

<p>PURPOSE</p>	<p>We collect and hold a range of personal and sensitive information about our employees. This policy outlines the Personal Information handling practices and systems in place to ensure employee Personal Information and other confidential information is safeguarded against loss, unauthorised access, use, modification or disclosure for employees and prospective employees of Japara Healthcare Limited (Japara).</p> <p>We are committed to protecting the privacy of our employees. We have privacy obligations which are governed by legislation in relation to all personal and sensitive information collected, used, retained and disclosed in the course of our operations.</p> <p>See our Privacy Policy which details how we manage the personal and sensitive information of our clients and residents.</p>
<p>SCOPE</p>	<p>This policy is applicable to all employees of Japara and its subsidiaries.</p> <p>Japara operations refers to and includes current commercial operations related to our residential aged care homes and senior living.</p>
<p>REFERENCES</p>	<p>Commonwealth Legislation</p> <p><i>Privacy Act 1988 (Cth)</i> <i>Fair Work Act 2009 (Cth)</i> <i>Privacy Amendment (Private Sector) Act, 2000 (Cth)</i> <i>Privacy Amendment (Enhancing Privacy Protection) Act 2012 (Cth)</i> <i>Taxation Administration Act 1953 (TAA)</i> <i>Income Tax Assessment Act 1936</i> <i>Data-matching Program (Assistance and Tax) Act 1990</i> <i>Superannuation Industry (Supervision) Act 1993</i> <i>Privacy (Tax File Number) Rule 2015 (TFN Rule)</i></p> <p>Other Japara Documents</p> <p>Privacy Policy File Management and Archiving Policy Data Breach Response Plan</p>
<p>RESPONSIBILITIES</p>	<p>All Staff</p>
<p>FORMS</p>	<p>None</p>

NO.	POLICY
1.	<p><u>Definitions</u></p> <p>Data Breach means when Personal Information held by an organisation is lost or subjected to unauthorised access, modification, disclosure or other misuse or interference.</p> <p>Document means any Record of information and includes anything on which there is writing, marks, figures, symbols or perforations (brail), sound, images, maps, plans, drawings or photographs.</p> <p>Employee Records means any Record of information whether they are in hard copy or electronic form which relates to a previous employee, a current employee or a prospective employee.</p> <p>Personal Assistance Laws means a law or part of a law which refers to the definition of 'personal assistance' as defined in the <i>Data-matching Program (Assistance and Tax) Act 1990 (Cth)</i>. For example, assistance received under the ABSTUDY Scheme, Student Financial Supplement Scheme, social security payments, family assistance, paid parental leave or youth allowance.</p> <p>Personal Information means information or an opinion (including information or an opinion forming part of a database), whether true or not, and whether recorded in a material form or not, about an individual whose identity is apparent, or can reasonably be ascertained, from the information or opinion, but does not include information about an individual who has been dead for more than 30 years.</p> <p>Record means Documents whether they are in hard copy or electronic form, images, but does not include generally available publications.</p> <p>Sensitive information means information or opinion about a person's race, ethnicity, political opinions, association or membership, religious or philosophical beliefs, membership of professional or trade association or trade unions, sexual orientation of preference, criminal record, health information, genetic or biometric information.</p> <p>Tax File Number (TFN) has the same meaning as 'tax file number' in the <i>Privacy Act 1988 (Cth)</i>.</p>
2.	<p><u>Management of human resources Personal Information</u></p> <p>The <i>Privacy Act 1998 (Cth)</i> and the Australian privacy principles apply to all private sector businesses with an annual turnover of more than \$3 million and all private health service providers.</p> <p>The purpose of this policy is to assist employees to ensure that they collect, use and manage Personal Information in accordance with our legal obligations and with the principles of best practice.</p>
3.	<p><u>Personal Information in employee files</u></p> <p>Personal Information is any information that identifies a person. Human resource files may contain Personal Information and Sensitive Information including:</p> <ul style="list-style-type: none"> • employee names, addresses and contact information; • employee references and emergency contact details;

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- financial information like bank account details, credit history information or confirmation of employment for credit purposes;
- applications for employment and promotion and supporting documentation;
- records relating to the recruitment of candidates;
- employment contracts, terms and conditions of employment or probation;
- records related to performance management, training and development;
- information of financial or other interests which have been provided by employees and their family members for the purposes of identifying and managing perceived or possible conflicts of interest;
- confirmation of citizenship;
- copies of academic records or qualifications including transcripts;
- records relating to salary, employment benefits or leave allowances;
- medical certificates or health information supplied by the employee or their medical practitioner;
- national criminal record check results and working with children check results;
- taxation information;
- salary sacrifice arrangements;
- superannuation information; or
- information regarding child support assessments.

4.

Collecting, correcting and accessing employee Personal Information

(a) Direct Collection

We generally collect Personal Information from our employees directly during the course of their employment or from applicants during the course of our recruitment process. We may also collect information from supervisors or other employees. Personal and other information may be collected verbally, in writing and as images, including via electronic means such as our intranet, career site or third party provider sites.

(b) Collection from and disclosure to third parties

We may use third party providers to process employment applications and to manage the recruitment process.

We may disclose Personal Information to third party providers, security organisations and Government agencies for this purpose and other purposes including checking references, national criminal record checks and bankruptcy checks.

Where a third party has access to or may receive Personal Information, we must ensure that their engagement is subject to contractual confidentiality obligations.

(c) Accessing and correcting Personal Information

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We maintain and update our human resources files as necessary or when we have been advised that the Personal Information has changed.

All staff may access and ask that we correct the Personal Information we hold about them in our human resources files.

5. Tax File Numbers

We must take reasonable steps to ensure that all staff are aware of the need to protect an individual's privacy when handling their tax file number (**TFN**) information. The following information relates to the management of TFN information.

Legislation relating to the collection, storage, use, disclosure, security and disposal of Tax File Numbers includes:

- *Taxation Administration Act 1953 (TAA)*;
- Income Tax Assessment Act 1936;
- *Data-matching Program (Assistance and Tax) Act 1990*;
- *Superannuation Industry (Supervision) Act 1993*; and
- *Privacy (Tax File Number) Rule 2015 (TFN Rule)*.

The *Taxation Administration Act 1953 (TAA)* and the Privacy (Tax File Number) Rule 2015 (**TFN Rule**) regulate the collection, storage, use, disclosure, security and disposal of individual's tax file number information.

The TAA applies to all TFN information, not just those of individuals. The TFN Rule only applies to the TFN information of individuals, it does not apply to the TFN information of corporations, partnerships, superannuation funds or trusts.

Under the TAA, it is an offence to request or require that a person's TFN be quoted. It is also an offence to record, maintain a record of, use or disclose an individual's TFN without authorisation, unless an exception applies.

(a) **Collection**

We must only request or collect TFN information from individuals for an authorised purpose under the tax laws, the Personal Assistance Laws or superannuation laws.

Where we request an individual's TFN, we must take reasonable steps to ensure that the individual is informed of the purpose for which the TFN is requested or collected, that they may decline to provide their TFN and that there may be tax implications for them if they decline to provide a TFN.

If we receive TFN information from an individual and we do not need the TFN information we can request that the individual remove the TFN information, if the information cannot be removed or the individual declines to remove the information we must not use or disclose the TFN or records containing the TFN in a way that is inconsistent with our obligations under the TAA or the TFN Rule. If you are unsure, contact the Privacy Officer.

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(b) Use or disclosure of TFN Information

We must only use or disclose TFN information for an authorised purpose under the tax law, the Personal Assistance Laws or the superannuation laws.

Where requested, we must disclose any TFN information we hold about an individual to them.

(c) Storage, security and destruction of TFN information

We must take reasonable steps to ensure that the TFN information is protected from misuse, loss and from unauthorised access, use modification or disclosure.

We must ensure that access to any Records which contain TFN information is restricted to individuals who need to handle that information for authorised purposes.

We must take reasonable steps to securely destroy or permanently de-identify TFN information where we are no longer required by law to retain it or it is no longer necessary for authorised purposes under the tax laws, the Personal Assistance Laws of the superannuation laws.

6. Storage and security of employee Personal Information

We take steps to protect the security and confidentiality of the Personal Information we hold about our employees. We may hold Personal Information in hard copy and electronically.

These steps include password protection for accessing the electronic IT systems, audit trails of electronic systems and physical access restrictions including secure offices and cabinets containing employee Personal Information.

Section 535 of the *Fair Work Act 2009* requires that Employee Records are retained for a period of seven years. Please refer to our [File Management and Archiving Policy](#) regarding how we manage, store, archive and destroy Records.

Please refer to the [Privacy Policy](#) and the [Data Breach Response Plans](#) regarding responding to a Data Breach or suspected Data Breach.

7. Management, use, storage and destruction of records collected through the recruitment process

We commence collecting Records from prospective employees at the beginning of the recruitment process. These Records include job application documents, resumes, curriculum vitiates, national criminal record check results and bankruptcy check results.

During the recruitment process all Records are stored securely in hard copy or electronically by the Human Resources Department or within our IT systems including our careers site database.

Certain members of our staff, including executives, and also our Board, will also have access to recruitment Records as part of the recruitment and support processes.

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Section 535 of the *Fair Work Act 2009* requires that Employee Records are retained for a period of seven years.

Prospective candidates going through the recruitment process have not yet been engaged for employment and therefore the information held by Japara is excluded from Japara's obligations to maintain Employee Records under the *Fair Work Act 2009*.

The *Privacy Act 1988 (Cth)* defines an 'employee record' to include Personal Information collected and stored by an employer in relation to an employee's employment. The Act does not provide a specific time period that the Personal Information must be retained. Prospective employee information is collected with consent and for the primary purpose of assessing whether the individual is a suitable candidate for a role with Japara.

We must advise prospective employees that their information will be retained on file for a period of 12 months from the close of the application period.

Please refer to our [File Management and Archiving Policy](#) regarding archiving and destruction of Records.

8. Complaints

If you would like to make a complaint about how we have managed your Personal Information, please contact our Group Privacy Officer, preferably in writing. Contact details follow:

Group Privacy Officer
Japara Healthcare Limited
PO Box 16082, Collins Street West VIC 8007
Ph: (03) 9649 2100 Fax: (03) 9649 2129
Email: GPO@japara.com.au

Where a complaint requires further investigation, the investigation will be managed by the Group Privacy Officer or other senior staff.

We will update you regarding the investigation and provide you with a response regarding what (if any) action we will take to resolve the complaint.