



**ACT**  
Government

Chief Minister, Treasury and  
Economic Development

Ms Angelene Falk  
Australian Information Commissioner and Privacy Commissioner  
GPO Box 5218  
Sydney NSW 2001

Dear Ms Falk

### **Access to ACT Public Sector workers compensation data**

A document containing data on 28,926 ACT public servant workers compensation claims had been accessible to registered users on the ACT Government's eTendering platform TendersACT website.

The data had initially been released to registered users on the ACT Government's eTendering platform TendersACT to support an open tender process to identify a new workers compensation claims administration service which occurred in 2018.

The ACT Government first became aware of the availability of access to this data on 24 November 2021. Action was taken on the same day to remove the document from TendersACT. I can confirm that the data is no longer available to download.

Given the number of individuals that may be affected and the type of information involved, I would like to refer the matter to you and would be grateful for your advice and assistance to determine an appropriate course of action. A brief timeline of events relating to this matter is provided for your information at [Attachment A](#).

If you have any questions in relation to this matter, or would like to arrange access to the information included in the data set, please contact me directly at [glenn.bain@act.gov.au](mailto:glenn.bain@act.gov.au).

Yours sincerely

Glenn Bain

Executive Group Manager  
Procurement ACT

30 November 2021

## Attachment A – Timeline of Events

Date	Event
12 December 2017	Procurement proposal on an open tender for a new ACT Government workers compensation administrator presented by the Workplace Safety and Industrial Relations (WSIR) team in the Chief Minister, Treasury and Economic Development Directorate to the Government Procurement Board (GPB) for Strategic Review.
27 March 2018	Procurement proposal presented by WSIR to the GPB for Procurement Review. GPB did not review any addendums to the RFT as they had not been contemplated at the time.
24 April 2018	Goods and Service Procurement facilitates the release of RFT 29736.110, “Workers Compensation Claims Administration Services” (RFT) on the ACT Government’s eTendering platform TendersACT.  Note: Section 6.2.4 of the RFT specifies that “Tenderers will be issued with the ACT Government Claims Data. The Claims Data is classified as Confidential Information and will only be provided to Tenderers that have signed and returned the Confidentiality Agreement”.
30 April 2018	Details of an industry briefing to be held on 8 May 2018 issued under Addendum 1 to the RFT.  Note: Potential suppliers were required to sign the deed of confidentiality before participating in the industry briefing. The deed of confidentiality covered the arrangements for any information provided to potential suppliers.
8 May 2018	Workers compensation claims data (claims data) was sent directly by email to potential suppliers who had signed the deed of confidentiality. The data set included certain deidentified information relating to ACT Government workers compensation claims, including birth year, gender and occupation of the affected party, along with details relating to the injury including the location of the injury on the body, and the relevant medical, rehabilitation and other costs.
21 May 2018	In response to a call from potential suppliers for a longer period of claims data on which to base their tender response, the same data fields were used to produce a data set that included the same information for all workers compensation claims since self-Government in 1989. This new data set was released on TendersACT.  Due to what appears to be an internal breakdown in communications within the procurement team, the claims data was made available to all registered users of TendersACT, rather than being restricted to those who had signed the deed of confidentiality.
8 to 30 May 2018	19 unique users of TendersACT download the claims data a total of 35 times.
30 May 2018	RFT Closed. TendersACT platform restricts the access to the RFT documents to only ACT Government administrators.
29 February 2020	TendersACT platform upgrade. Tender documents on awarded tenders become available for download by any registered users. ACT Government not advised of changed functionality by the contracted service provider for TendersACT.

Date	Event
6 September to 24 November 2021	8 unique users of Tenders ACT download the claims data a total of 16 times.
24 November 2021	The Canberra Times approaches the ACT Government seeking information regarding the release of the compensation claims data set. Contracted service provider confirms that access was available since 29 February 2020. Contracted service provider removes RFT on Procurement ACT direction.
26 November 2021	Procurement ACT contacts the ACT Human Rights Commission and the Office of the Australian Information Commissioner alerting them to the release of the claims data.
30 November 2021	Correspondence sent to unique users of TendersACT to request that they not copy the RFT Material and destroy all RFT Material in all formats in which it may have been retained.
30 November 2021	Procurement ACT contacts the Office of the Australian Information Commissioner referring the date release for their consideration and seeking advice and guidance on the matter.