DISCLOSURE OF PERSONAL INFORMATION POLICY

Purpose
Education Centre of Australia Pty Ltd (“ECA”) understands that personal information can be used to identify a person and should only be used by ECA in limited circumstances. Personal information concerning employees is confidential and ECA will only be used for purposes for which the information is relevant. This Policy outlines the circumstances surrounding the disclosure of personal information.

Commencement of Policy
This Policy will commence from 2/01/2012. It replaces all other disclosure of personal information policies of ECA (whether written or not).

Application of the Policy
This Policy applies to employees and prospective employees of ECA. This Policy does not form part of any employee’s contract of employment.

What is personal information?
Personal information is any information that can be used to identify a person. This includes any personal information or opinions about the person, whether true or not, no matter how the information or opinions are recorded.

Sensitive information is a special category of personal information and includes information about a person’s health, race or ethnic origin, political or religious beliefs, membership of a trade union or association, or criminal record. ECA will not disclose a person’s sensitive information without the person’s consent, unless there is a need to disclose such information in accordance with Privacy Act 1988 (Cth) or to comply with any other legislation.

Prospective employees/job applicants
Information Collected
ECA collects personal information from job applicants and candidates in the recruitment process. A failure by an applicant to provide any lawfully requested information may result in the processing of the application being delayed or may result in the application being unsuccessful. Any information which is provided by a job applicant which is later found to be false, may result in the person’s application being unsuccessful. If the person is employed, it may result in the termination of that person’s employment.

Unsuccessful applications
If a job applicant applies for a job and their application is unsuccessful but they would like ECA to hold on to their application to consider them for other positions which may arise from time to time, the applicant should provide their written consent to ECA to do so.

Access to and correction of personal information
Subject to any agreed or lawful exceptions, a job applicant has a right to: access and copy their personal information which is held by ECA; and correct any incorrect information held by ECA about the applicant.

Security of Personal Information
ECA will take reasonable steps to keep a job applicant’s personal information.
Complaints
If a job applicant has a complaint about ECA’s privacy practices it should contact the Human Resources Manager.

Employees
Access of certain records by employees
ECA employees do not have a general right to access and review their personal records which is held about them by ECA. An employee may, however, access certain statutory employment records including:
- the name of the industrial instrument or instrument under which the employment is regulated. For example, the name of the relevant award or agreement;
- the employees’ time and wages records;
- records of the employees’ leave;
- records of superannuation contributions made on behalf of the employee;
- the employee’s of individual flexibility arrangements and guarantees of annual earnings; and
- workers’ compensation records relevant to the employee.

ECA will provide an employee with a copy of these records within 10 days of the request being made. These records will be made available to the employee at either the premises where the employee works or at other mutually agreed premises. All other employment records are exempt from the Privacy Act 1988 (Cth) and those employment records and personnel records may not be made available to employees.

An employee will not be provided with access to the records of any other employee.

Maintenance of records
ECA is required to keep employee records for seven years from the date on which an entry is made or from termination of an employee’s employment, depending on which happens first. In the case of other records such as tax records, ECA must maintain those records for a continuous period of seven years from the date the entry is made.

Non-disclosure
Employees of ECA are not permitted to disclose confidential or personal information which is collected by ECA about its suppliers, customers, agents or contractors. If an employee is not sure whether information is confidential or personal, they must check with ECA’s Privacy Officer or their immediate manager.

Confidential and personal information is information that is not in the public domain. It includes, but is not limited to, the following types of information:
- any personal information about an individual which has been collected by ECA;
- any information about a supplier, customer, agent or contractor of ECA;
- any personal information about an employee or colleague (including a prospective or former employee); and
- any information about ECA’s business affairs or business systems.

Variations
ECA reserves the right to vary, replace or terminate this policy from time to time.