



Privacy Policy (Employment)

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Policy No: P026

Authorised by: Head of Human Resources



1. Introduction

Bowens is committed to protecting the privacy of its employees in all areas, including the collection, security, use and disclosure of their personal information.

This policy outlines how Bowens collects, holds, uses, and discloses your personal information, and how we maintain the quality and security of your personal information.

2. Policy

Bowens complies with privacy laws and the Australian Privacy Principles contained in the Privacy Act 1988 (Cth) which sets out the standards, rights, and obligations in relation to handling, holding, accessing, and correcting personal information.

Bowens acknowledges the particular importance of this policy in relation to Human Resources and Payroll as information collected may be of a sensitive nature.

3. Scope

This Policy applies to all personal information relating to potential, current and former employees.

4. Responsibilities

Employees and Contractors are responsible for:

- Adhering to the requirements of this policy and/or related policies
- Submitting a request in writing if access to records is being sought
- Authorising or consenting to an organisation or another person having access to their personal information, if required
- Advising HR of any suspected data breach.

Managers are responsible for:

- Ensuring privacy standards pertaining to this policy are carried out
- Responding to and escalating any requests for information or complaints relating to this policy to the Head of HR

HR and/or Payroll are responsible for:

- Ensuring only necessary information is requested and that candidates and or employees are aware of why it is being collected.
- Ensuring appropriate storage, security, and destruction of all personal information as necessary
- Reviewing and responding to requests or complaints under this Policy.
- Ensuring only appropriate levels of access to Bowens HCM system is given to candidates and employees according to the requirements of their role.
- De-identifying information about another person when necessary
- Advising impacted individual(s) if a data breach or suspected data breach has occurred

5. Collection of Personal Information

Personal information will only be collected for a lawful purpose that relates to Bowens' work and where the collection of the information is necessary for, or directly related to, that purpose. It must be obtained lawfully and fairly.

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Bowens generally collects personal information directly from employees and applicants but may also collect personal information from an employee's supervisors, other employees, or intermediaries such as recruitment agents and personnel providers.

Bowens may also collect personal information about employees and applicants from third parties, for example previous employers, when it is relevant to the selection process.

Personal Information may be collected through various means including but not limited to interviews, correspondence, by telephone and/or email, via websites and social media, from media and publications, from other publicly available sources, etc.

6. Sensitive Information

In rare cases Bowens may collect sensitive information without employees consent such as where it is necessary to investigate suspected unlawful activity or misconduct of a serious nature within our organisation.

Sensitive information is defined in the Privacy Act to include information or opinion about such things as an individual's racial or ethnic origin, political opinions, membership of a political association, religious or philosophical beliefs, membership of a trade union or other professional body, criminal record, or health information. Sensitive information will be used by Bowens only:

- For the primary purpose for which it was obtained
- For a secondary purpose that is directly related to the primary purpose
- With employee's consent; or
- where required or authorised by law.

7. Storage and Security of Personal Information

Bowens will take reasonable steps to protect the personal information held from misuse, loss and from unauthorised access, modification, or disclosure.

Personal information that is no longer required will be destroyed or, where appropriate, de-identified. Bowens may store information either physically or electronically in the following ways:

- On Bowens HCM, Payroll System, and Finance related databases which are housed both onsite and offsite and accessible only by authorised personnel; and
- Hard copy employee files which are housed onsite or offsite in secure methods, including lockable storage with access available only to authorised personnel; and
- Soft copy employee files which are saved on Bowens IT system with access available only to authorised personnel.

Employees will only be given a level of access appropriate to their duties.

Bowens will only store personal information for as long as necessary for the purpose for which the information was sourced and provided and / or as required by law. Where necessary, Bowens will take reasonable steps to destroy or permanently de-identify an employee's Personal Information.

Bowens will provide employee information when directed under law or to authorities who are approved to access such information.

8. Information Collected for and/or Contained within an Employee's Personal File

Human resources files hold personal information such as, but not limited to, the following:

- employee, referee, and emergency contact details
- applications for employment and supporting documents.

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- selection reports and data
- pre-employment checks including but not limited to police checks, drivers' licences check etc.
- employment contracts, and other records relating to terms and conditions of employment
- transfer of Business records
- details of financial and other personal interests supplied by employees and their immediate family members for the purpose of managing perceived or potential conflicts of interest
- proof of Australian citizenship
- proof of working rights in Australia and related visa documentation
- certified copies of academic qualifications
- records relating to salary, employment benefits and leave
- medical certificates or health related information supplied by an employee or their medical practitioner including information about pre-existing illnesses or injuries.
- taxation details
- banking information necessary to pay salary and wages
- superannuation contributions
- information relating to employees' training and development
- information relating to an employee's termination
- information about an employee's performance.
- workers compensation claims, files and correspondence

9. Employee's Right to Restricted Access to their own Personal Information and Employment Records

An Employee does not have a general right to access and review their employment records however they do have a right to access and update or correct their personal information, subject to some exceptions allowed by law. Information in an employment record that an employee can view includes:

- award which governs employment
- time and wages records including overtime and remuneration
- records of leave, including leave taken and available entitlements
- records of superannuation contributions.
- health information; and
- workers compensation payment records, if an employee has had an accident.

An Employee cannot look at another employee's employment record except if their duties expressly require it (e.g. an HR manager, payroll officer and similar roles).

If an employee wishes to access their records, they must submit a request in writing to the Head of HR indicating the reason access to the record is being sought. Bowens will respond to the request within 30 calendar days commencing the day after the request is received. If that timeline is impracticable Bowens will contact the individual to explain the delay and provide an expected timeframe.

The Head of HR, or other such person as nominated by the Head of HR, will allow employees to inspect the approved/relevant records in their presence. Records may not be removed from the secure area, but employees may, at the sole discretion of the company, be given copies of approved records they request.

Any identifying information about another person must be de-identified before being provided.

Privacy Policy (Employment)

Policy No: P026

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Employees may authorise or consent to an organisation or another person having access to their personal information. The law allows for either direct consent (written or, if time does not permit, verbal) or implied consent. Examples of people who may have implied consent are lawyers, agents, translators, or parents under some circumstances. Only information relevant to the nature of the enquiry may be disclosed.

10. Refusals to Employee's Request to their Personal Information

Bowens may refuse to provide access to personal information on a number of grounds including, but not limited to :

- access may pose a serious threat to life, health, or safety of an individual, or to public health or safety;
- access may unreasonably impact on the privacy of others;
- the request is frivolous or vexatious;
- the information relates to existing or anticipated legal proceedings and the information would not be accessible by the process of discovery in those proceedings;
- the information would reveal the intentions of Bowens in relation to negotiations with the individual in such a way as to prejudice those negotiations;
- providing access is unlawful;
- denying access is required/authorised by Australian law or Court/Tribunal order;
- there is reason to suspect unlawful activity or serious misconduct is occurring and access is likely to prejudice appropriate action;
- access will prejudice enforcement related activity, or
- access may impact on a commercially sensitive decision-making process.

If a decision is made not to provide access, to provide the information in a different way than requested, or not to correct information, the individual will be advised in writing of the reason, any complaint mechanisms available, and any other prescribed matters. They will also be advised of any steps that could be taken that mean the request would not be refused e.g. narrowing the scope of the request.

11. Correcting Personal Information

Bowens has a responsibility to ensure recorded personal information is accurate, up-to-date, complete, not misleading and relevant to the purpose for which it was collected.

If an employee believes it is not, they may request that it be corrected, deleted or added to. Any such formal requests should be referred to the Human Resources function. Information will be updated within 14 days of receipt or request, where appropriate.

12. Complaints of Breaches

Employees who believe there has been an interference with their privacy may raise a concern internally to the Head of HR in writing. Bowens is required to comply with the Privacy Act 1988 and must comply with Data Breach notification laws.

An eligible data breach is one that involves unauthorised access or disclosure or loss of personal information that is likely to result in serious harm to the affected individuals.

Serious harm is not defined, and Bowens will determine whether a reasonable person would consider the harm to be serious. An example might be an employee's device (phone, laptop, USB, etc) that contains personal information of a client, a supplier, or sensitive company information like commercial details. Another example might be the accidental emailing of personal information to the wrong addressee.

Breaches must be notified as soon as practicable.

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If an employee believes that they may have identified a data breach, it is imperative that they immediately contact the IT team (if the data breach occurred through loss of a device) so that the breach can be contained.

13. Policy Breach

A breach of this policy may result in disciplinary action which could include the termination of your employment or discontinuation of contractor agreements.

Bowens will take appropriate action for any employee that breaches this policy. In most cases, violations of this policy will be investigated by management and/or the Human Resources Department. Employees are required to cooperate with any such investigation.

Disciplinary action may include a warning, a first and final warning or immediate termination of employment for serious misconduct.

14. Links to Related Policies & Procedures

Name	Doc #	Document Type
Code of Conduct	P001	Policy
Confidentiality	P009	Policy

15. Governance (Standards, Legislation & Compliance Codes)

Name	Standard Type	Date
Privacy Act	Act	1988
Fair Work Act	Act	2009

16. Version Control & Change History

Version Number	Approval Date	Approved by	Policy Owner	Date of next review
1	29 Jan 24	Vesna Brown – Head of Human Resource	Lorraine Espenschied – HR Business Partner	Jan 26