



TITLE

Personal Information Statement

SUMMARY OF STATEMENT

This statement describes how the Federal Court of Australia will deal with personal information of its employees.

EMPLOYEES AFFECTED

All employees

CONTACT OFFICER

Director, People and Culture

DATE OF ISSUE

August 2019

General

1. This Statement outlines the Federal Court of Australia's practices in relation to how the Court collects, uses, discloses and stores personal information of employees.
2. The statement supports the Court's [Privacy Policy](#) and obligations under the [Privacy Act 1988](#) (the Act) which includes the Australian Privacy Principles and the Privacy (Australian Government Agencies – Governance) APP Code (APP Code).

Collection of your personal information

3. Where the Court needs to collect personal information about you it endeavours to collect this information from you, rather than from other sources, where it is reasonably practicable to do so.
4. The Court may also collect personal information indirectly from other sources, including through access to ICT networks and systems administered by another Commonwealth agency or contracted service providers.
5. The Court may also generate personal information in the course of its functions or activities.
6. The type of information collected may include (but is not limited to) information related to:
 - (a) recruitment and engagement of employees;
 - (b) termination of employment or the end of contract;
 - (c) terms and conditions of employment or engagement, including remuneration and hours of employment;
 - (d) records relating to leave (however described);
 - (e) personal and emergency contact details;
 - (f) work-related travel;
 - (g) performance, conduct or disciplinary records, including performance reviews;
 - (h) training records;
 - (i) taxation, banking and superannuation information;
 - (j) work health and safety records; and
 - (k) any other information provided by you.

Sensitive information

7. Personal information collected by the Court may also be sensitive information as defined under the Act. This means information about a person's racial or ethnic origin, health, trade union or professional memberships, sexual orientation, political opinion, religious or philosophical beliefs, criminal record, genetic information, or biometric information. The Court will only collect and disclose sensitive information about you if:
 - (a) you have consented, and the information is reasonably necessary for one or more of the Court's functions or activities;
 - (b) the collection is required or authorised by or under law, or a court or tribunal order;
 - (c) the disclosure is necessary to lessen or prevent a serious threat to life, or the health or safety of any individual and it is unreasonable or impracticable to obtain your consent to the disclosure.

Use and disclosure of your personal information

8. The primary purpose in collecting information about you is for the proper management and administration of the Court (work relationship).

9. The Court may disclose personal information to other entities, including:
- (a) other Commonwealth agencies in connection with Commonwealth public sector administration (including, but not limited to, the Australian Taxation Office and Comcare);
 - (b) other entities with administrative responsibility for the Court;
 - (c) in the case of security clearances, the Australian Government Security Vetting Agency, the Australian Federal Police and state and territory policing agencies;
 - (d) external service suppliers who supply administrative, personnel (including the Employee Assistance Provider), financial, medical, legal, industrial or other services to the Court, such as code of conduct investigators, recruitment and personnel agencies, medical practitioners, legal advisors, training providers;
 - (e) superannuation trustees or administrators;
 - (f) courts, tribunals and regulatory authorities as agreed or required by law; and
 - (g) anyone you authorise.
10. The Court may also use personal information for secondary purposes. This includes where:
- (a) you consent to the Court doing so;
 - (b) where the secondary purpose is related (or directly related if the information is sensitive information) to the primary purpose and it would be reasonable to expect the Court to use or disclose the information for the secondary purpose;
 - (c) the disclosure is authorised by or under law or a court or tribunal order;
 - (d) the disclosure is necessary to lessen or prevent a serious threat to life, health or safety of any individual and it is unreasonable or impracticable to obtain your consent to the disclosure;
 - (e) the disclosure is reasonably believed to be necessary to take appropriate action in relation to suspected unlawful activity or serious misconduct in relation to the Court.
11. Generally, contractual arrangements require that organisations outside the Commonwealth who handle or obtain personal information as service providers to the Court acknowledge the confidentiality of this information, undertake to respect any individual's right to privacy and comply with the Australian Privacy Principles.

How your personal information is stored

12. The Court stores personal information in paper and in digital formats, in electronic document management systems and other databases (including in secure approved cloud environments).
13. The Court takes all reasonable steps to protect the personal information it holds against loss, misuse or unauthorised access, modification or disclosure.
14. When personal information collected by the Court is no longer required it is destroyed, in accordance with the [Archives Act 1983](#), or de-identified.

Accuracy of your personal information

15. The Court aims to ensure that the personal information it holds is accurate, complete and up-to-date. This information may change with changes to your personal circumstances. It is your responsibility to advise the Court of any such changes.

Access to your personal information

16. You may request access to personal information which the Court holds about you. The Court will endeavour to provide access to that information within 30 days.

17. You may also request the correction of personal information the Court holds about you. If you request the Court to correct your personal information, the Court will take such steps to correct the information as are reasonable in the circumstances.

Further information

18. If you have any questions about any of the above, please contact the Director, People and Culture in the first instance, on (02) 6267 0691 or at HR@fedcourt.gov.au.

19. For further information about the Court's Privacy Policy please contact the Privacy Officer whose details are listed in the [Privacy Policy](#).