



REMUNERATION TRIBUNAL

COMPLETE PRIVACY POLICY

Last updated:

11 March 2014

CONTENTS

GENERAL.....	2
ABOUT THE REMUNERATION TRIBUNAL.....	2
PURPOSE OF THIS POLICY	3
OVERVIEW OF THIS POLICY.....	3
CONDENSED VERSION OF THIS POLICY.....	3
MEANING OF CERTAIN WORDS AND PHRASES	3
PART A — THE TRIBUNAL’S PERSONAL INFORMATION HANDLING PRACTICES	4
ANONYMITY AND PSEUDONYMITY.....	4
ACCESS AND CORRECTION.....	4
COMPLAINTS.....	5
RETENTION AND DESTRUCTION OF RECORDS.....	5
CONTACT DETAILS.....	6
PART B — KINDS OF PERSONAL INFORMATION USUALLY COLLECTED AND HELD BY THE TRIBUNAL AND HOW THIS INFORMATION IS USED OR DISCLOSED.....	6
PUBLIC OFFICE HOLDER RECORDS	6
ENQUIRY RECORDS	8
MAILING LIST RECORDS	9
CONTRACTOR AND CONSULTANT RECORDS	9
TRIBUNAL WEBSITE RECORDS.....	10
FREEDOM OF INFORMATION (FOI) RECORDS.....	11

GENERAL

ABOUT THE REMUNERATION TRIBUNAL

The Remuneration Tribunal (the Tribunal) is an independent statutory authority established by the *Remuneration Tribunal Act 1973* (the Act). It consists of three part-time members, including a President, appointed by the Governor-General.

The Tribunal’s role is to determine, report on, review or provide advice about remuneration, including allowances and entitlements that are within its jurisdiction, for the following:

- federal Parliamentarians, including Ministers and Parliamentary office holders;
- judicial and non-judicial offices of federal courts and tribunals;
- Secretaries of Departments;
- full-time and part-time holders of various public offices;
- Specified Statutory Offices; and
- Principal Executive Offices.

The Tribunal is supported by a small Secretariat staffed by employees of the Australian Public Service Commission (APSC). As a separate statutory authority the Tribunal is required to publish its own privacy policy. The APSC's [privacy policy](#) is available on its website.

The Tribunal's decisions regarding the remuneration of public office holders are generally given effect by Determinations. Determinations are (mostly) legislative instruments and are published on the Comlaw website (via either the Federal Register of Legislative Instruments or the Gazette) and on the Tribunal's website.

PURPOSE OF THIS POLICY

The purpose of this policy is to:

- clearly communicate the personal information handling practices of the Tribunal;
- enhance the transparency of its operations; and
- provide a better and more complete understanding of the sort of personal information the Tribunal holds and the way that information is handled.

OVERVIEW OF THIS POLICY

This Complete Privacy Policy provides a comprehensive explanation of the Tribunal's personal information handling practices and is divided into two parts.

Part A provides general information about the Tribunal's privacy practices including:

- the purposes for which personal information is collected, held, used and disclosed;
- how you may access your personal information and seek its correction;
- how you may complain about breaches of the Australian Privacy Principles (APPs); and
- disclosure of personal information to overseas recipients.

Part B provides specific information about the kinds of personal information usually collected and held by the Tribunal including:

- how that information is collected and held; and
- how it may be used or disclosed.

CONDENSED VERSION OF THIS POLICY

The Tribunal's [Condensed Privacy Policy](#) provides a shorter summary of:

- how the Tribunal collects, uses, discloses and stores personal information; and
- how to contact the Tribunal to access or correct personal information held about you.

MEANING OF CERTAIN WORDS AND PHRASES

In this policy:

- **APP** or **APPs** refers to the Australian Privacy Principles under section 14 of the Privacy Act;
- **APSC** refers to the Australian Public Service Commission;
- **FOI Act** means the *Freedom of Information Act 1982*, which is available for download from www.comlaw.gov.au;
- **OAIC** refers to the Office of the Australian Information Commissioner;
- **PEO** means Principal Executive Office;

- **personal information** has the same meaning as set out in [section 6 of the Privacy Act](#): i.e. ‘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’;
- **Privacy Act** means the *Privacy Act 1988*, which is available for download from www.comlaw.gov.au;
- **Tribunal** refers to the Remuneration Tribunal.

PART A — THE TRIBUNAL’S PERSONAL INFORMATION HANDLING PRACTICES

The Tribunal only collects personal information for purposes which are directly related to its functions or activities and only when it is necessary or directly related to such purposes. These purposes are listed below:

- determining, reporting on, reviewing or providing advice about remuneration, including allowances and entitlements, for various public office holders including Commonwealth Departmental Secretaries and members of parliament;
- responding to general and specific enquiries regarding the remuneration of office holders;
- public awareness and education; and
- administrative activities such as the processing of freedom of information applications.

As an Australian Government agency, the Tribunal is bound by the APPs in the Privacy Act which regulate how agencies may collect, use, disclose and store personal information, and how individuals may access and correct personal information held about them.

ANONYMITY AND PSEUDONYMITY

In general, you have the right to interact anonymously or pseudonymously with the Tribunal. There are circumstances, however, where it is impractical for the Tribunal to deal with individuals without knowing the identity of the individuals.

If you are seeking information of a general nature, it is unlikely that you will be required to provide your real identity for that purpose. In general, you will not be disadvantaged by dealing anonymously or pseudonymously with the Tribunal. However, without knowing your real identity, the type of information that can be provided may be limited.

Before disclosing confidential or personal information, the Tribunal will generally need to establish your identity. In part, this is for the purpose of protecting against the unauthorised disclosure of personal information. Similarly, if you are seeking information about specific circumstances, the Tribunal may be unable to provide information without knowing the specific details of your request (which may require that you disclose your identity).

Please advise the Tribunal as soon as possible if you wish to deal anonymously or pseudonymously with it.

ACCESS AND CORRECTION

You may request access to personal information about you that the Tribunal holds and you may also request the correction of personal information held about you. If you wish to request access or correction, please contact the Tribunal Secretariat (see [contact details](#) below). Before providing access to or correcting personal information about you, you may be required to verify your identity.

APPs 12 and 13 of the Privacy Act provide individuals with a right of access to and correction of personal information held by an agency. Similar rights also exist under the FOI Act. Whenever possible, the Tribunal will provide access to and correction of personal information without the need for formal procedures under the legislation.

If you request access or correction, the Tribunal will provide access or correct the information unless there are valid reasons for not doing so under the Privacy Act, the FOI Act or another relevant law. If the Tribunal does not provide you with access or does not make the requested changes, you will be notified of the reasons for not doing so and of your review rights.

The access and correction rights under the Privacy Act and the FOI Act are different. The OAIC has published detailed guidelines about access to and correction of personal information. The OAIC's guidelines include information about the practical differences between the Privacy Act and the FOI Act in terms of access to and correction of personal information.

COMPLAINTS

If you believe the Tribunal has breached any of the APPs, you may submit a complaint to the Tribunal. Complaints must be made in writing to the email or postal address listed in this policy.

You may submit a complaint anonymously. However, in order to properly consider and respond to your request, the Tribunal may require further information from you. Therefore, please include your contact details if you submit a complaint.

The Tribunal will respond to complaints within 30 days of receipt. If you are dissatisfied with the response, you may complain to the OAIC. The OAIC is an independent external body.

Disclosure of personal information to overseas recipients

Most personal information collected and held by the Tribunal will not be disclosed to overseas recipients. See Part B of this policy for further information.

RETENTION AND DESTRUCTION OF RECORDS

The Tribunal's records are managed in accordance with the *Archives Act 1983*. Records, including records containing personal information, are created and kept as required by the Archives Act. From time to time, records may be destroyed or transferred to the National Archives of Australia (NAA). Records may be destroyed in accordance with:

- the Tribunal's Records Disposal Authority (RDA), as approved by the NAA;
- a general records authority issued by the NAA, such as the Administrative Functions Disposal Authority; or
- 'normal administrative practice'.

The Tribunal's RDA (records authority 2011/00681744) was issued by the NAA in May 2012 and is publicly available from the website of the NAA (or by request from the Tribunal). The RDA includes information about the minimum period that various types of records must be kept before being destroyed or transferred to the NAA.

Further information about records authorities and 'normal administrative practice' can be found on the NAA's website at www.naa.gov.au.

CONTACT DETAILS

If you wish to contact the Tribunal about a privacy-related matter or you have any questions about this policy, please use one of the following methods:

Telephone

(02) 6202 3930 (or from outside Australia +61 2 6202 3930)

Post

PO Box 281

Civic Square ACT 2608

Australia

Facsimile

(02) 6204 2736 (or from outside Australia +61 2 6204 2736)

Email

enquiry@remtribunal.gov.au

PART B — KINDS OF PERSONAL INFORMATION USUALLY COLLECTED AND HELD BY THE TRIBUNAL AND HOW THIS INFORMATION IS USED OR DISCLOSED

The Tribunal provides specific collection notices to individuals for some of the activities it undertakes which involve the collection of personal information. Copies of these notices, which form part of this privacy policy, can be found on this [website](#).

PUBLIC OFFICE HOLDER RECORDS

The kinds of personal information the Tribunal collects regarding public office holders may include: the name of the office holder or proposed appointee; current remuneration; term of appointment; educational qualifications; employment history; superannuation arrangements; employment benefits (such as whether a car forms part of his/her remuneration package); performance bonus paid; working arrangements (such as number of hours worked); home location and family circumstances.

Many office holders will come and go without the Tribunal being informed of their names or individual circumstances. Exceptions include:

- all office holders in the Principal Executive Office (PEO) structure;
- office holders who are the subject of a submission seeking a variation in remuneration;
- office holders where information is being sought about the application or possible application to them of a particular provision in a Tribunal Determination (see the section of this policy on Enquiry Records); and
- office holders the Tribunal wishes to advise directly of major developments such as the outcome of annual remuneration reviews and changes to travel allowances (see the section of this policy on Mailing List Records).

It may also include office holders who take part in specific reviews of particular categories of office holder (such as recently, the review of part-time offices).

Purpose

The Tribunal collects personal information about public office holders to enable it to determine, report on, review or provide advice about remuneration, including allowances and entitlements, for these offices.

It collects information about individual PEOs in order to monitor the operation of the framework within which employing bodies negotiate the terms and conditions (including remuneration) of those office holders.

Collection

The Tribunal generally collects personal information about public office holders indirectly. It may be provided, for example, as part of a submission from a Minister seeking a variation in remuneration for the office holder or, in the case of PEOs, by the PEO's employing body (which may be the Chief Executive Officer or governing body of the organisation, agency or entity to which the PEO is appointed, or the Minister responsible for that particular organisation, agency or entity).

Occasionally, the Tribunal may meet with an office holder and collect personal information directly from him/her.

Use and disclosure

The Tribunal uses the personal information collected to help it determine, report on, review or provide advice about remuneration, including allowances and entitlements, for public office holders. In the case of PEOs, it also uses it to monitor the operation of the PEO framework in order to ensure that it is working effectively and that employing bodies are complying with current PEO Determinations and guides.

As previously noted, the Tribunal's decisions regarding the remuneration of office holders are generally given effect by Determinations which are published on the Comlaw and Tribunal websites. Both websites are accessible to persons located overseas.

The Tribunal's Determinations provide information on the remuneration of most office holders in its jurisdiction. This means that, by using other information in the public domain, it is often possible to deduce the remuneration of a particular office holder. In addition, the names of certain office holders are included in Determinations where, for example, the Tribunal has set person-specific remuneration or approved accommodation and reunion travel allowances for a particular office holder.

With respect to PEOs, the details of individual PEO remuneration packages are not included in Determinations and are not published on Comlaw or the Tribunal's website. However, the Tribunal considers it appropriate that a Minister should be able to access information on the remuneration of PEOs in his or her portfolio, regardless of whether he or she is the employing body. The Tribunal will provide such information to a Minister at its discretion, or on request.

Submissions to the Tribunal are not normally made public. However, the Tribunal will generally seek the views of the relevant portfolio Minister on any proposed changes to an office holder's remuneration prior to making a final decision. If a submission is not received directly from the relevant Minister or the Minister does not make his/her views known to the Tribunal via a separate letter, a copy of the submission may be forwarded to him/her along with a request for his/her views.

Other than these circumstances (and see also the section of this policy on Enquiry Records), the Tribunal does not give an office holder's personal information to other agencies, organisations or anyone else (including overseas recipients) without consent unless the individual would reasonably expect, or has been told, that information of that kind is usually passed to agencies, organisation or individuals, or the disclosure is otherwise required or authorised by law.

Data quality

The Tribunal maintains and updates the personal information it holds as necessary or when it is advised by the individual that his/her personal information has changed.

Data security

The personal information collected is held in electronic and paper files. These files are stored in either password protected electronic media or in locked cabinets at the appropriate classification if in paper form.

The following persons have access to these files on a need to know basis:

- Tribunal members;
- Tribunal Secretariat members; and
- the immediate staff of Tribunal members.

When no longer required, these files are destroyed in a secure manner or deleted in accordance with the Tribunal's Records Disposal Authority.

ENQUIRY RECORDS

The kinds of personal information the Tribunal collects when responding to enquiries include (where applicable): the name of the enquirer; job title; work area; home Department/agency; and contact details. It may also collect personal information about a particular office holder's personal circumstances.

Purpose

The Tribunal collects personal information from telephone and written enquiries to enable it to respond to those enquiries. It may also use the information collected for the purpose of protecting against the unauthorised disclosure of personal information.

Collection

The Tribunal collects personal information directly from the enquirer.

Use and disclosure

The Tribunal uses the personal information collected to respond to the enquiry and to assess whether personal information can be disclosed to the enquirer.

If contact with an enquirer is regular, the Tribunal may contact him/her with an invitation to participate in various consultative activities.

The Tribunal does not give the enquirer's personal information to other agencies, organisations or anyone else (including overseas recipients) without consent unless the individual would reasonably expect, or has been told, that information of that kind is usually passed to agencies, organisations or individuals, or the disclosure is otherwise required or authorised by law.

Data quality

The Tribunal maintains and updates the personal information held as necessary or when it is advised by the individual that his/her personal information has changed.

Data security

The personal information collected is held in electronic and paper files. These files are stored in either password protected electronic media or in locked cabinets at the appropriate classification if in paper form.

The following persons have access to these files on a need to know basis:

- Tribunal members;
- Tribunal Secretariat members; and
- the immediate staff of Tribunal members.

When no longer required, these files are destroyed in a secure manner or deleted in accordance with the Tribunal's Records Disposal Authority.

MAILING LIST RECORDS

The kinds of personal information the Tribunal collects when compiling mailing lists include: name; job title; Department/agency/organisation; and address.

Addressees include Ministers, Departmental Secretaries and some office holders (only certain part-time office holders are included).

Purpose

The Tribunal maintains mailing lists to enable it to advise stakeholders directly of major developments such as the outcome of annual remuneration reviews or changes to travel allowances.

Collection

The Tribunal collects personal information from publicly available sources such as websites.

Use and disclosure

The Tribunal only uses the personal information collected for the purpose of managing stakeholder relations.

The Tribunal does not disclose this personal information to other agencies, organisations or anyone else (including overseas recipients) without consent unless the individual would reasonably expect, or has been told, that information of that kind is usually passed to agencies, organisation or individuals, or the disclosure is otherwise required or authorised by law.

Data quality

The Tribunal maintains and updates the personal information held as necessary or when it is advised by the individual that his/her personal information has changed.

Data security

The personal information collected is held in electronic and paper files. These files are stored in either password protected electronic media or in locked cabinets at the appropriate classification if in paper form.

The following persons have access to these files on a need to know basis:

- Tribunal members;
- Tribunal Secretariat members; and
- the immediate staff of Tribunal members.

When no longer required, these files are destroyed in a secure manner or deleted in accordance with the Tribunal's Records Disposal Authority.

CONTRACTOR AND CONSULTANT RECORDS

The kinds of personal information the Tribunal collects about contractors and consultants may include: name; job title; skills, qualifications and experience; fees, rates and charges; and business structure and financial information.

Purpose

The Tribunal maintains records about any contractors and consultants it engages for a range of administrative purposes.

Collection

The Tribunal generally collects personal information about contractors and consultants from the individual concerned or from their employer.

Use and disclosure

The Tribunal only uses the personal information collected for the purpose of selecting contractors and consultants and subsequently for the management of contractual arrangements.

The Tribunal does not disclose this personal information to other agencies, organisations or anyone else (including overseas recipients) without consent unless the individual would reasonably expect, or has been told, that information of that kind is usually passed to agencies, organisation or individuals, or the disclosure is otherwise required or authorised by law.

Data quality

The Tribunal maintains and updates the personal information held as necessary or when it is advised by the individual that his/her personal information has changed.

Data security

The personal information collected is held in electronic and paper files. These files are stored in either password protected electronic media or in locked cabinets at the appropriate classification if in paper form.

The following persons have access to these files on a need to know basis:

- Tribunal members;
- Tribunal Secretariat members;
- the immediate staff of Tribunal members; and
- members of the APSC's Corporate Group.

When no longer required, these files are destroyed in a secure manner or deleted in accordance with the Tribunal's Records Disposal Authority.

TRIBUNAL WEBSITE RECORDS

The Tribunal automatically collects personal information about visitors to the Tribunal's website. This information is limited but may include:

- the IP (Internet Protocol) address of your computer;
- the address of your server;
- your top level domain name (for example .com, .gov, .au, .uk etc.);
- the date and time of your visit to the site;
- the pages you have accessed and the documents downloaded;
- the previous site visited; and
- the type of browser and operating system used.

Visitors to the website may sign up for email alerts by providing their name (which may be a pseudonym) and email address.

Purpose

The personal information collected about IP addresses etc is used for statistical and system administration purposes only. It is generic and is not used to identify individuals.

The information collected for the email alert service is used to notify subscribers of the publication of selected new documents on the Tribunal's website.

Collection

When you browse the Tribunal's website your personal information is automatically recorded by the Tribunal's web server.

The information regarding email alert subscribers is collected directly from the individual who signs up for the service.

Use and disclosure

The personal information collected about visitors to the Tribunal's website is used to:

- identify online resource usage patterns;
- improve services; and
- manage the Tribunal's servers, including security maintenance.

No attempt will be made to identify users or their browsing activities except in the unlikely event of an investigation, where a law enforcement agency may exercise a warrant to inspect the Internet web server logs.

The information collected for the email alert service is used to notify subscribers of the publication of selected new documents on the Tribunal's website. It is only used for this purpose and is not given to other agencies, organisations or anyone else (including overseas recipients) without consent unless the individual would reasonably expect, or has been told, that information of that kind is usually passed to agencies, organisation or individuals, or the disclosure is otherwise required or authorised by law.

Data quality

If you are an email alert subscriber you may opt out of further contact from the Tribunal by clicking the unsubscribe link at the bottom of the email. You may also contact the Tribunal Secretariat and ask to be taken off the subscription list.

Data security

Data is stored securely in databases managed on behalf of the Tribunal by its information and communications technology providers.

With respect to the list of email alert subscribers, the following have access:

- Tribunal members;
- Tribunal Secretariat members; and
- the Tribunal's information and communications technology providers.

FREEDOM OF INFORMATION (FOI) RECORDS

The kind of personal information the Tribunal collects in connection with FOI applications includes the name and contact details of the applicant.

Purpose

Personal information is collected from an applicant to enable the Tribunal to respond to his/her request.

Collection

The Tribunal collects personal information directly from the individual who makes the FOI request.

Use and disclosure

The Tribunal only uses the personal information collected for the purpose of processing the FOI application.

It is not given to other agencies, organisations or anyone else (including overseas recipients) without consent unless the individual would reasonably expect, or has been told, that information of that kind is usually passed to agencies, organisation or individuals, or the disclosure is otherwise required or authorised by law.

Data quality

The Tribunal maintains and updates personal information from FOI applicants as necessary or when it is advised by the individual that his/her personal information has changed.

Data security

The personal information collected is held in electronic and paper files. These files are stored in either password protected electronic media or in locked cabinets at the appropriate classification if in paper form.

The following persons have access to FOI files on a need to know basis:

- Tribunal members;
- Tribunal Secretariat members;
- the immediate staff of Tribunal members; and
- the FOI Contact officer.

When no longer required, FOI files are destroyed in a secure manner or deleted in accordance with the Tribunal's Records Disposal Authority.