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## Policy 19 – Privacy and Confidentiality

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Stockwell International Pty Ltd considers best practice when it comes to maintaining privacy and confidentiality in the workplace. It is important Stockwell Int, its employees, and their representatives know what information may be collected and retained by employers and whether it can be passed on to others. This best practice creates certainty and security for both employers, employees, and customers.

### **What is Privacy**

Privacy is the word we give to being able to keep certain information to ourselves and to control what happens to our personal information. It also refers to being able to do things without interference by others.

Commonwealth privacy laws regulate the collection and handling of personal information through minimum privacy standards. These are known as the Australian Privacy Principles (APPs). The APPs apply to all private sector businesses with an annual turnover of more than \$3 million,

Personal information is information that identifies a person. There are some obvious examples of personal information such as a person's name or address. Personal information can also include photos, credit history information, bank account details and even information about what a person likes, their opinions and where they work - basically any information where the person is reasonably identifiable.

Personal information can be sensitive in nature such as information about a person's race, ethnicity, political opinions, membership of political associations, membership of professional associations and trade unions, religious or philosophical beliefs, sexual preferences, health and genetic information or criminal records. The APPs provide higher privacy standards when organisations are handling an individual's sensitive information.



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### **What is Workplace Privacy**

In many cases, Commonwealth privacy laws will not apply when it comes to employee records. Commonwealth privacy laws only apply to employee personal information if the information is used for something that is not directly related to the employment relationship between the employer and the employee.

#### State Offices of Privacy

- Office of the Information Commissioner Queensland  
(07) 3234 7373  
[www.oic.qld.gov.au](http://www.oic.qld.gov.au)
- Privacy NSW  
(02) 8688 8585  
[www.lawlink.nsw.gov.au/privacynsw](http://www.lawlink.nsw.gov.au/privacynsw)
- Privacy Victoria  
1300 666 444  
[www.privacy.vic.gov.au](http://www.privacy.vic.gov.au)
- Best practice employers allow employees to access personal information about themselves which is held by their employer. Employees should also be able to have that information corrected or verified if it is incorrect, out of date or incomplete.

#### General Privacy Principles

- limiting the collection of information
- providing notice to individuals about the potential collection, use and disclosure of personal information
- disclosing personal information
- keeping personal information accurate, complete and up to date
- keeping personal information secure
- providing access to personal information



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### Obligations when information is provided to third parties, particularly when given under the Fair Work Act 2009 (FW Act)

- Best practice employers understand that creating trusting relationships with employees is integral to achieving a happy and productive workplace. Best practice employers follow the APPs when providing information about their employees to third parties. In line with the APPs, for example, an employer should not sell a list of its employees to another organisation for marketing purposes.
- In limited circumstances, however, an employer may disclose employee records to a third party.
- Best practice employers understand that creating trusting relationships with employees is integral to achieving a happy and productive workplace. Best practice employers follow the APPs when providing information about their employees to third parties. In line with the APPs, for example, Stockwell Int. will not sell a list of its employees to another organisation for marketing purposes.
- In limited circumstances, however, an employer may disclose employee records to a third party
- A Fair Work Inspector can request information about employees in order to establish that the business is meeting its employment obligations. Under the FW Act, employers are required to provide this information to a Fair Work Inspector
- Some government agencies, such as the Australian Tax Office, have powers to request information from employers. Employers should satisfy themselves that the agency requesting the information has the power to do so. You may wish to ask the agency what law allows them to make a request for the information. When required by law, employers should provide the requested information to the appropriate government agencies.
- Sometimes employers are approached to provide employment references about former or current employees. Providing information that relates directly to the employment relationship between an employer and employee is not a breach of Commonwealth privacy laws. Information that directly relates to the employment relationship can include things such as the employee's skills, performance, conduct, and their terms of employment.



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- In general, best practice employers consider whether to disclose personal information about an employee without their consent. If an individual applying for a job has asked a former employer to act as a referee, the former employer can assume, when contacted for a reference, that they have the individual's implied consent to disclose relevant information about them. However, if the former employer has not been asked by the individual to be a referee and is contacted for a reference, generally the former employer should seek the consent of the individual before disclosing information about them.

### General Privacy Principles

Sometimes employers are approached to provide employment references about former or current employees. Providing information that relates directly to the employment relationship between an employer and employee is not a breach of Commonwealth privacy laws. Information that directly relates to the employment relationship can include things such as the employee's skills, performance, conduct, and their terms of employment.

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### **Workplace Confidentiality**

Workplace confidentiality refers to any confidential or sensitive information that you come across while working in the business. There are a few types of confidential information, but not limited to:

- ✚ Personal information of customers.
- ✚ Employee information
- ✚ Financial information
- ✚ Legal information
- ✚ Proprietary information or 'Trade Secrets'



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### Statement

- ✚ This policy is designed to ensure that all workers understand the concept and importance of confidentiality
- ✚ Ideas, concepts, and suggestions can be transformed into major campaigns and income streams. Preservation and protection of the organisation's proprietary interests in confidential business information and trade secrets are vital to protect the interest and growth of the organisation.
- ✚ It is also essential that all aspects of client/ customer information are treated confidentially. Private information about individuals are collected in several different ways – by discussion, or on several forms, reports and records which are utilised throughout the organisation. Personal client/customer information is privileged and must be protected.
- ✚ This policy will apply to all confidential information which is not in the public domain and which is reasonably regarded by the organisation as confidential to it which the worker becomes aware during his or her employment or engagement including, but not limited to:
  - ✚ The organisations financial affairs;
  - ✚ Trade secrets;
  - ✚ Confidential business (including financial) and technical information;
  - ✚ Business methods and management systems;
  - ✚ Detailed information and records relating to clients/ customers (including names, addresses, and telephone number), suppliers and workers and parties with whom the organisation deals commercially;
  - ✚ Any information which is confidential or commercially sensitive to any of the organisations clients/ customers;
  - ✚ Strategic information relating to marketing, advertising or any other aspect of business;
  - ✚ Computer software and data;
  - ✚ New product research and development strategies;
  - ✚ Any other information not generally known to the public.
- ✚ privileged and must be protected.



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### Obligations

- ✓ This policy applies to all workers of Stockwells inclusive of subcontractors, consultants, and agents. Anyone acting on behalf of Stockwell.
- ✓ All parties mentioned above must hold all confidential documents in confidence
- ✓ They shall not use, disclose, or copy confidential information

### Breach of confidentiality policy

- ✚ A breach of the above obligations will entitle the organisation to:
- ✚ To take disciplinary action against any employee up to and including summary dismissal in accordance with the Disciplinary Policy.
- ✚ To terminate the engagement of any other worker to cease to provide services to the organisation.

Signed: *David Stockwell* Date: Oct 21, 2020  
David Stockwell (Oct 21, 2020 09:11 GMT+11)

David Stockwell (CEO)