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# Privacy Policy | GOV-18

## 1. Rationale

AMES Australia is a Victorian statutory authority that provides a comprehensive range of services/ support, including English language and literacy tuition, vocational training, settlement services, employment services, aged care services and disability services.

Public sector organisations and government entities must implement appropriate measures in handling personal information in accordance with the relevant federal or state legislation (e.g. Privacy and Data Protection Act 2014 Vic and Privacy Act 1988 Cth).

This policy sets out how AMES Australia manages personal information and it also supports its personnel to act in accordance with the Code of Conduct for Public Sector Employees and relevant contractual obligations.

## 2. Policy Statement

AMES Australia is committed to protecting the privacy of all people who interact with our services, events, facilities, clients, staff and volunteers.

This policy must be observed by all AMES Australia personnel, volunteers, consultants, partners, contractors and clients.

AMES Australia uses a combination of technical, administrative and physical safeguards and takes reasonable steps to protect personal information from misuse, loss and unauthorised access, modification and disclosure.

## 3. Implementation

### [Why AMES Australia collects personal information](#)

AMES Australia collects personal information where it is reasonably necessary for, or directly related to, one or more of our functions or activities.

For example:

- to provide a product, service or response
- to improve our services through the collection and analysis of statistical and research data
- to engage with people who work for us or apply to us for a job, volunteering activities or work experience
- to comply with legal or contractual obligations.

AMES Australia will give notice of the consequences (if any) for the individual if they choose not to provide all or part of the personal information requested. For example, individual may not be able to receive a full range of services if certain information is not provided.

### [What personal information AMES Australia collects](#)

Personal information collected may include name, address, telephone number, visa subclass, educational background, employment history, email address,

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communication/correspondence, bank details, health or medical information and other sensitive information.

AMES Australia collects sensitive information if the individual consents to the sensitive information being collected, unless an exception applies (i.e. collection is required/ authorised by law or collection is permitted under the Privacy legislation)

### Anonymity and Pseudonymity

An individual has the right to contact AMES Australia anonymously or using a pseudonym (assumed name) unless the information is needed to adequately respond to a question or to provide a service.

### How AMES Australia collects personal information

AMES Australia collects personal information through a variety of channels, such as printed and electronic forms, online portals, mobile applications and face to face correspondence or over the telephone.

Personal information is collected when:

- given in person, whether AMES Australia requested for the information or not
- government authorities such as Services Australia and Commonwealth and State Departments provide information or access to government system where information is held to confirm individual's identity and eligibility to receive services or in order for AMES Australia to commence delivering services
- documentation is provided, for example:
  - Staff**
    - submitting an application in response to an advertised position at AMES Australia
    - updating qualifications and professional developments
  - Clients**
    - applying for or enrolling in a course / activity
    - being referred to receive services or support (e.g. employment services and settlement services)
    - participating in a research project or survey
- comments are made or feedback is provided through the AMES Australia website (email addresses may be used to respond to comments or feedback)
- AMES Australia uses cookies, small data files placed on computers or devices, for improving access to the AMES Australia website
- communication occurs through social networking services such as Twitter, Facebook and YouTube. Social networking services have their own privacy policies
- email distribution lists are subscribed to. AMES Australia email lists are not provided to third parties or commercial entities. All communications from AMES Australia provide an opt-out mechanism which precludes AMES Australia from sending promotional information in the future.

### Audio and Video Recording

AMES Australia will only record a conversation with another person if prior to the recording there is a record of the participants' confirmation that they have understood the reason or

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purpose of recording the conversation and a record of the participants' consent to have the conversation recorded.

### Dealing with unsolicited personal information

Unsolicited personal information may include a letter/email sent in error or intended for another recipient or information provided that is additional to what is necessary for the organisation's needs.

If the Public Records Act 1973 (Vic) or Archives Act 1983 (Cth) does not require AMES Australia to keep the unsolicited personal information, AMES Australia may either return, de-identify or destroy the information as soon as practicable, if it is lawful and reasonable to do so. Whether AMES Australia will need to take steps to give notice to the source of information will depend on what is reasonable in the circumstances.

De-identification can be done by removing or altering information that may allow an individual to be identified.

### Use and disclosure of personal information

Personal information will be used and disclosed only for the purpose for which it was collected (known as the 'primary purpose') unless the:

- individual has consented to the use or disclosure of the information
- individual would reasonably expect that the use or disclosure of the information is directly related to the primary purpose
- following permitted general situations exist:
  - to lessen or prevent a serious threat to the life, health or safety of any individual or to public health and safety
  - to take appropriate action in relation to suspected unlawful activity or serious misconduct
  - reasonably necessary to assist locate a person who has been reported missing
  - reasonably necessary for the establishment, exercise or defence of a legal or equitable claim
  - reasonably necessary for a confidential dispute resolution process.

AMES Australia does not use or disclose information for the purpose of direct marketing unless the individual has provided consent and there is a simple means by which the individual may easily request not to receive direct marketing communications from the organisation.

**Further requirements under a service agreement or contract should be considered prior to the collection, use and disclosure of personal information (e.g. completion of a privacy and consent form and escalation or reporting arrangement with government departments).**

### Quality of personal information

AMES Australia will take reasonable steps to ensure that the personal information that it collects, uses, or discloses is accurate, up-to-date, complete and relevant to the purpose of the collection.

### Accessing and updating personal information

Privacy legislation and the Freedom of Information Act 1982 (Cth) provide an individual a general right to access personal information held by AMES Australia and request that any inaccuracies be corrected.

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AMES Australia will take reasonable steps to make appropriate corrections to personal information. If a correction is made and the information has been disclosed to others, they will be advised of the correction.

Requests for access to personal information or documents containing personal information held AMES Australia will be considered in accordance with relevant Privacy or Freedom of Information legislation and should be addressed in writing to:

Aileen Srdic  
Privacy Officer  
AMES Australia  
[privacy@ames.net.au](mailto:privacy@ames.net.au)

AMES Australia will take reasonable steps to respond or make a determination within 30 business days. However if an individual is not satisfied with AMES Australia's response or decision, they can escalate their complaint to the Office of the Victorian Information Commissioner (<https://ovic.vic.gov.au/>) or Office of the Australian Information Commissioner (<https://oaic.gov.au/>).

For more information about Freedom of Information requests, refer to the Freedom of Information Policy/Procedure.

### Complaints and enquiries

AMES Australia welcomes feedback about privacy and will respond to complaints and enquiries within a reasonable period.

Complaints and enquiries may be forwarded to AMES Australia personnel who will coordinate with the management and Privacy Officer. Alternatively, the Privacy Officer should be contacted directly by phone or email. If necessary, AMES Australia may request for a correspondence in writing.

Aileen Srdic  
Privacy Officer  
Phone: 03 9938 4639  
Email: [privacy@ames.net.au](mailto:privacy@ames.net.au)

AMES Australia will take reasonable steps to respond or make a determination within 30 business days. However if an individual is not satisfied with AMES Australia's response or decision, they can escalate their complaint to the Office of the Victorian Information Commissioner (<https://ovic.vic.gov.au/>) or Office of the Australian Information Commissioner (<https://oaic.gov.au/>).

### Security of personal information

AMES Australia takes all reasonable steps to protect personal information from misuse, loss and unauthorised access, modification or disclosure.

AMES Australia's internet gateway is protected by a firewall. Computer systems and databases under AMES Australia's control are maintained by the Information and Technology (IT) Unit. For further information refer to the Information Security Policy.

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Information systems or applications owned by funding bodies/Government authorities are not under AMES Australia's control. AMES Australia does not accept any responsibility for the maintenance and security of such systems.

Information that AMES Australia obtains is retained and stored in accordance with the requirements of the Public Records Act 1973, contractual obligations and internal records management procedure.

AMES Australia may destroy personal information once it is no longer needed or it has reached the end of recommended retention period. Some particular information or documents are returned or handed over to government departments or funding authorities in accordance with service contracts.

## 4. Evaluation/ Reporting/ Review

### Breach or Non-compliance

AMES Australia personnel should immediately notify their line manager or the AMES Australia Privacy Officer ([srdica@ames.net.au](mailto:srdica@ames.net.au) or [privacy@ames.net.au](mailto:privacy@ames.net.au)) if actual or potential breach has occurred.

Further reporting requirements under a service agreement or contract should also be considered.

A data breach response plan will be established if a breach is suspected, discovered or reported. The plan includes the actions to be taken to assess, manage and contain the breach.

If there are reasonable grounds that a data breach is likely to result in serious harm to any individual to whom the information relates, AMES Australia is required to notify relevant individuals and the Office of the Australian Information Commissioner (OAIC) or Office of the Victorian Information Commissioner (OVIC) as soon as practicable (in accordance with the Notifiable Data Breach Scheme).

### Threshold Assessment and Privacy Impact Assessment - Projects

A threshold assessment is conducted to determine whether a privacy impact assessment is required as part of Project Management. A privacy impact assessment (PIA) is a systematic assessment of a project that identifies the impact that the project might have on the privacy of individuals, including how to manage its impact

### Policy review

This policy will be reviewed biennially by Executive team.

This policy is available to all staff from the Quality System and also available on the AMES Australia website. Any change to the policy is communicated to staff via email.

This policy is included as part of the employees' induction process.

## 5. Definitions

### Personal information

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Information or an opinion about an individual whose identity is apparent or can reasonably be ascertained, sensitive information and unique identifiers.

**Sensitive information**

Information or an opinion about an individual's racial or ethnic origin, political opinion, membership of a political association, religious beliefs or affiliations, philosophical beliefs, membership of professional / trade associations, membership of a trade union, sexual preferences / practices, criminal record, health information and genetic information.

**Health information**

Information or an opinion about the:

- Physical, mental or psychological health of an individual
- Disability of an individual
- Individual's expressed wishes about the future provision of health services to him or her
- Health service provided, or to be provided, to an individual

**Unique identifier**

Usually a number assigned by an organisation or Government authority to an individual (e.g. employee number, client number, student number, boat ID, jobseeker number)

## 6. References

This policy was reviewed and approved by Executive on 6 December 2022.

## Applicable Regulations

[Privacy Act 1988 \(Cth\)](#)

[Privacy and Data Protection Act 2014 \(Vic\)](#)

[Freedom of Information Act 1982 \(Vic\)](#)

[Health Records Act 2001 \(Vic\)](#)

[Archives Act 1983 \(Cth\)](#)

[Telecommunications \(Interception and Access\) Act 1979 \(Cth\)](#)