

Skillinvest

Monitoring and Surveillance Policy

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skillinvest

SKILLINVEST LIMITED

MONITORING AND SURVEILLANCE POLICY

Scope

This policy is intended to provide information on any monitoring and surveillance activity that Skillinvest conducts to ensure the security of its premises, hardware, software and intranet and internet resources.

Skillinvest Limited (referred to as Skillinvest) is committed to ensuring the privacy of all monitoring and surveillance records in line with their Privacy Policy and demonstrates highest integrity towards upholding this commitment at all times.

Purpose

The purpose of this policy is to ensure that all employees, consultants, contractors or volunteers engaged by Skillinvest are aware of Skillinvest's processes for monitoring and surveillance, while protecting the privacy of these records.

Monitoring and Surveillance Policy

The Privacy Act 1988 (Privacy Act) doesn't specifically cover surveillance in the workplace.

However, in conducting surveillance and monitoring the workplace, Skillinvest must follow any relevant Australian, state or territory laws. This includes laws applying to the monitoring and recording of telephone conversations.

Generally, state laws cover the installation and use of CCTV, and some states also have specific workplace surveillance laws.

It may be reasonable for Skillinvest to monitor some activities to ensure security of premises, office hardware, intranet and other online resources. Skillinvest must inform staff and students attending classes on premises if they monitor the use of email, internet, intranet and other computer resources.

The Australian Privacy Principles may apply to any surveillance records that may be retained. For example, a CCTV video recording or a computer record of emails that doesn't directly relate to Skillinvest.

Under the Privacy Act 1988 (Privacy Act), any personal information collected by Skillinvest through a surveillance device must comply with the Australian Privacy Principles. Skillinvest must:

- inform anyone visiting their business premises, that their image may be captured, and they may be recorded
- ensure that recorded personal information is secure and destroyed or de-identified when it is no longer needed.

Policy to Disclose Surveillance Footage

Skillinvest will only disclose surveillance footage to:

- the police and/ or State or Territory government departments and authorised agencies;
- your school;
- Skillinvest's insurers in the event of any damage/ theft of property;
- a worker's compensation body in accordance with applicable legislation;
- any other entity, with your consent, or to whom disclosure is required or authorised by law.

To obtain access to your surveillance footage:

- you will have to provide proof of identity. This is necessary to ensure that personal information is provided only to the correct individuals and that the privacy of others is protected;
- Skillinvest requests that you be reasonably specific about the information you require; and
- Skillinvest may charge you a reasonable administration fee, which reflects the cost to Skillinvest for providing access in accordance with your request.

Skillinvest will endeavour to respond to your request to access or correct your personal information within 30 days from your request.

If Skillinvest refuses your request to access or correct your personal information, Skillinvest will provide you with written reasons for the refusal and details of complaint mechanisms. Skillinvest will also take steps reasonable in the circumstance to provide you with access in a manner that meets your needs and the needs of Skillinvest.

Complaints Process

Please direct all privacy complaints to Skillinvest's Privacy Compliance Officer via the contact details below. At all times, privacy complaints:

- will be treated seriously;
- will be dealt with promptly;
- will be dealt with in a confidential manner; and
- will not affect your existing obligations or affect the arrangements between you and Skillinvest.

Skillinvest's Privacy Officer will commence an investigation into your complaint. You will be informed of the outcome of your complaint following completion of the investigation. If you are dissatisfied with the outcome of your complaint, you may refer the complaint to the Office of the Australian Information Commissioner.

How to Contact Us

If you have any questions in relation to privacy, please contact us. You can do this by contacting us at:

- by mail: Privacy Officer, Skillinvest, PO Box 930 HORSHAM VIC 3402;

- by email: PrivacyOfficer@skillinvest.com.au
- by phone: 1300 135 008
- on our website at <https://www.skillinvest.com.au>

Office of the Victorian Information Commissioner (OVIC): The Guiding Principles for Surveillance in Victoria

Skillinvest must abide by the seven Guiding Principles designed by OVIC to assist organisations that use surveillance to meet their privacy obligations under the PDP Act. Respecting privacy in the use of surveillance protects the human rights of Victorians and Victoria's democracy.

PRINCIPLE 1: LEGALITY

1.1: Skillinvest ensures all surveillance is lawful.

1.2: Skillinvest undertakes a privacy impact assessment when considering surveillance.

1.3: Skillinvest complies with the JPPs when collecting personal information and sensitive information through surveillance.

1.4: Skillinvest periodically reviews its surveillance practices to ensure they remain lawful.

PRINCIPLE 2: LEGITIMATE AIM

2.1: Skillinvest only collects personal information by surveillance when that surveillance is connected to a legitimate aim that directly corresponds to the organisation's functions or activities.

2.2: Skillinvest limits the use of personal information collected through surveillance to the primary purpose for the surveillance or a permitted secondary purpose.

PRINCIPLE 3: NECESSITY

3.1: Skillinvest limits personal information collected through surveillance to that which is demonstrably necessary to achieve a legitimate and lawful aim.

3.2: Skillinvest does not use surveillance to collect personal information about an individual, where it is reasonable and practicable to collect the personal information directly from that individual without using surveillance.

PRINCIPLE 4: PROPORTIONALITY

4.1: Skillinvest assesses the proportionality of the surveillance required in the particular circumstances of an individual case, to ensure the surveillance is carried out in a way that is least likely to impact on privacy and human rights.

4.2: Skillinvest limits surveillance to the least intrusive acts, practices, or methods that are necessary to achieve a legitimate and lawful aim.

4.3: Skillinvest limits surveillance to relevant individuals only.

PRINCIPLE 5: SAFEGUARDS

5.1: Skillinvest implements procedural safeguards when using surveillance and ensures these safeguards are effective and adequately resourced.

Transparency

Notifications

5.2: At or before the time (or, if that is not practicable, as soon as practicable after) Skillinvest uses surveillance to collect personal information about an individual, Skillinvest takes reasonable steps to ensure that the individual is aware of:

- the identity of the organisation using surveillance and how to contact it; and
- the fact that the individual can gain access to the information collected through surveillance; and
- the purposes for which the surveillance is being used; and
- to whom the organisation usually discloses information collected through surveillance; and any law that enables the surveillance to be used.

Openness

5.3: Skillinvest makes available a document setting out the sorts of personal information it collects through surveillance, its purposes for using surveillance, the specific surveillance practices it uses for collection, and how collected personal information is used and disclosed.

5.4: Skillinvest considers proactively publishing policies and records in relation to its use of surveillance.

Access to personal information

5.5: Skillinvest provides individuals whose personal information has been collected through surveillance with the ability to request access to that information.

De-identification

5.6: Skillinvest takes reasonable steps to destroy or permanently de-identify personal information collected through surveillance if it is no longer needed.

5.7: Skillinvest considers the risks of re-identification when de-identifying personal information, and destroys personal information collected through surveillance where the risk of re-identification cannot be reduced to very low.

Anonymity

5.8: Skillinvest only collects anonymous information through surveillance, rather than personal information, wherever it is reasonably practicable.

Information sharing

5.9: Skillinvest limits the sharing and disclosure of personal information collected through surveillance to the primary purpose of the surveillance or a permitted secondary purpose.

5.10: Skillinvest does not transfer personal information collected about an individual through surveillance to someone (other than the collecting organisation or the individual) who is outside of Victoria, unless permitted by the IPPs.

Information security

5.11: Skillinvest takes reasonable steps to protect personal information collected through surveillance from being misused, lost, or accessed, modified, or disclosed by unauthorised persons.

PRINCIPLE 6: NON-DISCRIMINATION

6.1: Skillinvest does not use surveillance in a manner that discriminates on the basis of race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status.

PRINCIPLE 7: COMPLAINTS AND REMEDY

7.1: Skillinvest provides information and pathways for individuals to complain directly to the organisation where they believe their privacy has been interfered with.

7.2: Skillinvest works constructively to remedy privacy complaints involving surveillance where they are escalated to the Information Commissioner.

Dispute Settlement Help Contact

Victoria	Dispute Settlement Centre Department of Justice & Community Safety Phone: 1800 658 528
South Australia	Uniting Communities Mediation Service Phone: 08 8202 5960
Tasmania	Department of Justice Phone: 1300 13 55 13
Australian Capital Territory	Conflict Resolution Service Phone: (02) 6189 0590
New South Wales	Community Justice Centres Department of Communities and Justice Phone: 1800 990 777
Queensland	Dispute Resolution Centre Department of Justice and Attorney-General Phone: (07) 3239 6007
Western Australia	Legal Aid Western Australia Phone: 1300 650 579

References:

<https://www.oaic.gov.au/privacy/your-privacy-rights/employment/workplace-surveillance>

<https://www.oaic.gov.au/privacy/your-privacy-rights/surveillance-and-monitoring/security-cameras>

<https://ovic.vic.gov.au/privacy/resources-for-organisations/guiding-principles-for-surveillance/>

Privacy Act 1988

Privacy Amendment (Enhancing Privacy Protection) Act 2012

Australian Government Privacy Fact Sheet 17 – Australian Privacy Principles

2018 Notifiable Data Breaches scheme