

# PRIVACY POLICY

## 1. Introduction

We manage personal information in accordance with the *Privacy Act 1988* and the *Australian Privacy Principles*.

This policy applies to information collected by South West Personnel.

South West Personnel is committed to ensuring the privacy of your personal information and complying with all aspects of the Privacy Act. This commitment applies to Employees, Referees and Clients.

We only collect information that is reasonably necessary for the proper performance of our activities or functions.

We do not collect personal information just because we think it could be useful at some future stage if we have no present need for it.

We may decline to collect unsolicited personal information from or about you and take steps to purge it from our systems.

By following the links in this document, you will be able to find out how we manage your personal information as an APP Entity under the Australian Privacy Principles (APPs).

If you have any questions please [contact us](#).

### APP Entity

South West Personnel manages personal information, as an APP Entity under the Australian Privacy Principles (APPs).

Because we are a contracted service provider to the Commonwealth, State and Territory government agencies, it sometimes becomes necessary for us to collect and manage personal information as an Agency under different privacy arrangements.

If you wish to know whether this applies to you, please [contact us](#).

### Information Flow

When we collect your personal information:

- we check that it is reasonably necessary for our functions or activities as a human resource consulting business;
- we check that it is current, complete and accurate. This will sometimes mean that we have to cross check the information that we collect from you with third parties;
- we record and hold your information in our [information record system](#).
- We retrieve your information when we need to use or disclose it for our functions and activities. At that time, we check that it is current, complete, accurate and relevant. This will sometimes mean that we have to cross check the information that we collect from you with third parties once again – especially if some time has passed since we last checked.



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- subject to some exceptions, we permit you to access your personal information in accordance with APP:12 of the APPs.
- we correct or attach associated statements to your personal information in accordance with APP:13 of the APPs.
- we destroy or de-identify your personal information when it is no longer needed for any purpose for which it may be used or disclosed provided that it is lawful for us to do so. We do not destroy or de-identify information that is contained in a Commonwealth Record.

## 2. Kinds of information that we collect and hold

Personal information that we collect and hold is information that is reasonably necessary for the proper performance of our functions and activities as a human resource consulting business and is likely to differ depending on whether you are:

- a Jobseeker;
- a Client;
- a Referee.

### For Jobseekers

The type of information that we typically collect and hold about Jobseekers is information that is necessary to assess amenability to work offers and work availability; suitability for placements; or to manage the performance in work obtained through us and includes:

- information submitted and obtained from the candidate and other sources in connection with applications for work;
- work performance information;
- information about incidents in the workplace;
- Information submitted and obtained in relation to absences from work due to leave, illness or other causes.

### For Clients

The type of information that we typically collect and hold about Clients is information that is necessary to help us manage the presentation and delivery of our services and includes:

- Staff information;
- Information obtained to assist in managing client and business relationships.

### For Referees

The type of information that we typically collect and hold about Referees is information that is necessary to help to make determinations about the suitability of one of our Jobseekers for particular jobs or particular types of work and includes:

- Name, phone number, company and position.

## 3. Purposes

The purposes for which we collect, hold, use and disclose your personal information are likely to differ depending on whether you are:



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- a Jobseeker;
- a Client;
- a Referee.

#### For Jobseekers

Information that we collect, hold, use and disclose about Jobseekers is typically used for:

- employment placement operations;
- recruitment;
- staff management;
- training;
- risk management;
- marketing services to you; but only where this is permitted and whilst you are registered with us;
- statistical purposes and statutory compliance requirements.

#### For Clients

Personal information that we collect, hold, use and disclose about Clients is typically used for:

- client and business relationship management;
- recruitment functions;
- marketing services to you;
- statistical purposes and statutory compliance requirements.

#### For Referees

Personal information that we collect, hold, use and disclose about Referees is typically used for:

- to confirm identity and authority to provide references;
- Jobseeker suitability assessment;
- recruitment functions.

#### Our Policy on Direct Marketing

South West Personnel will not use the information that you provide for marketing purposes by us or by a third party.

## 4. How your personal information is collected

The means by which we will generally collect your personal information are likely to differ depending on whether you are:

- a Jobseeker;
- a Client;
- a Referee.

We sometimes collect information from third parties and publicly available sources when it is necessary for a specific purpose such as checking information that you have given us or where you have consented or would reasonably expect us to collect your personal information in this way.



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Sometimes the technology that is used to support communications between us will provide personal information to us - see the section in this policy on [Electronic Transactions](#).

See also the section on [Photos & Images](#).

#### **For Jobseekers**

Personal information will be collected from you directly when you fill out and submit one of our application forms or any other information in connection with your application to us for work.

Personal information is also collected when:

- we receive or give any reference about you;
- we receive results of inquiries that we might make of your former employers, work colleagues, professional associations or registration body;
- we receive the results of any competency or medical test;
- we receive performance feedback (whether positive or negative);
- we receive any complaint from or about you in the workplace;
- we receive any information about a workplace accident in which you are involved;
- we receive any information about any insurance investigation, litigation, registration or professional disciplinary matter, criminal matter, inquest or inquiry in which you are involved;
- you provide us with any additional information about you;
- electronically through our telecommunications and technology systems – see the section below in this policy on [Electronic Transactions](#).

We may also collect personal information about you from a range of publicly available sources including newspapers, journals, directories, the Internet and social media sites. When we collect personal information about you from publicly available sources for inclusion in our records we will manage the information in accordance with the [APPs](#) and our Privacy Policy.

#### **For Clients**

Personal information about you may be collected:

- when you provide it to us for business or business related social purposes.

We may also collect personal information about you from a range of publicly available sources including newspapers, journals, directories, the Internet and social media sites. When we collect personal information about you from publicly available sources for inclusion in our records we will manage the information in accordance with the [APPs](#) and our Privacy Policy.

#### **For Referees**

Personal information about you may be collected when you provide it to us:

- in the course of our checking Jobseeker references with you and when we are checking information that we obtain from you about Jobseekers.

We may also collect personal information about you from a range of publicly available sources including newspapers, journals, directories, the Internet and social media sites. When we collect personal information



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about you from publicly available sources for inclusion in our records we will manage the information in accordance with the [APPs](#) and our Privacy Policy.

### Photos and Images

We will ask permission for interview photographs and scan photo ID.

At times video surveillance which operates in or near our premises may capture images of you.

### Electronic Transactions

Sometimes, we collect personal information that individuals choose to give us via online forms or by email, for example when individuals:

- ask to be on an email list such as a job notification list;
- register as a site user to access facilities on our site such as terms and conditions;
- make a written online enquiry or email us through our website;
- submit a resume by email or through our website.

It is important that you understand that there are risks associated with use of the Internet and you should take all appropriate steps to protect your personal information. It might help you to look at the OAIC's resource on [Internet Communications and other Technologies](#).

You can [contact us](#) by land line telephone or post if you have concerns about making contact via the Internet.

### Social Networks and Web Searches

In order to assess your suitability for positions and to assist you to find work, we will need to collect, use and disclose personal information about you. It has become common practice in some places for employment service providers to conduct background checking via social network media sites frequented by candidates. We will not conduct background checking via social network media sites other than those that you identify and authorise us to check. However we do conduct internet searches using search engines and entering your name and relevant identifying details.

### Browsing

When an individual looks at our website, our internet service provider makes a record of the visit and logs (in server logs) the following information for statistical purposes:

- the individual's server address;
- the individual's top level domain name (for example .com, .gov, .org, .au, etc.);
- the pages the individual accessed and documents downloaded;
- the previous site the individual visited; and
- the type of browser being used.

We do not identify users or their browsing activities except, in the event of an investigation, where a law enforcement agency may exercise a warrant to inspect the internet service provider's server logs.

We do not accept responsibility for the privacy policy of any other site to which our site has a hyperlink, and it is advisable to look at the privacy policy of other sites before disclosing personal information.



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### Cookies

Cookies are uniquely numbered identification numbers like tags which are placed on your browser. By themselves cookies do not identify you personally, but they may link back to a database record about you. If you register on our site we will then link your cookie back to your personal information details.

This site uses cookies to monitor usage of the website, to enable purchases, and to create a personal record of when you visit our website and what pages you view. Cookies are necessary to enable us to analyse and improve our website, but if you do not wish us to retain any information about your visit to our site you could delete the cookies on your browser and change the settings on your web browser program.

### Cloud Computing Services

We cannot guarantee that any recipient of your personal information will protect it to the standard to which it ought to be protected. The costs and difficulties of enforcement of privacy rights in foreign jurisdictions or against third parties and the impracticability of attempting to enforce such rights in some jurisdictions will mean that in some instances, we will need to seek your consent to disclosure.

In cases where we use cloud computing services we will take reasonable steps to ensure that:

- disclosure of your personal information to the cloud service provider is consistent with our disclosure obligations under the Privacy Principles. This may include ensuring that we have obtained your consent, or that the disclosure is for purposes within your reasonable expectations;
- disclosure is consistent with any other legal obligations, such as the restrictions on the disclosure of tax file number information or the disclosure by private employment agencies of work seeker details;
- our Cloud computing services provider's terms of service recognise that we are bound by obligations to protect the privacy of your personal information and that they will not do anything that would cause us to breach those obligations.

### Uploading Photographs

Please make sure that you do not upload photographs of any individuals who have not given consent to the display of their photograph. Displaying photographs without that person's consent may breach privacy laws, and you may be responsible for any legal consequences.

### Emails

Our technology systems log emails received and sent and may include voting, and read and receipt notifications to enable tracking.

When your email address is received by us because you send us a message, the email address will only be used or disclosed for the purpose for which you have provided it and it will not be added to a mailing list or used or disclosed for any other purpose without your consent other than as may be permitted or required by law.

### Call and Message Logs

Our telephone technology (systems and mobile phones) logs telephone calls and messages received and sent and enables call number display.

When your call number is received by us because you phone us or send us a message, the number will only be used or disclosed for the purpose for which you have provided it and it will not be added to a phone list



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or used or disclosed for any other purpose without your consent other than as may be permitted or required by law.

#### Teleconferences and Video Conferences

Teleconferences and video conferences may be recorded with your consent. In cases where it is proposed that they be recorded, we will tell you first the purpose for which they are to be used and retained.

#### Database

We use recruiting software and databases to log and record recruitment operations.

## 5. How your personal information is held

Personal information is held in our Information Record System until it is no longer needed for any purpose for which it may be used or disclosed at which time it will be de-identified or destroyed provided that it is lawful for us to do so.

We take a range of measures to protect your personal information from:

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

#### **Our Information Record System**

Electronic information is stored on a secure server at an Outsourced Service Supplier and hard copy information is stored securely at our premises for 3 to 6 months and then stored at a secure offsite facility by an Outsourced Service Supplier for 7 years.

#### **Information Security**

We take reasonable steps to destroy or permanently de-identify personal information when it is no longer required for any purpose for which it may be used or disclosed. However it is not always practicable to destroy or de-identify electronic data. Where it is not reasonable to destroy or permanently de-identify personal information in electronic form, we will take reasonable steps to prevent inadvertent access to it.

## 6. Disclosures

We may disclose your personal information for any of the purposes for which it is primarily held or for a related purpose where lawfully permitted.

We may disclose your personal information where we are under a legal duty to do so.

Disclosure will usually be:

- internally and to our related entities;
- to our Clients;
- to Referees for suitability and screening purposes.

We do not share personal information about you with government agencies, organisations or any one else unless one of the following applies:



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- You have consented;
- You would reasonably expect, or have been told, that information of that kind is usually passed to those individuals, bodies or agencies;
- it is required or authorised by law;
- it will prevent or lessen a serious and imminent threat to somebody's life or health;
- the disclosure is reasonably necessary for the enforcement of the criminal law or of a law imposing a pecuniary penalty, or for the protection of public revenue.

### Related Purpose Disclosures

We outsource a number of services to contracted service suppliers (CSPs) from time to time. Our CSPs may see some of your personal information. Typically our CSPs would include:

- I.T. contractors and database designers and service internet service suppliers;
- Legal and other professional advisors;
- Insurance brokers, loss assessors and underwriters;
- Superannuation fund managers;
- Background checking and screening agents;
- Records storage.

We take reasonable steps to ensure that terms of service with our CSPs recognise that we are bound by obligations to protect the privacy of your personal information and that they will not do anything that would cause us to breach those obligations

### Other Parties

We cannot guarantee that any recipient of your personal information will protect it to the standard to which it ought to be protected. The costs and difficulties of enforcement of privacy rights in foreign jurisdictions and the impracticability of attempting to enforce such rights in some jurisdictions will mean that in some instances, we will need to seek your consent to disclose.

## 7. Access & Correction

Subject to some exceptions that are set out in privacy law, you can gain access to the personal information that we hold.

Important exceptions include:

- evaluative opinion material obtained confidentially in the course of our performing reference checks and access that would impact on the privacy rights of other people. We do refuse access if it would breach any confidentiality that attaches to that information or if it would interfere with the privacy rights of other people. In many cases evaluative material contained in references that we obtain will be collected under obligations of confidentiality that we make and which the communicator of that information is entitled to expect will be observed.

For more information about access to your information see our [Access Policy](#).

For more information about applying to correct your information see our [Correction Policy](#).



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### Access Policy

If you wish to obtain access to your personal information you should contact our Privacy Officer. You will need to be in a position to verify your identity.

We might impose a moderate charge in providing access. Our Privacy Officer would discuss this with you.

You should also anticipate that it may take a little time to process your application for access as there may be a need to retrieve information from storage and review information in order to determine what information may be provided. We will generally respond to your request for access within a reasonable time frame, usually 20 working days.

### Correction Policy

If you find that personal information that we hold about you is inaccurate, out of date, incomplete, irrelevant or misleading, you can ask us to correct it by [contacting us](#).

We will take such steps as are reasonable in the circumstances to correct that information to ensure that, having regard to the [purpose](#) for which it is held, the information is accurate, up to date, complete, relevant and not misleading.

If we have disclosed personal information about you that is inaccurate, out of date, incomplete, irrelevant or misleading, you can ask us to notify the third parties to whom we made the disclosure and we will take such steps (if any) as are reasonable in the circumstances to give that notification unless it is impracticable or unlawful to do so.

## 8. Complaints

You have a right to complain about our handling of your personal information if you believe that we have interfered with your privacy.

For more information see our [Complaints Procedure](#).

### Complaints procedure

If you are making a complaint about our handling of your personal information, it should first be made to us in writing.

You can make complaints about our handling of your personal information to our Privacy Officer, the Administration Manager by [contacting us](#).

[RCSA](#) administers a Code of Conduct for the professional and ethical conduct of its members.

The RCSA Code is supported by rules for the resolution of disputes involving members.

NOTE: The Association Code and Dispute Resolution Rules do NOT constitute a recognised external dispute resolution scheme for the purposes of the APPs; but are primarily designed to regulate the good conduct of the Associations members.



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When we receive your complaint:

- We will take steps to confirm the authenticity of the complaint and the contact details provided to us to ensure that we are responding to you or to a person whom you have authorised to receive information about your complaint;
- Upon confirmation we will write to you to acknowledge receipt and to confirm that we are handling your complaint in accordance with our policy.
- We may ask for clarification of certain aspects of the complaint and for further detail;
- We will consider the complaint and may make inquiries of people who can assist us to established what has happened and why;
- We will require a reasonable time (usually 30 days) to respond;
- If the complaint can be resolved by procedures for access and correction we will suggest these to you as possible solutions;
- If we believe that your complaint may be capable of some other solution we will suggest that solution to you, on a confidential and without prejudice basis in our response.

If the complaint cannot be resolved by means that we propose in our response, we will suggest that you take your complaint to any recognised external dispute resolution scheme to which we belong or to the Office of the Australian Information Commissioner.

## 9. Future Changes

This policy may change over time in light of changes to privacy laws, technology and business practice. If you use our website regularly it is important that you check this policy regularly to ensure that you are aware of the extent of any consent, authorisation or permission you might give.



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