time you believe that any of your personal information, that we store is not accurate or is out of date, please let us know by contacting the Spaceframe Buildings Payroll.

#### 2.2.11.4 Privacy Complaints and How Spaceframe Buildings will deal with your Complaint

Spaceframe Buildings is committed to continual improvement and welcomes any comments or complaints that our workers may wish to offer. Such feedback helps us to identify the things that we do well, or need to improve. We recognise that, handled well, a complaint provides us an opportunity to strengthen our relationships with our workers. It provides us the opportunity to understand their circumstances and to explore ways to improve our management systems into the future. We will respond to your concerns quickly and in accordance with the Spaceframe Buildings Complaints Management Procedure (a copy of which you are welcome to sight upon request) and keep you informed of our actions and progress.

Complaints or queries with respect to this Privacy Policy and handling of personal information may be lodged electronically via the Spaceframe Buildings website, or in writing by email.

Alternatively, you may contact: Spaceframe Buildings Privacy Officer: Deb McRae  
Telephone: 07 3890 9523 Email: [debmcrae@spaceframe.com](mailto:debmcrae@spaceframe.com)

Under the **Privacy Act 1988** (Privacy Act) you can make a complaint to the Office of Australian Information Commissioner (OAIC) about the handling of your personal information.

For details please visit <https://www.oaic.gov.au/individuals/what-can-i-complain-about>

Unless a complaint can be dealt with immediately to the satisfaction of both parties, Spaceframe Buildings will provide a written response to the complaint within 35 days of the complaint being received.

If an individual believes the complaint has not been appropriately handled by Spaceframe Buildings, they should contact the Office of the Federal Privacy Commissioner, Privacy Hotline **1300 363 992** (local call charge) or via [www.privacy.gov.au](http://www.privacy.gov.au)



Jane Raspotnik – Director - Administration



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