

PRIVACY AND STAFF RECORDS PROCEDURE

1. Purpose

This procedure describes various aspects of the development, maintenance and disposal of staff records, including: Access to personal files and records, contents of a personal file, accuracy and currency of those records, security and disposition of records.

2. Scope

This policy and procedure covers all staff personal, sensitive and health related information collected by and held within Strategic HR & Development during the course of an individual's employment with The Gordon.

3. Definitions

The following terms and abbreviations are specific to this procedure:

APP: Australian Privacy Principal

Consent: consent means expressed or implied consent

Health Information: information or an opinion about:

- the physical, mental or psychological health of an individual, or
- a disability of an individual, or
- an individual's expressed wishes about the future provision of health services to be provided, or
- a health service provided or to be provided.

Health Information can be current information or that established at any time

Individual: An individual is an employee, prospective employee or former employee of The Gordon Institute of TAFE and includes employees who have permanent, contract and casual employment status.

Personal Information: Information or an opinion (including information or an opinion forming part of a database), that is recorded in any form and whether true or not, about an individual whose identity is apparent, or can reasonably be ascertained, from the information or opinion, but does not include information of a kind to which Schedule 1 [of] the Health Records Act 2001 (Vic) applies.

Personal File: May be physical file or an electronic record in the Institute's electronic records management system, or a combination thereof.

Sensitive Information: information or an opinion about an individuals:

- racial or ethnic origin, or
- political opinions, or membership of a political association, or
- religious beliefs or affiliations, or philosophical beliefs, or
- membership of a professional or trade association; or trade union, or
- sexual preferences or practices, or
- criminal record.

Note that sensitive information also represents personal information

Unique Identifiers: Unique identifiers are an identifier (usually a number) assigned by an organisation to an individual to identify that individual in a unique manner for traceability within the organisation

4. Overview / principles

In accordance with the principles described in the *Privacy and Data Protection Act 2014* (Vic), all personal, sensitive and health information collected and held by The Institute about an individual shall only be used for the primary purpose for which it was collected. Information shall only be provided to the Agencies for which it was collected, to enable the Gordon to meet its statutory obligations (eg. superannuation; taxation; Centrelink). Any information held within the relevant area is not to be used for a purpose other than the primary purpose for which it was collected without the individual's consent, unless the use or disclosure of the information is authorised by law.

4.1 Maintenance of Correct, Accurate Information

Strategic HR & Development staff shall take all reasonable steps to ensure information collected is accurate, complete and up to date.

Under the *Freedom of Information Act 1982* (Vic) and the *Privacy and Data Protection Act 2014* (Vic) a member of staff has the right to access, add to and correct an incorrect, incomplete, misleading or out of date record OR ask that this be done by the Strategic HR & Development Staff.

4.2 Access to Personal Files

Staff have the right to access their personal file. Access however shall not be given to material provided in confidence, or material provided as part of a law enforcement process.

The CEO / Delegate and relevant Managers have the right to access the personal files of staff members for whom they have a line management responsibility. Also staff from Strategic HR & Development, Payroll and other authorities as authorised by the CEO / Delegate are entitled to access personal files.

Internal and external auditors working under the authority of the Manager, Quality & Risk Management shall have access to personal files in relation to requirements of various audits.

4.3 Retention of Personal Files

Where a staff member takes up employment with a new employer, details of statutory records and entitlements shall be forwarded to the new employer, at the request of the staff member concerned.

Personal files shall be securely retained for all staff during their period of employment and thereafter for the period of time as specified by law and then shall be destroyed.

Staff Records retained for historical purposes shall be retained in a secure manner consistent with the Information Privacy Principles and the requirements of the *Public Records Act 1973* (Vic). Refer *Records Management Procedure RM PR 03*.

4.4 Content of Personal Human Resource Files

The personal file maintained for individual staff members may contain some or all of the following electronic or hardcopy documents:

Personal Information include: Name, date of birth, next of kin, family details, contact phone/email/fax numbers, address, emergency contact numbers, police record check results, etc.

Statutory Employment Information include: Superannuation, WorkCover declaration, leave records, tax file number, contractual details, appointment and ongoing salary details, etc.

Professional Information include: Qualifications, verified experience in application of skills, CV/Resume, references, memberships, professional development details, etc.

Gordon Generated Records include: Performance management records, work plans, commendations, results of medical tests (related to specific technical areas) matters of discipline, etc.

5. Procedure

ACTION	RESPONSIBILITY	GUIDANCE
Respond to staff Information Privacy queries	Strategic HR & Development Staff	Staff are directed to the Institute's <i>Privacy Policy RM PO 04</i> . Detailed questions are referred to the Senior Business Partner Employee Relations and IR.
Check incoming information	Strategic HR & Development Staff and relevant individual	<ul style="list-style-type: none"> Incoming information is checked for currency, accuracy as complete before storage as a record. Staff are responsible for the provision of information for employment purposes in order for the Gordon to meet its statutory requirements. Tax Acts, superannuation etc. Failure to provide statutory information may jeopardise employment.
Maintain Human Resource records	Senior Business Partner - HR Operations	Staff Records are held in a manner which ensures that they are secure and confidentiality is maintained and are archived in a similar manner. Hard copies of records are securely disposed of following digitisation or if an original copy returned to the relevant individual.
Authorise access	Senior Business Partner - HR Operations	Requests for access are made in writing to the Head, Strategic HR & Development allowing for an appropriate period of notice (one day normally). Access is only given to the personal file of the individual making the request. Access by the CEO / Delegate, relevant Managers or auditors are consistent with Policy (above) and with the <i>Privacy Policy RM PO 04</i> . Files remain in the control of the Senior Business Partner - HR Operations. Access to files or copies made from files by staff must be recorded on the file.
Placing documents into a personal file	Line Manager	Any documented addition to a personal file requested by a Gordon Manager concerning a member of staff shall be made available to the staff member who shall have an opportunity to comment and have the comment placed on file as well. Refer <i>Workplace Complaint Resolution SHRD PR 23</i> and <i>Disciplinary Procedure (staff) SHRD PR 20</i>
Provide opportunity to amend personal files	Strategic HR & Development / Staff Member	Individuals have the right to correct or add to their personal file either directly under the authority of the Head, Strategic HR & Development or via authorised Strategic HR & Development Staff.
Archived staff records	Strategic HR & Development / Delegate	Consistent with legislation listed under REFERENCES (below) staff records retained for historical purposes are to be maintained in a secure and confidential manner. Refer <i>Records Management Procedure RM PR 03</i> .

6. Responsibilities

Position	Responsibility
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Senior Business Partner - HR Operations	To ensure that all personal, sensitive and health information collected and held within the Human Resources files are kept secure and confidential. Personal files, whether physical or electronic, retained by Strategic HR & Development shall only be accessed by staff on the authority of the Head, Strategic HR & Development.
Relevant Managers	For ensuring that any Human Resources records held within their areas are specifically required to be maintained outside the Institute's Personnel files. All staff records held outside the Institute's personal files are maintained as confidential and in secure storage of such records consistent with the Australian Privacy Principles
Staff	All current and prospective employees of the Gordon are expected to provide Strategic HR & Development with relevant personal, sensitive and health related information required to enable the Gordon to meet its statutory obligations relating to employment arrangements for the individual. Failure to provide this information may result in an offer of employment being withdrawn
Records Manager	For maintaining and monitoring the security of access to electronic records held in HP Content Manager and archived records of former employees.

7. Key aligned internal documents

Records Management Procedure RM PR 03

Privacy Policy RM PO 04

Disciplinary Procedure (Staff) SHRD PR 20

Workplace Complaint Resolution Procedure SHRD PR 23

8. Key aligned external documents

Freedom of Information Act 1982 (Vic)

Health Records Act 2001 (Vic)

Privacy and Data Protection Act 2014 (Vic)

Public Records Act 1973 (Vic)

Privacy Act 1988 (Cth)

9. Review and approval

	Position	Area
Author / reviewer:	Risk Manager Records Manager	Quality and Risk Management Records Management
Custodian:	Manager	Quality and Risk Management
Review schedule:	This procedure will be reviewed every 3 years (or earlier as required)	
Last reviewed / updated:	19 May 2020	