



Australian Government

**Office of the Australian Building and
Construction Commissioner**

**OFFICE OF THE AUSTRALIAN BUILDING AND
CONSTRUCTION COMMISSIONER (ABCC)**

ADDRESS: GPO Box 9927
MELBOURNE VIC 3001

Privacy Contact Officer: Tim Honey 03 8509 3012

7 classes of Personal Information are held by this agency. Included in this total is 1 class of Personnel Records.

1. PERSONNEL RECORDS

See Appendix 1 for a generic description of Personnel Records.

2. INVESTIGATION FILES

The purpose of these records is to maintain information relating to investigations undertaken by the ABCC into suspected breaches of the *Building and Construction Industry Improvement Act 2005* (Cth) ("BCII Act"), *Independent Contractors Act 2006* (Cth) and the *Workplace Relations Act 1996* (Cth) in the building and construction industry. Some records also relate to the provisions of the National Code of Practice for the Construction Industry.

Content may include: name, address, date of birth, occupation, employment details including provision of copies of time and wage records, payslips and taxation group certificates; nature of the claim; details of the employer; copies of correspondence between the ABCC and the parties involved; record of any interviews conducted; and any legal action taken by the ABCC.

Sensitive content may include, where applicable, information concerning a particular employer and employee relationship including hours worked, conditions and wages; records of interview; witness statements; ABCC Legal and external legal opinion on veracity, intent, strength of evidence and possibility of success in prosecution; and historical evidence regarding any previous breaches.

The personal information on these records relates to complainants, alleged offenders, witnesses and victims.

The following agency staff have access to this information; ABC Commissioner, ABC Deputy Commissioners and ABCC staff appointed under ss. 25(1) of the BCII Act who are involved in investigations.

Records are kept in accordance with the Administrative Functions Disposal Authority of the National Archives of Australia as well as under the Department of Employment & Workplace Relations Retention and Disposal Authority. Records are kept for a period of 8 years or may be retained permanently depending on the investigation involved and content of the file. The records are stored on electronic media, in the Department of Employment and Workplace Relations, and paper media retained in the office of origin at the ABCC's secure premises.

Some of this information may be disclosed to the Attorney-General's Department, the Australian Government Solicitor, Australian Federal Police, the Director of Public Prosecutions, the State Police, Counsel engaged by the ABCC, Legal Service Providers contracted to the ABCC and other relevant agencies and bodies referred to in ss. 10(1) of the BCII Act when required, in accordance with Information Privacy Principles. All ABCC staff are subject to s. 65 of the BCII Act which contains a

provision that protected information not be recorded or disclosed except for a purpose set out in that section.

Individuals can enquire about access to their personal information by contacting the Privacy Contact Officer, Ph: (03) 8509 3012, or by writing to the Privacy Contact Officer, ABCC, GPO Box 9927, Melbourne VIC 3001.

3. LITIGATION FILES

The purpose of these records is to maintain records for litigation and advice, case matter management, costs management and compilation of statistics for annual reports.

Content may include: name, address (including email), date of birth, occupation, telephone and fax numbers, employment details including provision of copies of time and wage records, payslips and taxation group certificates; nature of the claim; details of the employer; copies of correspondence between the ABCC and the parties involved; record of any interviews conducted; and any legal action taken by the ABCC.

Sensitive content may include, where applicable, information concerning a particular employer and employee relationship including hours worked, conditions and wages; records of interview; witness statements; ABCC Legal and external legal opinion on veracity, intent, strength of evidence and possibility of success in prosecution; and historical evidence regarding any previous breaches.

The personal information on these records relates to respondents, witnesses and victims.

The following agency staff have access to this personal information: ABC Deputy Commissioner Legal, ABC Assistant Commissioner Legal, ABC Legal Managers, Senior ABC Lawyers, ABC Broadband Lawyers and legal support staff.

Records are kept in accordance with the Administrative Functions Disposal Authority of the National Archives of Australia as well as under the Department of Employment & Workplace Relations Retention and Disposal Authority. Records are kept for a period of 8 years or may be retained permanently depending on the investigation involved and content of the file. The records are stored on electronic media, in the Department of Employment and Workplace Relations, and paper media retained in the office of origin at the ABCC's secure premises.

Some of this information may be disclosed to the Attorney-General's Department, the Australian Government Solicitor, Australian Federal Police, the Director of Public Prosecutions, the State Police, Counsel engaged by the ABCC, Legal Service Providers contracted to the ABCC and other relevant agencies and bodies referred to in ss. 10(1) of the BCII Act when required in accordance with Information Privacy Principles. All ABCC staff are subject to s. 65 of the BCII Act which contains a provision that protected information not be recorded or disclosed except for a purpose set out in that section.

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4. ACCOUNTS PAYABLE VENDOR MASTER RECORDS IN BUSINESS INFORMATION SYSTEM (BIS)

The purpose of these records is to schedule and account for payment of travel allowances and other reimbursements to ABCC staff.

The records relate to the travel arrangements of ABCC staff and content may include: name, address and bank or credit union account details for the purpose of travel allowance payment.

Sensitive content may include: personal bank or credit union account details and address.

The class of person about whom the records are kept is ABCC staff.

Records are kept in accordance with the Administrative Functions Disposal Authority of the National Archives of Australia. The records are kept for 7 years. The records are stored on electronic media, in the Department of Employment and Workplace Relations.

The following staff have access to the information contained in the records: ABCC business services staff and their supervisor; administrative staff in the Department of Employment and Workplace Relations and their supervisors.

Individuals can enquire about access to their personal information by contacting the Privacy Contact Officer, Ph: (03) 8509 3012, or by writing to the Privacy Contact Officer, ABCC, GPO Box 9927, Melbourne VIC 3001.

5. CLAIMS FOR PAYMENT

The purpose of these records is to enable payment to be properly made for goods and services provided to the ABCC. These records are required to be stored by the *Financial Management and Accountability Act 1997*.

Content may include: name, address and personal financial information including bank or credit union account details and ABN.

Sensitive content may include: bank or credit union account details and address.

The personal information on these records relates to ABCC employees, consultants and creditors.

The following agency staff have access to this personal information: ABCC business services staff and Department of Employment and Workplace Relations (DEWR) accounts staff.

Records are kept in accordance with the Administrative Functions Disposal Authority of the National Archives of Australia. The records are kept for 7 years. The records are stored on electronic media in the Department of Employment and Workplace Relations.

Some of this information is disclosed to: the Department of Finance and Administration.

Individuals can enquire about access to their personal information by contacting the Privacy Contact Officer, Ph: (03) 8509 3012, or by writing to the Privacy Contact Officer, ABCC, GPO Box 9927, Melbourne VIC 3001.

6. CONTACT DETAILS FOR PEOPLE WHO HAVE ASKED TO BE ON MAILING LISTS FOR INFORMATION, OR HAVE REQUESTED PUBLICATIONS

The purpose of these records is to ensure that the ABCC is able to send relevant material to employers, employees, employer and employee associations, media organisations and individuals. The classes of person about whom these records are kept are: employers, employees, employer and employee associations, media organisations and individuals.

Content generally includes the name, position title and address of the contacts including email addresses. Telephone and fax numbers are recorded where available. Some contacts are private individuals rather than representatives of organisations.

The following agency staff have access to this personal information: ABCC staff appointed under ss. 25(1). This information is not usually disclosed to other persons or organisations.

The mailing lists are maintained until the activities for which they were established cease. The records are destroyed when reference ceases under the Administrative Functions Disposal Authority. The records are stored on electronic media in the Department of Employment and Workplace Relations.

Individuals can enquire about access to their personal information by contacting the Privacy Contact Officer, Ph: (03) 8509 3012, or by writing to the Privacy Contact Officer, ABCC, GPO Box 9927, Melbourne VIC 3001.

7. ABCC ONLINE SUBSCRIPTIONS

These records relate to those individuals who have subscribed to the ABCC subscription service via the ABCC internet. The purpose of these records is to provide these individuals with notification of important issues, upcoming ABCC events and seminars, and the ABCC's eAlerts. The class of person about whom these records are kept are individuals.

Content generally includes: name and email addresses. Position title, address of the contacts, telephone and fax numbers are recorded where available/applicable. Some contacts are private individuals rather than representatives of organisations.

The mailing lists maintained by ABCC Communications staff are generated from the online registration function on the ABCC website via an email request. The following agency staff have access to this personal information: ABCC Communications staff appointed under ss. 25(1) of the BCII Act. This information is not usually disclosed to other persons or organisations.

The mailing lists are maintained until the activities for which they were established cease. The records are destroyed when reference ceases under the Administrative Functions Disposal Authority. The records are stored on electronic media in the Department of Employment and Workplace Relations.

Individuals can enquire about access to their personal information by contacting the Privacy Contact Officer, Ph: (03) 8509 3012, or by writing to the Privacy Contact Officer, ABCC, GPO Box 9927, Melbourne VIC 3001.

APPENDIX 1

PERSONNEL RECORDS

Due to the commonality of these classes of records between agencies, they have been grouped in one entry. This necessarily reduces the amount of detail provided. Current and former employees can obtain details of specific agency record handling practices by contacting personnel staff in that agency.

It should not be assumed that all records described are kept in a common storage facility. Separate security arrangements will typically apply, depending on the sensitivity of the information.

The purpose of these records is to maintain employment history and payroll and administrative information relating to all permanent, contract and temporary staff members and employees of an agency.

Personnel and payroll

The records may include any one or more of the following:

- (1) records relating to attendance and overtime;
- (2) leave applications and approvals;
- (3) medical and dental records;
- (4) payroll and pay related records, including banking details;
- (5) tax file number declaration forms;
- (6) declarations of pecuniary interests;
- (7) personal history files;
- (8) performance appraisals, etc;
- (9) records relating to personal development and training;
- (10) trade, skill and aptitude test records;
- (11) completed questionnaires and personnel survey forms;
- (12) records relating to removals;
- (13) travel documentation;
- (14) records relating to personal welfare matters;
- (15) contracts and conditions of employment;
- (16) EEO Data; and
- (17) next of kin details.

Recruitment

The records may include any one or more of the following:

- (1) recruitment records and dossiers;
- (2) records relating to relocation of staff and removals of personal effects; and
- (3) records relating to character checks and security clearances.

Other

The records may include any one or more of the following:

- (1) records of accidents and injuries;
- (2) compensation case files;
- (3) rehabilitation case files;
- (4) records relating to counselling and discipline matters, including disciplinary, investigation and action files, legal action files, records of criminal convictions, and any other staff and establishment records as appropriate;
- (5) complaints and grievances; and
- (6) recommendations for honours and awards.

The content of personnel records may include: name, address, date of birth, occupation, AGS number, gender, qualifications, equal employment opportunity group designation, next of kin, details of pay and allowances, leave details, work reports, security clearance details and employment history.

Personnel records may include information which employees may consider sensitive such as: physical and mental health, disabilities, racial or ethnic origin, disciplinary investigation and action, criminal convictions, adverse performance and security assessments, tax file numbers, relationship details and personal financial information.

Personal information on personnel records relates to current and former staff members and employees including contract and temporary staff.

The following agency staff have access to personnel records: executive and senior personnel management staff, supervisors and members of selection committees (if appropriate), the individual to whom the record relates and, as is appropriate, personnel staff, security officers and case managers.

Personnel records are kept according to the applicable provisions of the General Disposal Authority for staff and establishment records issued by Australian Archives.

Information held in personnel records may be disclosed, as appropriate, to: Comcare, Commonwealth Medical Officers, Attorney-General's Department, Australian Public Service Commission, ComSuper and other superannuation administrators, Australian Taxation Office, and the receiving agency following movement or re-engagement of an employee.

Individuals can obtain information regarding access to their personal information by contacting the personnel section of the employing agency.

Records relate to all current and former employees of an agency and are stored on paper, microfiche and electronic media.

Location: *ABCC National Office
553 St Kilda Rd
MELBOURNE VIC 3004*