

# Checkworkrights

## Privacy Policy

### 1 Your rights in relation to privacy

Checkworkrights Pty Ltd as trustee for the Checkworkrights Unit Trust ABN 39 799 316 009 (**CWR**) understands the importance of protecting the privacy of an individual's personal information. This policy sets out how CWR aims to protect the privacy of your personal information, your rights in relation to your personal information managed by CWR and the way CWR collects, holds, uses and discloses your personal information.

In handling your personal information, CWR complies with the *Privacy Act 1988* (Cth) (**Privacy Act**), the 13 Australian Privacy Principles in the Privacy Act and all relevant Australian privacy laws.

This policy may be updated from time to time.

### 2 What kinds of personal information does CWR collect?

Personal information is information or an opinion about an identified, or reasonably identifiable, individual. During the provision of its services, or undertaking its functions and activities, CWR may collect your personal information.

Generally, the kinds of personal information CWR collects are:

- (a) contact and identification information such as your name, address, telephone number and email address;
- (b) where you are acting on behalf of another entity (whether as an employee, director or other representative), details of that entity and your relationship with it;
- (c) banking details and financial information as required for CWR's functions and activities, for example, in respect of contractors engaged by CWR;
- (d) where you are an employee or prospective employee or contractor of another entity (and CWR have been engaged by that entity or you directly to verify certain information relating to you in that capacity), details relating to:
  - (i) your right to work in Australia, including information obtained through the Australian government's visa entitlement verification online system;
  - (ii) your right to work with children, including information obtained from a working with children check conducted through an Australian government department or agency;
  - (iii) the authenticity or otherwise of Australian government issued documents, such as birth certificates;
- (e) sensitive information, including criminal record and police information, where you or your current or prospective employer has engaged us to verify the existence or status of any criminal record in Australia through a nationally coordinated criminal history check (**criminal history check**);
- (f) other information required for CWR's functions and activities.

In some circumstances CWR may also hold other personal information provided by you.

### **3 How does CWR collect personal information?**

Generally, CWR collects your personal information directly from you, through the completion of an online form, an interaction or exchange in person or by way of telephone, email, post or through the use of the CWR website, CWR cloud-based platform, or CWR software used in connection with that platform.

There may be occasions when CWR collects your personal information from other sources such as from:

- (a) an entity that has engaged us to provide information verification, record keeping or reporting services, including where that person or entity is your current or prospective employer;
- (b) a person or entity you represent, where necessary for CWR to provide its products or services to that entity through you or where necessary for that entity to supply products or services to CWR;
- (c) an Australian government department or agency;
- (d) an information services provider;
- (e) a publicly maintained record or other publicly available sources of information including social media and similar websites;
- (f) if for recruitment purposes, an external recruitment, labour hire, or background screening services provider or third parties with whom you have previously worked.

Generally, CWR will only collect your personal information from sources other than you if it is unreasonable or impracticable to collect your personal information from you.

### **4 Why does CWR need your personal information?**

CWR collects, holds, uses and discloses your personal information where it is reasonably necessary for the purposes of:

- (a) providing services to an entity that has engaged us to verify certain employment and other information about you in your capacity as a current or prospective employee or contractor of that entity (including undertaking specific visa entitlement and verification checks, working with children checks, criminal history checks, and document verification checks in connection with your employment or prospective employment that may be relevant to the services CWR has been engaged to provide);
- (b) providing the services you have requested, ordered or purchased from CWR including:
  - (i) to provide the services to you or the organisation you represent;
  - (ii) to respond to any inquiries, feedback or complaints made by you;
  - (iii) for invoicing purposes;
- (c) enabling CWR to promote its services to you;
- (d) assisting CWR to improve its services;

- (e) processing and assessing employment applications for current and future positions;
- (f) otherwise managing CWR's internal business operations and processes; and
- (g) any other legal requirements.

CWR may also use your personal information for purposes related to the above purposes and for which you would reasonably expect CWR to do so in the circumstances, where you have consented, or the use is otherwise in accordance with law.

Where personal information is used or disclosed, CWR takes steps reasonable in the circumstances to ensure it is relevant to the purpose for which it is to be used or disclosed. You are under no obligation to provide your personal information to CWR. However, without certain information from you, CWR may not be able to provide its products and/or services to you.

In circumstances where your personal information and police information has been collected and disclosed for the purposes of conducting a criminal history check, it is usual practice for that personal information and police information to be used by police agencies and the Australian Criminal Intelligence Commission (**ACIC**) for law enforcement, including purposes set out in the *Australian Crime Commission Act 2002* (Cth). To the extent permitted by law, police agencies and ACIC may disclose such personal information and police information to process criminal history checks, search relevant records and release information in relation to such criminal history checks.

## **5 To whom does CWR disclose your personal information?**

CWR discloses your personal information for the purpose for which CWR collects it. That is, generally, CWR will only disclose your personal information for a purpose set out at paragraph 4. This may include disclosing your personal information to:

- (a) Australian government agencies and departments;
- (b) your current or prospective employer;
- (c) third parties engaged to perform administrative or other business management functions, including debtor management, mailing houses, financial institutions, cheque clearance houses, and web-hosting organisations;
- (d) people or entities considering acquiring an interest in CWR's enterprise or assets;
- (e) CWR's professional advisors, agents, contractors, consultants and related bodies corporate;
- (f) insurance providers;
- (g) recruitment and labour hire agencies (as required); and
- (h) regulatory bodies if and as necessary.

Notwithstanding the above, CWR will not disclose any police information or other sensitive information unless you have provided your consent to the relevant standard required under law in connection with such disclosure (or as otherwise required by law or any applicable government agency or department such as ACIC).

CWR's disclosures of your personal information to third parties are on a confidential basis and/or otherwise in accordance with law. CWR may also disclose your personal information with your consent or if disclosure is required or authorised by law.

CWR does not disclose personal information to overseas recipients.

## 6 Direct marketing

CWR may use and disclose your personal information in order to inform you of products and services that may be of interest to you. In the event you do not wish to receive such communications, you can opt-out by contacting CWR via the contact details set out in paragraph 9 or through any opt-out mechanism contained in a marketing communication to you.

## 7 Security of your personal information

CWR takes steps reasonable in the circumstances to ensure that the personal information it holds is protected from misuse, interference, and loss and from unauthorised access, modification, or disclosure. CWR holds personal information in both hard copy and electronic forms in secure databases on secure premises, accessible only by authorised staff.

CWR has in place internal policies relating to the security of personal information and data management to ensure the protection of the personal information of individuals that it holds, including an information security policy prepared in accordance with ACIC requirements that describes how CWR holds and protects criminal history check applicant information (**Information Security Policy**). The Information Security Policy is enforced through physical, technical and administrative controls and includes details relating to these controls, information classification, security clearance requirements, and incident management.

CWR will destroy or de-identify personal information in circumstances where it is no longer required, unless CWR is otherwise required or authorised by law to retain the information.

Where CWR collects, holds, uses, and discloses personal information or police information in connection with any criminal history check or related information, CWR may have contractual obligations with the Australian Criminal Intelligence Commission or otherwise at law to:

- (a) securely retain each criminal history check application for a minimum period of 12 months after the receipt of the criminal history check to which the application relates;
- (b) securely retain each criminal history check applicant's informed consent for that criminal history check for a minimum period of at least 12 months after the receipt of the criminal history check to which the consent relates;
- (c) destroy or securely dispose of all hard and electronic copies (including backed up versions) of:
  - (i) each criminal history check within 12 months following the receipt of the criminal history check;
  - (ii) each criminal history check application and any identity documents remotely presented by the applicant within 3 months following the required document retention period under para 7(a) above; and
  - (iii) each applicant's informed consent for a criminal history check within 3 months following the required document retention period under para 7(b) above,

unless a longer document retention period is required by law or approved by any relevant government agency.

## **8 Access and correction to personal information that CWR holds about you**

CWR takes steps reasonable in the circumstances to ensure personal information it holds is accurate, up-to-date, complete, relevant and not misleading. Under the Privacy Act, you have a right to access and seek correction of your personal information that is collected and held by CWR. If at any time you would like to access or correct the personal information that CWR holds about you, or you would like more information on CWR's approach to privacy, please contact CWR using the details set out in paragraph 9 below.

CWR will grant access to the extent required or authorised by the Privacy Act or other law and take steps reasonable in the circumstances to correct personal information where necessary and appropriate.

To obtain access to your personal information:

- (a) you will have to provide proof of identity to ensure that personal information is provided only to the correct individuals and that the privacy of others is protected;
- (b) CWR requests that you be reasonably specific about the information you require; and
- (c) CWR may charge you a reasonable administration fee, which reflects the cost to CWR for providing access in accordance with your request.

CWR will endeavour to respond to your request to access or correct your personal information within 30 days from your request.

## **9 How to contact us**

For further information or enquiries regarding your personal information, or if you would like to opt-out of receiving any promotional or marketing communications, please contact CWR at:

[hello@checkworkrights.com.au](mailto:hello@checkworkrights.com.au)

## **10 Privacy complaints**

Please direct all privacy complaints to CWR. At all times, privacy complaints:

- (a) will be treated seriously;
- (b) will be dealt with promptly;
- (c) will be dealt with in a confidential manner; and
- (d) will not affect your existing obligations or affect the commercial arrangements between you and CWR.

CWR will commence an investigation into your complaint. You will be informed of the outcome of your complaint following completion of the investigation. If you are dissatisfied with the outcome of your complaint, you may refer the complaint to the Office of the Australian Information Commissioner.