



Jebel Consultant Group Pty Ltd

## Privacy Policy

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August 2016

## Introduction

JCG is covered by the *Privacy Act 1988* ('the Privacy Act').

The Privacy Amendment (Enhancing Privacy Protection) Bill 2012 (Reform Bill), which came into effect on 12 March 2014, amended sections of the Act and included a set of new, harmonised, privacy principles. These Australian Privacy Principles (APPs) regulate the collection, use, storage and disclosure of Personal Information by:

- any private sector business (including a sole proprietor) that:
- has an annual turnover of more than \$3 million; or
- collects or discloses Personal Information for a benefit, service or advantage (irrespective of turnover); or
- provides a health service and holds health information (irrespective of turnover)(s 6D); and
- all credit providers and credit reporting agencies
- most Commonwealth, ACT and Norfolk Island government departments and agencies
- service providers under Commonwealth government contracts where the contract obliges compliance with the Act
- foreign businesses with an 'Australian Link' under some circumstances

## Scope

This Privacy Policy relates to the collection, storage, use and disclosure by JCG (or any person acting on behalf of JCG) of records containing Personal Information.

This policy does not relate to the collection, storage, use and disclosure of Personal Information where:

- it is an Employee Record; and
- the information collected in the Employee Record relates to JCG's employment relationship with the employee

This Privacy Policy addresses how JCG handles Personal Information collected and ensures JCG manages it in a way that is consistent with the APPs.

## Definitions

As defined in the Act, Personal Information means information or an opinion about an identified individual, or an individual who is reasonably identifiable:

- whether the information or opinion is true or not; and
- whether the information or opinion is recorded in a material form or not

An Employee Record is defined as a record of Personal Information for an employee of JCG.

Sensitive Information is in a special category of Personal Information under the Australian Privacy ACT 1988 and is defined in the ACT as follows:

- information or opinions about an individual's:
  - racial origin, or
  - ethnic origin, or
  - political opinions, or
  - membership of political association, or
  - religious beliefs or affiliations, or
  - philosophical beliefs, or
  - membership of a professional or trade association , or
  - membership of a trade union, or
  - sexual orientation, or practices, or
  - criminal record
- Health information about an individual, or
- Genetic information about an individual that is not otherwise health information, or
- Biometric information that is to be used for the purpose of automated biometric verification or biometric identification, or
- Biometric templates

# Part 1 Consideration of Your Personal Information Privacy

## APP 1: Open and Transparent Management of Personal Information

All information collected from you will be freely accessible to you. All information collected will conform to Part 2 Collection of your Personal Information of this document.

JCG will only collect, record and disclose Personal Information for:

- Purposes of identifying your expertise for your professional advancement.
- Recruitment and placement purposes

Any information collected will not be disclosed to any third party unless expressly agreed by you in advance or as required by Australian Law.

## APP 2: Anonymity and Pseudonymity

It is your choice to provide information to us. Wherever it is lawful and practicable, you have the option not to identify yourself or to use a fictional name when interacting with us so that you remain anonymous. However, it may be necessary for us to collect your Personal Information if required or authorised by or under Australian law, or a court/tribunal.

## Part 2 Collection of Your Personal Information

### APP 3: Collection of Solicited Personal Information

JCG collects your Personal Information only if you have consented to the information being collected where it is reasonably necessary for one or more of our functions or activities, or if one of the other exceptions applies under the APP 3.4.

JCG will only collect Personal Information about you that is relevant for to the purposes for which it needs to be collected. If you provide such information you agree that we may contact you by phone, SMS, or email in order for us to inform you of possible placement opportunities or other relevant matters.

Personal Information that JCG typically collects for such a purpose may include:

- Your name, date of birth and country of birth
- Citizenship status
- Contact details – phone number, mobile number, email address
- Address
- Employment/Educational history which may include Curriculum Vitae and referees
- Awards, special achievements
- Employment preferences
- Any other information that may be relevant to match you with suitable placement opportunities

We only collect your information by lawful and fair means.

We collect your information in different ways, including:

- forms, such as the employment information form
- electronically, via email
- phone calls; and
- through organised meetings

We will always collect Personal Information from you directly without intimidation or deceptions or unreasonable intrusion.

#### **APP 4 Dealing with Unsolicited Personal Information**

If we receive Personal Information about you that we did not request and we could not have collected this information as set out by the means above, we will destroy or de-identify the information (i.e. any information that could reasonably identify you as an individual is removed) as soon as practicable. This will apply except where the information is required by law or a court/tribunal order to retain the information.

#### **APP 5: Notification of the Collection of your Personal Information**

When JCG collects your information JCG will file or electronically record the information for subsequent access, use and disclosure and, as appropriate, retrieval.

JCG will provide you with a collection notice that will outline one or all of the following:

- details of how to access your information
- why we are collecting the information
- the main consequences (if any) for you if you do not provide all or part of the information we have requested
- the organisation(s) or types of organisation(s) to which we normally pass on information
- access your information in order to make corrections and that our Privacy Policy explains how that can be done
- information about how someone can complain if they believe we may have breached the APPs and how we will handle that complaint and
- information to you about disclosing your information to overseas parties and if so, the countries in which those parties are located

## Part 3 Dealing with Your Personal Information

### APP 6: Use or Disclosure of your Personal Information

JCG will only use your Personal Information for purposes which are directly related to the reason that you provided it to us and where you would reasonably expect us to use it. For example, we may send other organisations or agencies your curriculum vitae in the event that there is a job opportunity with that agency if approved by you

JCG may use your Personnel Information in connection with:

- Placement
- Ongoing performance reviews
- Any assessment or test that you may have to undergo including medical test and assessments
- Identification of your training requirements either by us or our clients
- Rehabilitation in the workplace
- Our management of complaints and other enquiries relating to you
- Insurance claims where your Personal Information is required

We will not use your Personal Information for another purpose unless you have given consent or one of the exceptions under the Privacy Act applies. For example, if the use of the information is authorised by Australian law or is necessary for law enforcement by an enforcement body, such as the Australian Federal Police.

When you provide JCG with your Personal Information through the recruitment process, JCG will seek your consent to disclose the information for the purposes identified in the form.

JCG will only disclose your Personal Information for purposes which are directly related to the reason you provided us with your information in the first place and where you would reasonably expect us to disclose your information. This may include disclosure to:

- Your potential/actual employers
- Your referees
- Any associated companies/subsidiaries that we have contact with
- Our professional insurers in the event of any Workers Compensation or Professional indemnity claims

- Health organisations or health professionals in the event that a medical assessment is required as part of job placement or as a result of any workplace accident or injury
- Companies we are in partnership with to provide services such as probity/assessment that may be required in placing you in a job. These may include:
  - Validation for your right to work in Australia
  - Qualifications and credentials
  - Psychometric testing and assessments
  - Testing of skills
  - Checking criminal background
  - Health, wellness or screening of drugs
- Financial institutions , superannuation bodies if we place you in a job
- Organisations such as agents and contractors that we are involved through our best practices
- Any person authorised by Australian law to acquire the information

If the Personal Information is classified as Sensitive Information JCG will only collect such information subject to your approval or if the following applies:

- The collection of your Sensitive Information is required by an authorised body or under an Australian Law or a court/tribunal order
- As defined in s 16A of the Privacy Act a permitted general situation or as defined in s16B of the Privacy Act a permitted health situation that relates to the collection of the information.

## **APP 7: Direct Marketing and Promotional Materials**

JCG on occasions is requested from Government research bodies to provide data to assist them in gathering statistical information. JCG conforms to all research requests on specific criteria, such as salary and wage information. Any Personnel Information such as names, addresses, phone numbers are not divulged by JCG.

From time to time, JCG may send out promotional materials for the purposes of promoting JCG. If you do not wish to receive these communications, please contact JCG to unsubscribe (see contact details below).

Your information may be used by us to provide you with details of our services and events where permitted by the Act or where you have consented to the use or disclosure of your Personal Information for direct communications and promotional materials.

It is our policy that any direct communication or promotional material will include a statement advising that you may request not to receive further material by contacting us using the details provided. Even if you unsubscribe, as an employee of JCG, you will continue to receive important information about JCG, its operation and anything related to you and/or legislation and policy changes.

The Spam Act 2003 prohibits sending unsolicited commercial emails, SMS and MMS messages for commercial purposes. Examples of unsolicited communications are ones that do not directly relate to a service you have previously signed up with or agreed to.

See [www.adma.com.au/comply/code-of-practice/](http://www.adma.com.au/comply/code-of-practice/) for further information.

It is JCG's policy that all electronic communications will include an unsubscribe facility.

### **APP 8: Cross Border Disclosure of your Personal Information**

Should JCG deal with entities that store Personnel Information online due JCG's requirements by Australian Law then JCG will take all reasonable steps to ensure that the overseas recipient purport to clause 8.2 of the APP:

- has the effect of protecting the information in a way that, overall, is at the least substantially similar to the way in which the Australian Privacy Principles protect the information; and
- there are mechanisms that you can access to take action to enforce that protection of the law or binding scheme.

### **APP 9: Adoption, use or Disclosure of Government related Identifiers**

A Government related identifier is an identifier of an individual that is assigned by a Federal, State or Territory government agency, authority or contracted service provider (pursuant to the contract).

JCG will only adopt a government related identifier to identify you if that adoption is required or authorised by or under an Australian law or allowed under regulations. JCG will not disclose a government related identifier unless:

- it is reasonably necessary to verify the identity of you for JCG's activities or functions; or
- it is reasonably necessary to fulfil JCG's obligations to an agency or State or Territory authority; or
- it is required or authorised by or under an Australian law or a court/tribunal order; or
- relevant permitted general situations exist in accordance with the Privacy Act; or
- JCG reasonably believes it is reasonably necessary for enforcement related activities by, or on behalf of, an enforcement body; or

- it is otherwise allowed under sub clause 9.3 of the APP.

## Part 4 Integrity of Your Personal Information

### App 10: Quality of your Personal Information

JCG will take reasonable steps to ensure that your Personal Information collected by us is accurate, up-to-date, complete, relevant and not misleading.

JCG will correct any Personal Information that JCG believes to be incorrect, out-of-date, incomplete, irrelevant or misleading. This includes taking reasonable steps to notify any organisation or government agency to which information was disclosed about the correction. You may request to access or correct your Personal Information at any time by contacting JCG's office manager using the details below. JCG will give you access to the information unless one of the exceptions under the Privacy Act applies. For example, if providing access would be unlawful or denying access is authorised by law.

If you request to access or correct your information, JCG will respond within a reasonable time (usually within 30 days).

### APP 11: Security of your Personal Information

JCG will take appropriate steps to protect your Personal Information it holds about you from:

- misuse, interference, loss
- unauthorised access, modification, or disclosure.

This includes during storage, collection, processing, transfer and destruction of the information.

The Information collected by JCG will be stored in paper and/or electronic format in storage facilities that we operate, or that are owned and operated by third party entities. The security of your Personal Information is important to us and JCG will take reasonable steps to protect it from misuse.

When JCG no longer requires your Personal Information for any purpose JCG will take reasonable steps to destroy or de-identify the information in a manner that protects your privacy. This will apply except where the information is part of a Commonwealth record, or we are required by law or a court/tribunal order to retain the information.

If JCG receives unsolicited Personnel Information then JCG will as soon as is practicable either:

- destroy the information if it is lawful and reasonable to do so; or if it is not lawful and reasonable to do so
- ensure that the information is de-identified.

If you provide JCG Personal Information for a purpose that is not related to your employment with JCG and that information includes your Tax File Number (TFN), JCG will take reasonable steps to securely destroy or permanently de-identify the TFN information.

## Part 5 Access to Your Personal Information

### APP 12: Access to your Personal Information

JCG will provide you with access to your Personal Information upon written request. JCG will respond to your request within a reasonable time (usually within 30 days).

### APP 13: Correction of your Personal Information

JCG will seek to correct any Personal Information if it is inaccurate, out of date, incomplete, irrelevant, or misleading or if you request JCG to amend any information that is incorrect. JCG will advise you as soon as practicable of the corrections.

## Contact details for further information

JCG is committed to the protection of your privacy. If you have any questions about how we handle Personal Information, would like to complain about how we have handled your information, or would like further information about our Privacy Policy, please submit a written query or complaint to JCG's Office Manager. Our Office Manager will assess any complaints and liaise with you to resolve any issues within a reasonable time (usually within 30 days). If you are unhappy with the outcome, you may lodge a complaint with the Australian Information Commissioner who can order the payment of compensation by JCG in certain circumstances.

See [www.oaic.gov.au/privacy/making-a-privacy-complaint](http://www.oaic.gov.au/privacy/making-a-privacy-complaint) for further information.

### Contact Details

Office Manager

Phone: 02 6278 3156

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