



AIMS-IC-03

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1. OVERVIEW

The *Privacy Act 1988* (C'th) regulates the collection, use, disclosure, storage and security of personal information by both government agencies and private organisations. AIMS' policies and procedures with respect to personal information as a government agency are contained in this document which gives effect to the 13 binding Australian Privacy Principles (**APPs**) introduced under the Act in March 2014. (A summary of the APPs appears at the end of this policy. The full APPs can be accessed via the following link: www.oaic.gov.au/privacy/privacy-act/australian-privacy-principles)

This Policy applies to all members of the AIMS Council, all AIMS officers and staff, AIMS visitors (including in a voluntary capacity), external contractors and consultants (whether visiting or working on AIMS' properties) and any other parties that have entered into an arrangement to participate in AIMS activities (**AIMS Personnel**).

It describes how AIMS manages and protects personal and sensitive information in accordance with the APPs and the Privacy Act. Detailed information on the APPs and privacy is available on the website of the Office of the Australian Information Commissioner (**OAIC**) at: www.oaic.gov.au. Further enquiries should be directed to AIMS Privacy Officer via email to: privacy@aims.gov.au.

2. PRIVACY POLICY AND PROCEDURES

2.1 Personal Information

The types of personal information collected by AIMS include:

- name
- contact details (address, telephone numbers, email etc.)
- age, date of birth and occupation
- employment history
- credit card and other personal financial details (e.g. tax file number, bank account)
- photographic identification
- educational qualifications
- complaint details
- any other information AIMS Personnel provide or AIMS obtains from time to time

2.2 Sensitive Information

The types of sensitive information collected by AIMS include records of communication between AIMS Personnel and AIMS, being information that AIMS Personnel themselves may provide or which is obtained through or from third parties. This includes information regarding, or an opinion about, an individual's:-

- health
- membership of a professional association
- membership of a trade union
- character and/or criminal record
- security clearances

Under the APPs sensitive information is generally afforded a higher level of privacy protection than personal information.

2.3 Purpose of Collecting Personal Information

The Australian Institute of Marine Science (AIMS) is a corporate Commonwealth entity established under the *Australian Institute of Marine Science Act 1972* (AIMS Act). As Australia's tropical marine research agency, our mission is to conduct innovative, world class scientific and technological research to support sustainable growth in the use and effective environmental management and protection of Australia's tropical marine estate.

In furtherance of these primary functions and activities, AIMS from time to time collects personal and sensitive information in relation to AIMS Personnel which normally arises from keeping the following types of records:-

- personnel files
- recruitment records
- health and safety records
- payroll records
- legal files
- compliant reports
- tenders and expressions of interest
- Freedom of Information Requests
- project files

AIMS' policy is not to use the information which it collects in any way other than for purposes directly related to its functions and activities and only where it is necessary for, or directly related to, those purposes. In general terms these purposes include:-

- providing scientific and research services to public and private sector organizations
- undertaking research including with collaborative partners
- administrative functions common to all Australian Government agencies (i.e. financial management, personnel/contractor management, asset management and workplace health and safety).

2.4 Collection of Personal Information

AIMS generally collects personal information in the following ways:

- face to face contact (e.g. in a meeting or interview scenario)
- electronically (e.g. through emails received, entries on AIMS' website and online surveys/questionnaires/ inductions)
- via AIMS' social media messages or conversation
- during phone calls
- in voice or image recordings (e.g. at AIMS events)
- via forms, applications for jobs and grants and written correspondence

In certain circumstances AIMS may also collect personal information in respect of its Personnel from third parties. In such situations AIMS' policy is to only do so where it is necessary for, or directly related to, its functions and activities AND either:

- AIMS Personnel have provided express or implied consent;
- AIMS is required or authorised by law to do so;
- it is unreasonable or impractical to collect the information directly; or
- (in the case of sensitive information only) the exceptional circumstances of a Permitted General Situation as defined in the Privacy Act (e.g., serious threat to life, health or safety) are applicable.

At or before the time personal information is collected for a specific activity being carried out by AIMS (or as soon as practicable afterwards), AIMS will as and where required use a privacy collection

notice that deals specifically with each particular collection. The notice will include a description of the purpose(s) for which the information will be used and other necessary details,

2.5 Use of Personal Information

AIMS will primarily use personal information for the particular purpose it was collected being directly related to one or other of the purposes referenced in paragraph 2.3. It will be used for secondary purposes only where this would be reasonably expected. Examples of secondary purposes would include promotion of AIMS' services, public education and quality assurance.

Personal information may need to be disclosed by AIMS to third parties in the following situations:

- to relevant government agencies(e.g. Comcare, superannuation entities, Department of Finance, Australian Audit Office etc.);
- AIMS' portfolio Minister and/or Department;
- law enforcement agencies;
- under a legal court order ; and
- Senate Committee Inquiries/Questionnaires.

In limited circumstances it may be necessary to disclose information to overseas recipients. For example, where an overseas referee is nominated to support a job application, there is a secondment to or from an overseas post or an international grant is being applied for. Before doing so in such situations AIMS will:

- take such steps as are reasonable to ensure the overseas recipient does not breach the AAPs;
- form a reasonable belief that the overseas recipient is bound by laws or policies substantially the same as the AAPs; or
- seek an informed consent in writing based on advice given by AIMS as to the potential consequences of giving consent.

2.6 Accessing and Correcting Personal Information

AIMS Personnel can request access to their personal information by contacting the Privacy Officer via email at privacy@aims.gov.au or phoning 61 (7) 4753 4444 unless it is employment-related in which case the Human Resources Manager should be contacted. Occasionally, AIMS may need to refuse requests to access information under exceptions set out in the Privacy Act, such as, for example, where granting access would infringe another person's privacy or interfere with an ongoing investigation.

A form of identification would need to be provided in such circumstances. In addition, the request should list and describe as clearly as possible the information for which access is being sought. AIMS will not charge for lodging such requests but may seek recompense for reasonable administrative costs. Any such fees will be assessed on a case-by-case basis with the requesting person being informed in advance of the likely amount involved.

Any questions or queries involving a request for access to personal information relating to employment should be addressed to the AIMS Human Resources Manager in the first instance. All other access queries should be directed to the Privacy Officer.

If the request for access is denied, a written explanation will be provided. Additionally, as AIMS is subject to the *Freedom of Information Act* 1982 which operates alongside the *Privacy Act* and this policy, it can be availed of by AIMS Personnel.

If a member of AIMS Personnel can establish that personal information held by AIMS about him or her is inaccurate, irrelevant, out of date, incomplete or misleading, AIMS will take reasonable steps to amend it. The procedure is for a request to be placed in writing and sent or delivered to the Human Resources Manager (if employment related), or to the Privacy Officer if otherwise. The request should include supporting reasons and attach copies of documentary evidence which as clearly as possible identifies the problem. AIMS will then consider whether or not to accede to the request. If AIMS disagrees with the evidence and/or reasons placed before it, AIMS will provide written reasons for refusing the request and will keep a record.

2.7 Complaints

If a member of AIMS' Personnel wishes to make a complaint about AIMS privacy practices the procedure is as follows:-

- Prepare a written complaint with all relevant details and supporting documents;
- Submit the complaint to privacy@aims.gov.au. In order to effectively address the complaint, AIMS may seek further information and/or documentation;
- The complaint will be responded to within 28 business days (or as soon as practicable);
- If a complainant is not satisfied with how AIMS has handled the complaint, they should contact the Privacy Commissioner via the OAIC's website (www.oaic.gov.au). The OAIC is a government body independent of AIMS. It has the power to investigate complaints about possible interference with privacy.

2.8 Security

AIMS' ICT systems comply with applicable security standards and processes which include the following:-

- access controls and passwords on key systems;
- only authorised staff are permitted remote and physical access to data centres and their devices;
- third party service providers obtain physical access to AIMS' data centres and devices under formal contract arrangements which have appropriate provisions to protect against breaches of the privacy of AIMS' Personnel;
- specific security software installed on all critical AIMS' ICT devices;
- AIMS' ICT systems monitoring of real-time events to detect and prevent erroneous and malicious activities;
- AIMS' physical devices have varying degrees of inbuilt security (e.g., firewalls);
- use of secure online payment systems; and
- encryption of electronic files where government regulations require certain personal data to be provided to other agencies (e.g. Department of Finance, ANAO or Attorney-General's Department).

Only authorised personnel are permitted to access personal and sensitive information and are required to do so strictly on a "need to know" basis. In furtherance of this directive and in alignment with AIMS' security systems and processes, AIMS' policy is to:-

- take reasonable steps to ensure that the personal and sensitive information of AIMS Personnel is protected from misuse or loss and from unauthorised access, modification or disclosure;
- permanently de-identify personal and sensitive information where it is reasonable and practicable to do so; and
- destroy personal and sensitive information once there is no longer a legal or business need to use or retain it.

2.9 Anonymity

It is a right of all AIMS Personnel to be dealt with anonymously or by adopting a pseudonym, provided that it is lawful and practicable to do so. Examples where it is not practicable are names and contact details for job applications and access requests via FOI or Privacy Act.

2.10 Health Information

AIMS may collect health information from AIMS Personnel (such as medical history to determine eligibility to participate in certain initiatives or activities). When collecting such information, AIMS will obtain the prior consent of the individual and explain how the information will be used and disclosed.

Where health information is collected from a third party (e.g. from doctors), the member of AIMS Personnel will be informed that such information has been collected and will explain how it will be used.

AIMS will not use health information beyond the consent provided by AIMS Personnel, unless further consent is obtained or in accordance with one of the exceptions under the Privacy Act or another applicable law. If AIMS uses health information for research or statistical purpose, it will be de-identified if and when practical to do so.

2.11 Cookies and Links to Other Websites

Cookies

When the AIMS website is visited, a record of the visit is logged. This applies to all AIMS web properties including both its external website and the intranet and occurs regardless of whether cookies are enabled or not.

The following data is supplied by the browser:

- IP address and/or domain name;
- operating system (type of browser and platform);
- the date, time and length of the visit to the website;
- the resources accessed and the documents downloaded; and
- in the case of intranet systems, if the user has logged in, the user name of the person is also recorded.

This information is used to compile statistical information about the use of AIMS' website but also for debugging problems within AIMS' systems. It is not used for any other purpose. AIMS Personnel who do not wish for 'cookies' to be used may adjust their browser settings to disable them.

Links to other websites

The AIMS website may contain links to third party websites, and third party websites may also have links to the AIMS website. This privacy policy does not extend to external links or other websites.

The operators of other websites may collect personal information. AIMS encourages all AIMS Personnel to read the privacy policies of any website that is linked from the AIMS website before accessing such website.

3. REFERENCES

3.1 Legislative Enactments

Australian Privacy Principles
Privacy Act 1988
(visit www.comlaw.gov.au to access these)

3.2 General Information

For enquiries send an email to: privacy@aims.gov.au
For further information on privacy visit: www.oaic.gov.au

4. SUMMARY OF AUSTRALIAN PRIVACY PRINCIPLES

APP 1 — Open and transparent management of personal information

Ensures that APP entities manage personal information in an open and transparent way. This includes having a clearly expressed and up to date APP privacy policy.

APP 2 — Anonymity and pseudonymity

Requires APP entities to give individuals the option of not identifying themselves, or of using a pseudonym. Limited exceptions apply.

APP 3 — Collection of solicited personal information

Outlines when an APP entity can collect personal information that is solicited. It applies higher standards to the collection of 'sensitive' information.

APP 4 — Dealing with unsolicited personal information

Outlines how APP entities must deal with unsolicited personal information.

APP 5 — Notification of the collection of personal information

Outlines when and in what circumstances an APP entity that collects personal information must notify an individual of certain matters.

APP 6 — Use or disclosure of personal information

Outlines the circumstances in which an APP entity may use or disclose personal information that it holds.

APP 7 — Direct marketing

An organisation may only use or disclose personal information for direct marketing purposes if certain conditions are met.

APP 8 — Cross-border disclosure of personal information

Outlines the steps an APP entity must take to protect personal information before it is disclosed overseas.

APP 9 — Adoption, use or disclosure of government related identifiers

Outlines the limited circumstances when an organisation may adopt a government related identifier of an individual as its own identifier, or use or disclose a government related identifier of an individual.

APP 10 — Quality of personal information

An APP entity must take reasonable steps to ensure the personal information it collects is accurate, up to date and complete. An entity must also take reasonable steps to ensure the personal

information it uses or discloses is accurate, up to date, complete and relevant, having regard to the purpose of the use or disclosure.

APP 11 — Security of personal information

An APP entity must take reasonable steps to protect personal information it holds from misuse, interference and loss, and from unauthorised access, modification or disclosure. An entity has obligations to destroy or de-identify personal information in certain circumstances.

APP 12 — Access to personal information

Outlines an APP entity's obligations when an individual requests to be given access to personal information held about them by the entity. This includes a requirement to provide access unless a specific exception applies.

APP 13 — Correction of personal information

Outlines an APP entity's obligations in relation to correcting the personal information it holds about individuals.