

Long Service Leave Authority

Privacy Policy

Our commitment to protecting your privacy

This privacy policy applies to the collection, storage, use and disclosure of personal information by or on behalf of the **Long Service Leave Authority** (referred to in this policy as “**ACT Leave**”, “**our**”, “**we**” or “**us**”). Please read it carefully.

We are committed to protecting your personal information, and ensuring its privacy, accuracy and security. We handle your personal information in a responsible manner in accordance with the *Information Privacy Act 2014 (ACT)*, the Territory Privacy Principles (“**TPPs**”) and other laws applicable to ACT Government agencies.

ACT Leave is established under the *Long Service Leave (Portable Schemes) Act 2009 (ACT)* (the “**LSL Act**”) to administer ACT portable long service leave schemes. Amongst other things, the LSL Act requires people and organisations (such as employers and workers in covered industries) to provide certain types of information to ACT Leave, including personal information. If you choose to provide additional personal information to ACT Leave, you agree to ACT Leave collecting, storing, using and disclosing your personal information as set out in this Privacy Policy.

In this Privacy Policy (and in applicable privacy law):

- “**Personal information**” means information or an opinion about an identified person, or a person who is reasonably identifiable, whether true or not, and whether or not recorded in a material form.
- “**Sensitive information**” (a type of personal information) means information or an opinion about a person’s race or ethnic origins, political opinions and associations, religious beliefs or affiliations, philosophical beliefs, sexual preferences or practices, trade or professional associations and memberships, union membership, criminal record, health or genetic information or biometric information.

Whose personal information does ACT Leave collect?

ACT Leave may collect your personal information if you:

- are an employer in a covered industry
- are a worker in a covered industry
- (or your organisation) provide a service or product to us
- apply for employment with us
- contact us with a general enquiry

- communicate with us by letter, fax, email, telephone, in person or via our website, or
- are a governing board member, office bearer or staff member of ACT Leave.

What types of personal information do we collect and hold?

ACT Leave collects personal information including:

- information which ACT Leave requires in order to administer ACT portable long service leave schemes in accordance with the LSL Act, including (but not limited to):
 - for employers in covered industries: the employer's name, address, trading name, ABN, ACN, address of principal place of business, registration date, financial information, other information entered into the employers' register, and any other relevant information directed by ACT Leave's governing board.
 - for workers in covered industries: the worker's name, address, date of birth, name and address of their employer's principal place of business, registration date, nature of work, remuneration, periods of employment, days worked, employers, tax file number, number of days of service credited under the LSL Act, accrued long service leave entitlements, details of long service leave granted to or taken by the worker, payments received by the worker instead of long service leave, banking details for payment of claims, information entered into the workers' register, other claim-related information, any other relevant information directed by ACT Leave's governing board or prescribed by regulation and (where applicable) details of registration with similar interstate long service leave schemes, workers compensation history, and details of incapacity including medical information.
- any other information supplied by employers and workers when communicating with ACT Leave (including via phone, fax, email, letter, in person or via the employer's or employee's individual online portal) including proof of identity; contact details; copies and records of communications
- information about ACT Leave's current, prospective and former staff, governing board, Registrar/Chief Executive Officer and Deputy Registrar, as required in the normal course of human resource management, the operation of ACT Leave, and in ACT Leave's performance of its responsibilities under the LSL Act and other responsibilities including as a territory authority
- information (e.g. name, occupation, employer, contact details and communications) about:
 - trade union officials and other representatives of workers within covered industries (e.g. if a trade union official contacts ACT Leave on behalf of a worker)

- representatives of agencies or bodies responsible for administering interstate long service leave schemes (if ACT Leave liaises with the representative of an interstate portable long service leave authority)
 - representatives of ACT and other government agencies, bodies and organisations with which ACT Leave has contact in the course of performing ACT Leave's functions and activities
 - current, prospective or former suppliers of products and services (and their representatives).
- information supplied by any person who communicates with ACT Leave, including via phone, fax, email, letter, in person or via ACT Leave's website.

We may collect your sensitive information if authorised or required by the LSL Act or by any other law, or if you have consented to us doing so – for example:

- as part of information collected about ACT Leave's governing board and staff where required for organisational and human resource management purposes or if, as a worker in a covered industry, you provide medical information about your incapacity; or if you provide information about your trade union membership (such as if you nominate a union to contact us on your behalf).

How do we collect personal information?

We only collect personal information by lawful and fair means.

We may collect your personal information from a range of sources, including from:

- employers within covered industries applying for registration; providing quarterly reports; providing other information to ACT Leave including via the employer's online portal; or communicating with ACT Leave by phone, fax, email, letter, in person or via their authorised representative
- workers within covered industries applying for registration; updating their contact details; providing other information to ACT Leave including via the worker's online portal; or communicating with ACT Leave by phone, fax, email, letter, in person or via their authorised representative
- public sources of information which may help ACT Leave to identify potential employers and workers within covered industries
- people and records when ACT Leave conducts enforcement activities (e.g. site visits)
- ACT Leave's communications with:
 - trade union officials and other representatives of workers within covered industries

- representatives of agencies or bodies responsible for administering interstate long service leave schemes
- representatives of ACT and other government agencies, bodies and organisations with which ACT Leave has contact in the course of performing ACT Leave's functions and activities
- current, prospective or former suppliers of products and services (and their representatives)
- people applying for employment with us
- ACT Leave's officers, staff and governing board members
- any person who communicates with us, including via phone, fax, email, letter or in person.

We usually collect personal information from:

- electronic communications – for example, emails and attachments; forms and reports filled out by people; and via employer and worker portals; including as part of ACT Leave's administration of the ACT portable long service leave schemes
- face-to-face meetings, interviews and telephone calls
- business cards
- third parties – for example, from recruitment agencies and your representatives or agents
- our website, including if you use it to contact us.

Wherever reasonable and practicable, we collect personal information from the individual to whom the information relates. However, in administering the ACT portable long service leave schemes, it is often necessary for ACT Leave to collect information about workers from their employers (e.g. via quarterly returns) and vice versa (e.g. when workers claim leave entitlements).

If you voluntarily provide to us personal information about someone other than yourself, you agree that:

- you have that person's consent to provide the information for the purpose for which you provide it to us
- you have told the person about this Privacy Policy and where to find it.

Why do we collect personal information?

We collect personal information so that we can:

- administer and promote compliance with the ACT portable long service leave schemes, in accordance with the LSL Act;
- administer ACT Leave's general business requirements and
- meet our legal and regulatory obligations, including as a territory authority.

If you do not provide your personal information, we may not be able to fulfil our responsibilities to administer the ACT portable long service leave schemes, comply with our other responsibilities, employ you, answer your query, or otherwise deal with you.

How we deal with unsolicited personal information?

If we receive personal information about you that we have not requested, and we determine that we could not have lawfully collected that information had we asked for it, we will destroy or de-identify the information if it is lawful and reasonable to do so.

Do you have to disclose your identity when dealing with us?

Where lawful and practicable, we will give you the option of interacting with us anonymously or using a pseudonym.

Use of personal information

We only use your personal information for the purpose for which it was provided to us, for related purposes or as required or permitted by law. Such purposes include to:

- administer the ACT portable long service leave schemes, including to –
 - process employers' and workers' applications for registration
 - issue certificates of registration and information packs to employers
 - issue registered employers and workers with unique identifiers
 - issue periodic statements to employers
 - collect and process quarterly returns from employers
 - collect levies from employers
 - maintain and update the registers of employers and workers in covered industries
 - provide employers and workers access to their respective employers' and workers' registers via secure online portals
 - correct and update changes of details of registered employers and workers
 - calculate long service leave entitlements
 - undertake compliance and enforcement activities

- upon application, issue certified copies of long service leave registers to employers, workers or their authorised representatives
 - process claims by workers for accrued long service leave or payment for the leave
 - pay leave claims including on behalf of reciprocal authorities under a corresponding law
 - deduct and remit (to the Australian Tax Office) tax on leave payments.
- perform ACT Leave's administrative responsibilities under the LSL Act and other responsibilities including as a territory authority
 - undertake surveys, monitoring, analysis and evaluation of the ACT portable long service leave schemes and ACT Leave's performance of its functions and activities
 - carry out ACT Leave's day-to-day operations, including general administration, record keeping, recruitment; human resource, management, acquiring products and services, managing suppliers, risk management, training, quality assurance; reporting and management functions, internal corporate governance, and meeting our legal and contractual obligations to third parties
 - respond to enquiries and feedback
 - provide people with information about our activities, events, news and publications
 - aggregated information will be used for some purposes associated with the operation of the administered schemes that is consistent with the LSL Act.

Disclosure of personal information

We may disclose, and you consent to us disclosing, your personal information to:

- third parties engaged by us to provide products or services, or to undertake functions or activities, on our behalf. For example, compliance assessment, processing payment information, managing databases, data and document storage, ICT service providers, marketing, conducting audits, research, surveys, monitoring, analysis and evaluation.
- ACT Leave uses [Swift Digital](#), an online marketing automation platform and service provider to send and manage emails and events. In using this service, ACT Leave may collect personal information which may contain email addresses and other information to be used for the distribution of email campaigns and other important information. You can unsubscribe from these emails at any time.
 - All information collected using the [Swift Digital](#) service is the property of ACT Leave and is never shared or used by third parties.



ACT
Government



- Swift Digital maintains your data in compliance with Australia's *SPAM ACT 2003* and Australian Privacy Provisions.
 - All data is maintained within Australia and never leaves Australian jurisdiction. Where stipulated data is encrypted in transit using SSL connections. All data stored via Swift Digital is encrypted at rest.
 - Should you wish to contact Swift Digital, you can find contact details on the website.
- reciprocal authorities (interstate agencies and bodies that are responsible for administering similar portable long service leave schemes), such as if you apply to ACT Leave for payment of a long service leave entitlement under a corresponding law
 - your authorised representatives (e.g. your trade union representative if you are a registered worker)
 - our external advisers (e.g. where disclosure is reasonably required to obtain advice, prepare legal proceedings or investigate suspected unlawful activity or serious misconduct)
 - as otherwise authorised or required by law (e.g. data provided to ACT Revenue Office under section 82 of the Taxation Administration Act 1999, or when we remit tax on leave payments to the Australian Tax Office).

If you are an employer in a covered industry we may also disclose on our website:

- limited information about your business. This information is restricted to your business name and/or trading name, ABN and/or ACN (if applicable), your registration number under the ACT portable long service leave scheme, the number of employees in your last return
- non-sensitive information of your business if you are issued with an outstanding infringement notice for failing to submit quarterly returns 3 months after the end of the quarter.

Use or disclosure of sensitive information

We will only use or disclose your sensitive information for the purpose for which it was initially collected or for a directly related purpose, as required or permitted by law, or where you consent to the use or disclosure.

Disclosure of personal information overseas

We do not disclose personal information to third parties outside Australia, unless required or permitted by law.

How is my personal information kept secure?

We take reasonable steps to protect your personal information from misuse, interference, loss and unauthorised access, modification and disclosure. Such steps include: physical security over paper-based and electronic data storage and premises; computer and network security measures, including use of firewalls, password access and secure servers; restricting access to your personal information to staff and those acting on our behalf who are authorised and on a 'need to know' basis; retaining your personal information for no longer than it is reasonably required, unless we are required by law to retain it for longer; and entering into confidentiality agreements with staff and third parties.

Where we no longer require your personal information, including where we are no longer required by law to keep records relating to you, we will ensure that it is de-identified or destroyed.

Data quality

We take reasonable steps to ensure that your personal information is accurate, complete and up-to-date. However, we rely on you to advise us of any changes or corrections to the information we hold about you. If you consider that the information we hold about you is not accurate, complete or up-to-date, or if your information has changed, please let us know as soon as possible.

Access

You may request access to the personal information we hold about you by contacting us. We will respond to your request within a reasonable time. We will provide you with access to the information we hold about you unless otherwise permitted or required by law, e.g. under the *Freedom of Information Act 1989* (ACT). If we deny you access to the information, we will notify you of the basis for the denial unless an exception applies. Where reasonable and practicable, we will provide access to the information we hold about you in the manner you request. No fee applies for requesting access to information we hold about you.

Correction

If you believe that personal information we hold about you is incorrect, incomplete or not current, you may request that we update or correct your information by contacting us. We will deal with your request within a reasonable time. If we do not agree with the corrections you have requested (for example, because we consider that the information is already accurate, up-to-date, complete, relevant and not misleading), we are not required to make the corrections. However, where we refuse to do so, we will give you a written notice setting out the reasons.

Complaints

If you have a complaint in relation to the collection, storage, use or disclosure of your personal information, please contact our Privacy Officer using the details below. You will need to provide us with details of your complaint, as well as any supporting evidence and information. We will review all complaints received and our Privacy Officer will respond to you. If you are not satisfied with our response, you may discuss your concerns with or complain to the Australian Privacy Commissioner via www.oaic.gov.au.

Changes to this Privacy Policy

We reserve the right to revise this Privacy Policy or any part of it from time to time. Please review this Policy periodically for changes. Any revised policy will be placed on our website at <http://www.actleave.act.gov.au/privacy-policy>. Your continued use of our website, products or services, requesting our assistance, or the provision of further personal information to us after this Privacy Policy has been revised, constitutes your acceptance of the revised Privacy Policy.

How to contact us

If you have any questions about this Privacy Policy, please contact ACT Leave's Privacy Officer:

by email to: enquiry@actleave.act.gov.au

by writing to: Privacy Officer
ACT Leave
PO Box 264
Jamison Centre ACT 2614

by telephone: (02) 6247 3900

Effective date: 11 January 2021