



Australian Government

Parliamentary Workplace Support Service (PWSS)

Privacy Policy

v1.1 March 2022

About this policy

This is the privacy policy of the Parliamentary Workplace Support Service (**PWSS**). The PWSS is a function of the Australian Parliamentary Service Commissioner (**PSC**), a Commonwealth statutory office. The PWSS is staffed mainly by social workers and counsellors. PWSS employees are Australian Public Service (**APS**) employees, bound by the APS Code of Conduct.

The PWSS complies with the *Privacy Act 1988* (Cth) (**Privacy Act**) including the Australian Privacy Principles (**APPs**). This Policy explains how the PWSS handles the personal (including sensitive) information it collects in accordance with the APPs, how to access and request correction of your personal information held by the PWSS and how to make a privacy complaint.

Updates to this Policy

This Policy may be updated from time to time when the PWSS's information handling practices change. The latest version of this Policy is published on PWSS website at www.pwss.gov.au.

Why we collect personal information

The PWSS collects and processes personal information to perform its functions and activities which include:

- Providing support to Commonwealth Parliamentary Workplace Participants in relation to serious incidents and workplace conflict that amounts to a work health and safety risk;
- Assessing and managing cases;
- Receiving and assessing reports (or complaints) about serious incidents and workplace conflict that amounts to a work health and safety risk;
- Assisting in the resolution of serious incidents and workplace conflict that amounts to a work health and safety risk;
- Referring reports made by parliamentarians and *Members of Parliament (Staff) Act 1984* (**MOPS Act**) employees for workplace reviews;
- Receiving reports on workplace reviews;
- Communicating outcomes of reviews;
- Providing referrals; and
- Providing relevant training and education Commonwealth Parliamentary Workplace Participants and contributing to understanding about issues in Commonwealth Parliamentary Workplaces.

Serious incident includes conduct that consists of any of the following:

- a sexual assault or assault
- sexual harassment
- harassment
- bullying at work (within the meaning of the *Fair Work Act 2009*), and
- any unreasonable behaviour that creates a risk to work health and safety.

The types of personal information we collect

Personal information is information or an opinion about an identified individual or an individual who is reasonably identifiable. The personal information we collect about you depends on who you are, how you interact with us and your needs. You may be in particular:

- A Commonwealth Parliamentary Workplace Participant (as defined in the [*Parliamentary Service Determination 2013*](#))

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- A person employed under the MOPS Act;
 - A parliamentarian who employs staff under the MOPS Act;
 - An authorised representative or the support person of a complainant;
 - An authorised representative or the support person of a respondent to a complaint.

The types of personal information that the PWSS may collect about you include:

- Your name and contact details;
- Any case reference number or client identifier we assign to you;
- Your date of birth (primarily for the purpose of identity verification);
- Your position and role;
- Your employment details;
- Accounts of experiences in your workplace;
- Consents you provide, including consent to be referred to other services;
- Your next of kin or support person if you have one;
- Details of your support needs;
- Demographic identifiers;
- Internet clickstream and cookies data.

Collection of sensitive information

The PWSS may also collect your sensitive information, which is a subset of personal information. The sensitive information we collect may comprise your racial or ethnic origin, political opinions and health information.

How and from whom we collect personal information

You can choose to engage with us in a number of ways - by phone, email, in person, through our website, by video conference or if you text us. Depending on your engagement with us, we collect your personal information from you directly if you choose to provide it through any of these methods.

If you seek our support, we will only collect the information we need about you at the time you engage with us. We may record information that we use to manage cases, make referrals, request a review or provide support. The amount of information we collect about you depends on your case and your requirements.

We may also need to collect your personal (including sensitive) information from third parties such as:

- your authorised representative or support person, if you have one;
- complainants, respondents to a complaint or review, an employee of a respondent, witnesses, an expert reviewer;
- your employer or former employer;
- the Department of Finance;
- the Department of Parliamentary Services;
- the Australian Federal Police;
- the 1800 APH SPT service.

We will generally only do this with your consent. There are some limited circumstances that we may collect personal information without your consent, including:

- Where a serious incident has occurred in the course of your work and the Department of Parliamentary Services or the Australian Federal Police have attended. The purpose of this collection would be to enable us to offer support services.

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- Where a complaint or report has been made about your conduct, we may be provided with personal information about you by the complainant.

Online collection of personal information

There are a number of ways in which we collect personal information through our website at www.pwss.gov.au.

Cookies, Google Analytics, and Clickstream data

When you visit the PWSS website, we use a range of tools provided by third parties such as Google to collect or view website traffic information. These third party websites have their own privacy policies. We also use cookies and session tools to improve your experience when accessing our website. Information collected when you visit the PWSS website may include the IP address of the device you are using and information about sites that IP address has come from. We use this information to maintain, secure and improve our website. In relation to Google Analytics, you can opt out of the collection of this information using the Google Analytics Opt-out Browser Add-on.

The types of information we may collect from third party analytic tools includes:

- Internet Protocol (IP) address
- browser and operating system, for example whether you use Internet Explorer or Chrome, Windows or iOS
- date and time of website visit
- pages visited, mouse clicks and documents downloaded from our websites
- device type, model, screen size and orientation
- language and geographic location (city/country) preferences (if enabled)
- demographics and interests, for example age bracket and gender, along with interests expressed through online behaviour
- fields you've entered information into (such as search terms)
- how long it took to do certain tasks
- how you move through pages and the referring domain and outlink (if applicable).

To improve your experience on our site, we may also use 'cookies'. Cookies are pieces of information that a website can transfer to an individual's computer hard drive or hand held device for record keeping. Cookies can make websites easier to use by storing information about your preferences on a particular website. The information is used by us to help improve our website by understanding how it is used and effective communication methods for diverse audiences. We do not attempt to identify individual users in any way.

Voicemail and phone records

Telephone calls to case coordinators at the PWSS are not recorded. However when telephone calls are made to our PWSS telephone number and a telephone message is left, the message will be recorded. These recordings are registered on the PWSS's phone system and may relate to a range of matters including reports, general enquiries, media enquiries and contact by other agencies. The personal information collected in them may include a caller's name and contact number. Depending on the purpose of the call and the information provided, it may be captured in our case management system.

Contact via email or online form

When you email us or contact us using our online form, we collect your personal information for the purpose of dealing with your enquiry or complaint as outlined in this policy. If you choose not to provide us with your personal information we may not be able to respond to your enquiry or complaint.

Engaging with the PWSS anonymously or using a pseudonym

You can engage with us anonymously and make an anonymous report (about yourself or someone else) to the PWSS, or you may use a pseudonym. If you submit an anonymous or pseudonymous report through our website and wish for us to contact you, we will need your contact details. The amount of information you provide us will affect the extent of support and services we can provide and our ability to help you seek a resolution. If you choose to identify yourself in other interactions with us or reports you make to us, we may associate your anonymous report with the identified information.

However, if you wish to report a serious incident or workplace conflict that amounts to a work health and safety risk, and proceed with a workplace review, the PWSS will need to identify you. The PWSS case coordinator who is working with you anonymously will discuss your options in this situation.

We will need to verify your identity before disclosing confidential or personal information to you to ensure an unauthorised disclosure of personal information does not occur. However, if you are only seeking information of a general nature, for example about our operations, we will not need to identify you.

If you make an anonymous or pseudonymous report, the information you provide in your report may be used and disclosed as explained in the section below.

Use and disclosure of your personal information

The PWSS may use and disclose the personal (including sensitive) information we collect about you, for the purposes for which it was collected for our functions and activities as explained above including to:

- manage our relationship with you, including to book appointments, stay in contact with you, offer you appropriate support and services, including referrals to external providers, and keep you updated;
- if you choose to proceed to a workplace review; to determine if your report meets the criteria for a workplace review and to prepare information to support the independent workplace reviewer;
- where a workplace review has been initiated, to notify a respondent that a workplace review had been initiated;
- undertake internal administration and respond to any enquiries, requests or complaints;
- re-direct or refer support requests;
- comply with our legal obligations, which may include preparing reports for Parliament (which could be aggregated and de-identified); report information will be used to help contribute to the understanding about issues in Commonwealth Parliamentary Workplaces and identify trends and emerging themes. This can help inform the work we undertake including education and support, to improve these workplaces and their culture.

The PWSS will use your personal information collected in connection with your website activities, to monitor activity on our website and improve our website and our other publications

Where you have expressly provided consent, we may disclose your personal information to:

- any third parties we engage to provide certain services or functions on our behalf, including mediators.
- the Australian Federal Police if you wish to report a crime;
- any third parties that you authorise us to give your personal information to;
- support services or other providers we refer you to, with your consent;
- the Department of Finance for other work-related support managed by the Department of Finance, where you have asked the PWSS to support you in accessing it;
- expert workplace reviewers who are contracted by the PWSS;

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- where you have initiated a workplace review, other individuals who are the subject of or in the workplace connected to or who participate in a workplace conflict you have reported– they will first be required to enter into a good faith confidentiality deed to keep your information confidential; and
 - the Parliamentary Service Commissioner.

There are circumstances in which we may be required to disclose your information without your express consent. These circumstances will be very limited, and we will endeavour to protect your privacy as much as possible when such a disclosure is required. Circumstances where the PWSS may disclose your personal information without your express consent include:

- where the PWSS has identified a work, health and safety risk – the PWSS may be required under law to disclose information to the Department of Finance to enable the Commonwealth to meet its work, health and safety obligations. Information will only be disclosed to the extent required to enable these obligations to be met, and all possible steps to protect personal information will be taken.
- where the PWSS is required by law to disclose information – for example during the course of criminal or legal proceedings.
- where the PWSS is permitted by law to disclose personal information – for example where there is an imminent threat to your safety or the safety of another member of the public.

Disclosure of your sensitive information

We only disclose your sensitive information to third parties:

- for the purposes for which we collected it;
- for other purposes directly related to those purposes and which you would reasonably expect in the circumstances;
- with your consent; or
- if it is required or authorised by or under an Australian law or a court/tribunal order, or in other circumstances permitted by the Privacy Act, such as if we believe there is a serious threat to an individual's life or to public health or safety.

Storage and security of personal information

We collect and manage your personal information in our case management system and in hard copy records such as case notes. We store hard copy documents and files in secure locked cabinets. Access to the system and to our records is highly restricted to the Head of the PWSS, the small group of case coordinators and PWSS support and corporate staff (where operationally required).

Our case management system is hosted by the Department of Prime Minister & Cabinet (DPM&C) on its secure Azure cloud platform and is subject to DPM&C network and database protections including firewall, intrusion detection and other technologies. DPM&C will only have access to the case management system where it is required for system administration purposes and only when the access has been approved by the Head of the PWSS. No additional disclosures will occur beyond that which is necessary for DPM&C to supply the ICT services to support our case management system.

Accessing and correcting your personal information

You have the right to ask for access to and correction of the personal information that we hold about you. You can make an access or correction request by contacting us using the details below and we must respond within 30 days. We must give you access to your personal information in the manner you request if possible, unless there is an applicable exception in the Privacy Act (or another law allows or requires us not to). We must also correct your personal information if we agree it is incorrect.

We will continue to maintain records of original complaints and reports we receive. Records of complaints and reports that are wholly unrelated to the PWSS's functions will not be retained.

If you have submitted an anonymous report, we may not be able to identify your personal information that is the subject of a request.

Retention and destruction of records

The PWSS manages its records in accordance with the *Archives Act 1983* and PWSS records management policies. Records, including records containing personal information, are created and kept in accordance with the requirements of the Archives Act.

The Archives Act contains protections to ensure that personal information is not released into the public domain. This includes exemptions in section 33 for:

- information or matter the disclosure of which under the Act would constitute a breach of confidence (s 33(1)(d))
- information or matter the disclosure of which under the Act would, or could reasonably be expected to, disclose, or enable a person to ascertain, the existence or identity of a confidential source of information in relation to the enforcement or administration of the law or endanger the life or physical safety of any person (s 33(1)(e))
- information or matter the disclosure of which under the Act would involve the unreasonable disclosure of information relating to the personal affairs of any person (including a deceased person) (s 33(1)(g)).

Records retention notice: National Archives of Australia

This records retention notice may also apply to some records held by the PWSS:

On 9 June 2021 the National Archives of Australia (NAA) issued a [records retention notice](#) in relation to Commonwealth records that relate to the establishment of safe and respectful workplaces in the Commonwealth Parliament and to the establishment of best practice in the prevention and handling of bullying, sexual harassment and sexual assault in those workplaces.

Commonwealth records must be retained for the purposes of informing the Terms of Reference and the considerations of the Sex Discrimination Commissioner conducting the independent review into the workplaces of parliamentarians and their staff, and for any subsequent actions by the Australian Government and Parliament.

The notice provides that relevant records and any associated drafts and working documents cannot be destroyed using any agency-specific or general records authorities. Most normal administrative practices are also suspended except where digital records are created, stored and can be made accessible in agency systems.

For further information refer to the [notice](#), which describes in more detail the kinds of records that must be retained and the responsibilities of named agencies.

Privacy complaints

If you wish to complain about how the PWSS has handled your personal information you should first raise your concerns with the PWSS in writing and when we receive your complaint, we will determine what (if any) action to take to resolve the complaint and we will respond within 30 days.

Your complaint will be handled by our Privacy Officer. When we review your complaint, we will:

- gather relevant facts,
- investigate the issues raised and see if we can meet any requests you have made,
- communicate our response to you in person and in writing, and invite your feedback,
- identify any systemic issues raised and possible responses, and

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- record your complaint and outcome.

If you are not satisfied with the way we have resolved your complaint, you may raise your complaint with the Office of the Australian Information Commissioner (OIAIC) using the following details [Privacy complaints — OIAIC](#).

Contact us

You can contact the PWSS by:

By email: privacy@pwss.gov.au

By telephone: 1800 PH PWSS (1800 747 977)

By SMS: 0487 112 755