



**LEGISLATIVE ASSEMBLY**  
FOR THE AUSTRALIAN CAPITAL TERRITORY

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OFFICE OF THE LEGISLATIVE ASSEMBLY



# HUMAN RESOURCES PRIVACY STATEMENT

## 2015



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# 1. INTRODUCTION

- 1.1 This policy outlines the nature of records containing personal information kept by the human resources function performed within the Business Support area of the Office of the Legislative Assembly (the Office). The policy has three sections:
- the first section concerns records relating to staff of the Office and staff of non-Executive Members of the Legislative Assembly;
  - the second section concerns records relating to non-Executive Members; and
  - the third section outlines general issues relating to both categories.
- 1.2 The Office will update this policy when its information handling practices change. For more detailed information on the handling of personal information in the Office of the Legislative Assembly, see the main privacy policy.

# 2. PERSONNEL RECORDS FOR STAFF OF THE OFFICE AND STAFF OF NON-EXECUTIVE MEMBERS

- 2.1 The purpose of these records is to maintain employment history and payroll and administrative information relating to all permanent and temporary staff members, so as to enable the Office to properly manage its business affairs and the employment of staff.
- 2.2 Personnel records are kept for staff employed by the Office and for staff employed by non-executive Members under the *Legislative Assembly (Members' Staff) Act 1989*.
- 2.3 There are two types of personal information (recruitment information; and performance and development information) that are only kept for staff employed by the Office. The relevant Members will hold any such information for their own staff but it is not subject to this policy.
- 2.4 Types of information kept are as follows:

# 3. PERSONNEL AND PAYROLL

- 3.1 The records may include the following:
- records relating to attendance and overtime;
  - leave applications and approvals;
  - medical and dental records supplied by a staff member or health practitioner;
  - payroll and pay related records, including banking details;
  - taxation details;

- declarations of pecuniary interests supplied for the purpose of managing perceived or actual conflicts of interest;
- employment history;
- proof of Australian citizenship;
- pre-employment vetting records and relevant security clearances;
- certified copies of academic qualifications;
- self-disclosed information on diversity and cultural background;
- probation reports;
- records relating to personal development and training;
- completed questionnaires and personnel survey forms;
- records relating to removals;
- travel documentation;
- records relating to personal welfare matters; and
- contracts and conditions of employment.

#### **4. RECRUITMENT (OFFICE STAFF ONLY)**

4.1 The records may include any one or more of the following:

- expressions of interest in employment;
- job applications;
- selection committee reports, including referees' comments;
- temporary employment proposals;
- records relating to character checks and security clearances.

#### **5. PERFORMANCE AND DEVELOPMENT SCHEME (OFFICE STAFF ONLY)**

5.1 Managers retain (and dispose of) documentation relating to the Office's staff Performance and Development Scheme in accordance with the guidelines for that scheme.

#### **6. OTHER**

6.1 The records may also include:

- records of accidents and injuries, compensation case files and rehabilitation case files;
- records relating to counselling and discipline matters, including investigation and action files;
- records relating to legal proceedings;
- records of criminal convictions, and any other staff and establishment records as appropriate;
- complaints and grievances; and
- recommendations for honours and awards.

## **7. CONTENTS OF PERSONNEL RECORDS**

7.1 Personal information on personnel records relates to current and former staff for permanent and temporary staff.

7.2 Contents of personnel records may include: name, address, date of birth, occupation, employee/payroll numbers and related identifiers, gender, qualifications, diversity/cultural information, next of kin, bank account details, details of pay and allowances, leave details, work reports, security clearance details and employment history.

7.3 Sensitive personal information has additional protection under the *Information Privacy Act 2014* . Sensitive information in personnel records could include:

- racial or ethnic origin
- philosophical beliefs
- political opinions
- religious beliefs or affiliations
- membership of a political association
- membership of a professional or trade association
- membership of a trade union
- sexual orientation or practices
- criminal record
- genetic information
- biometric information

7.4 The Office will only collect sensitive information if it is relevant to a particular matter or if the law requires us to do so (for example, if a staff member supplies sensitive information in relation to a declaration of conflict of interest).

## **8. HOW WE COLLECT PERSONAL INFORMATION**

8.1 The Office generally collects personal information directly from employees and applicants, but may also collect personal information from an employee's supervisors, other employees or intermediaries such as recruitment agents and personnel providers.

8.2 We may also collect personal information about employees and applicants from third parties, for example previous employers, when it is relevant to the selection process.

8.3 In rare cases the Office may collect sensitive information without an individual's consent, such as where it is necessary to investigate suspected unlawful activity or misconduct of a serious nature.

## **9. ACCESS TO PERSONNEL RECORDS**

9.1 Depending on the type of personal information, the following Office staff may have access to personnel records: the Office's payroll and HR staff; supervisors/managers; members of selection committees; and the person to whom the record relates.

## **10. DISCLOSURE**

10.1 Information held in personnel records may be disclosed as required by law, to:

- the ACT Auditor-General's Office;
- Comcare (or relevant workers compensation fund provider);
- Government Medical Officers;
- Superannuation Funds;
- the Australian Taxation Office;
- the receiving agency following a transfer; and
- the Chief Minister, Treasury and Economic Development Directorate

## **11. RECORDS FOR NON-EXECUTIVE MEMBERS OF THE LEGISLATIVE ASSEMBLY**

11.1 The purpose of these records is to maintain payroll and administrative information relating to non-executive Members and their entitlements. These records may include all, or any, of the following:

- name, address, date of birth, gender, details of pay and allowances;
- payroll and pay related records, including banking details;
- tax file number declaration forms; and
- travel documentation.

## **12. ACCESS TO RECORDS**

12.1 The following staff may have access to records: the Clerk; Director, Business Support, payroll/human resources staff of Business Support; and the Member to whom the record relates. Members can obtain access to their personal information by contacting any of these staff.

## **13. DISCLOSURE**

13.1 Members' declarations of private interests are made available to any person on request, subject to the Clerk advising the Member concerned of the name of the person to whom the information is made available and the reasons why it has been requested.

## **14. GENERAL ISSUES – QUALITY OF PERSONAL INFORMATION**

14.1 The Office maintains and updates personal information in its human resources files as necessary, or when we are advised that an individual's personal information has changed.

## **15. STORAGE AND SECURITY OF PERSONAL INFORMATION**

- 15.1 Records that relate to all current and former employees of an agency are stored securely on paper and electronic media. Not all personal information is kept in a common storage facility. Separate security arrangements often apply, depending on the sensitivity of the information.
- 15.2 The Office takes steps to protect the security and confidentiality of personal information it holds. For the Office's electronic systems these measures include: password protection; logical access controls; and the generation of audit trails. Personal information stored in paper form is protected by physical access controls such as lockable cabinets and secure offices.
- 15.3 The *Territory Records Act 2002* establishes frameworks for the management of personal information held within the Office's files and data systems. Personal information that is no longer required is destroyed in accordance with that Act and the Office's Records and Information Management Policy and Procedures, using an approved disposal schedule.

## **16. DISCLOSURE OF PERSONAL INFORMATION OVERSEAS**

- 16.1 The Office will generally only disclose human resources personal information to an overseas entity if you agree, or if we are authorised or required by law.

## **17. ACCESSING AND CORRECTING PERSONAL INFORMATION OR MAKING A COMPLAINT**

- 17.1 A staff member or former staff member can access, and ask that we correct, the personal information we hold about in the Office's human resources files, or make a complaint about how the Office has handled their personal information, in accordance with the processes set out in the Office's main privacy policy.

## **18. CONTACT US**

For further information contact:

Office of the Legislative Assembly  
C/- Business Support  
GPO Box 1020  
Canberra ACT 2601