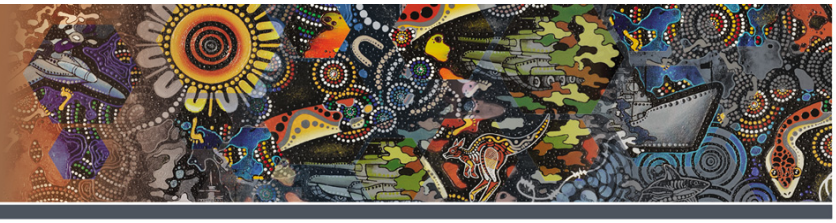

Directorate of Privacy, Complaints and Resolution

Defence Privacy Policy

Part 1 - Overview

The Department of Defence's (**Defence**) Privacy Policy is designed to inform individuals about the way Defence collects, stores, uses and discloses personal information. This Privacy Policy also sets out how you can access or seek correction of your personal information held by Defence.

The Australian Privacy Principles (**APPs**) contained in Schedule 1 of the *Privacy Act 1988* (**Privacy Act**), regulate how Defence, as an APP entity, handles your personal information. More information on the APPs can be found on the Office of the Australian Information Commissioner's (**OAIC**) website.

In this Privacy Policy:

- **Personal information** means information or an opinion about an identified individual or an individual who is reasonably identifiable
- **Sensitive information** is a subset of personal information and includes information or an opinion about your racial or ethnic origin, political opinions, religious beliefs or affiliations, philosophical beliefs, sexual orientation, criminal record, health information, biometric information and genetic information.

The Defence Privacy Policy is reviewed annually to ensure the information it contains is accurate,complete, relevant and up-to-date.

Part 1.1 - Who should read this Privacy Policy?

You should read this Privacy Policy if you:

- are an individual whose personal information is, has been, or will be, handled by the Department
- are, or are considering becoming:
  - an Australian Defence Force (**ADF**) member[1]
  - an Australian Public Service (APS) employee[2] of Defence[3]
  - a Defence civilian[4]

- a Defence locally engaged employee
- an outsourced service provider, contractor or consultant to Defence
- a Cadet, Officer or Instructor of Cadets in the Australian Navy Cadets, Australian Army Cadets and the Australian Air Force Cadets

- are involved in an Australian Government security clearance process, conducted by the Australian Government Security Vetting Agency (AGSVA), for example as a clearance subject or a referee
- are seeking to export Defence strategic goods and technologies
- are seeking a licence, permit or approval under Defence's legislative or regulatory framework.

Defence collects personal information about individuals **within,** and **external** to, Defence, including:

- members of the ADF
- Defence APS employees
- Defence civilians
- a Cadet, Officer or Instructor of Cadets in the Australian Navy Cadets, Australian Army Cadets and the Australian Air Force Cadets
- Defence locally engaged employees
- dependants, next of kin and emergency contacts of ADF members and Defence APS employees
- contractors, consultants and outsourced service providers
- candidates seeking entry into the ADF and prospective Defence APS employees
- individuals requiring an Australian Government security clearance, or otherwise involved or associated with a clearance process, undertaken by the AGSVA
- people and agents of organisations doing business with Defence
- individuals involved in disciplinary proceedings, investigations and/or inquiries
- people seeking a licence, permit or approval under Defence's legislative or regulatory framework
- people who make contact with Defence or the Minister for Defence.

Part 2 – The kinds of personal information we collect and hold

We may collect personal information about you when it's reasonably necessary for, or directly related to, our functions or activities.

We may also collect sensitive information where collection is allowed under the Privacy Act (e.g. where you consent).

The nature and extent of personal information Defence collects and holds will vary depending on an individual's particular relationship and interaction with Defence. The kinds of personal and sensitive information collected and held by Defence include:

- information about you (e.g. name, address and contact details)
- information about your interactions with us (e.g. services we provide, applications you've made, complaints and feedback, how you use our online services)
- information about your circumstances (e.g. family circumstances, financial situation, employment, health and welfare)
- information to verify your identity (e.g. tax file numbers, biometric information).

A more detailed list of the kinds of personal and sensitive information we collect and hold is set out in **Annexure 1** of this Privacy Policy.

Part 3 – How we collect personal information

Defence collects personal information through a variety of channels. This includes information provided in forms you fill out, applications you make, correspondence you provide, in person, over the telephone, via Defence's website, and through PMKeyS (Personnel Management Key Solution - Defence's personnel and organisational data management system).

Due to the scope and nature of Defence activities it is not always possible to collect personal information directly from you. Defence may collect personal information about you indirectly from a range of other sources including, but not limited to:

- publicly available sources
- your access to Defence websites, or information and communications networks and systems
- your family members
- past and present employers and character referees
- health practitioners
- other government agencies and organisations
- your commander, manager and supervisor
- specialist service providers.

Defence may also generate personal information about you in the course of undertaking itsfunctions or activities. When your personal information is collected from a third party, we will only do so in accordance with the Privacy Act and any other applicable laws (e.g. secrecy provisions in other legislation).

Part 4 – How we hold personal information

We take reasonable steps to protect your personal information against misuse, interference and loss, and from unauthorised access, modification or disclosure.

Defence regularly conducts system audits to ensure that it adheres to its established protective andinformation security practices. Protective measures include password protections, access privileges, secure cabinets/containers and physical access restrictions. Documents containing personal information also carry the 'Sensitive: Personal' dissemination limitation marker and may also include a warning notation of ‘Health Information’, where appropriate.

Access to personal information about you is restricted to Defence personnel who have a need to access the information for purposes which are directly related to or reasonably necessary for theirduties in support of Defence’s functions or activities.

Defence personnel are also required to undertake mandatory annual protective and information security training, and personnel with access to the Defence personnel management system must demonstrate knowledge and an understanding of the APPs. In addition to the statutory and policysecurity measures for the protection of personal

information practised by Defence, reasonable steps must be taken to ensure that the information is protected.

Defence will only destroy personal information in accordance with statutory requirements, includingthe *Archives Act 1983* and in consultation with relevant authorities authorised to destroy the information. The Defence Records Management Manual also contains policy on the retention and destruction of documents. Generally speaking, Defence records must be retained and accessible for as long as they are legally required.

Defence stores personal information about you as hardcopy documents or as electronic data withinits record management or information technology systems.

Defence protects personal information about you in accordance with the policy provided for in the Defence Security Principles Framework in order to take reasonable steps to protect that information against loss,unauthorised access, use and disclosure, modification and misuse.

Part 5 – Why we collect, hold, use and disclose your personal information

Defence will only collect personal information that is reasonably necessary for, or directly related to, its functions or activities.

As reflected in the Commonwealth of Australia Administrative Arrangements Order (AAO), which sets out the legislative and functional responsibility of the Minister for Defence and the Department,the Minister for Defence is responsible for the defence of Australia, which includes:

- international defence relations and defence co-operation
- defence scientific research and development
- defence procurement and purchasing
- defence industry development and co-operation.

In order to satisfy these responsibilities and Defence's responsibilities under the various pieces of legislation it administers, Defence collects personal information for various purposes depending onthe individual's relationship with Defence. Generally, Defence collects personal information for thefollowing purposes:

- the recruitment, enlistment, appointment, command, administration, management anddiscipline of ADF members
- the recruitment, employment and management of APS employees in Defence
- the provision of health, rehabilitation and veterans' services to Defence personnel
- the management of the welfare of Defence personnel and their dependants
- the provision of housing services to Defence members and their families
- processing, evaluating and granting security clearances for the Commonwealth
- conduct of Defence operations
- Defence community engagement, including cadet and youth programs and Defenceawards, sponsorships and scholarships
- the conduct of Defence business activities with the individual
- the engagement of external service providers
- maintaining historical records
- compiling diagnostic information
- conducting approved human research
- identifying potential conflicts of interest
- performing security functions associated with information management, which includeswebsite and email access
- legislative and regulatory purposes that require the grant of a licence, permit or approvaland the consideration thereof.
- Defence obligations under international law or an international treaty or agreement.

Use of consultants, contractors and outsourced service providers

- Defence uses consultants, contractors and outsourced service providers to undertake certain business functions. Personal information about you may be collected by or provided to a Defence consultant, contractor or outsourced service provider when necessary. In situations where personal information about you is provided to a consultant, contractor or outsourced service provider, Defence will generally retain effective control of the information and require privacy requirements (such as compliance with the APPs, information security, data breach response, training and auditing) are met in its terms of contract with the third party.

Disclosure of your personal information

Generally, Defence will use and disclose your personal information for the same purpose as collected. Defence may use and disclose your personal information for a secondary purpose if you consent or another provision in the Privacy Act allows it.

Defence may disclose personal information about you to other APP entities, including:

- the Minister for Defence, the Assistant Minister for Defence or the Parliamentary Secretaryto the Minister for Defence
- other Defence-related agencies, regulatory bodies, and organisations such as the Department of Veterans' Affairs, Defence Housing Australia and the Australian WarMemorial
- other non-Defence related government departments, regulatory bodies, and organisationsthat have a function in relation to, or affecting the administration of, ADF members and Defence APS employees, such as the Australian Taxation Office, Comsuper, Comcare, Comcover, the Child Support Agency, the Australian Institute of Health and Welfare, SmartSalary and Toll Transitions.
- in the case of security clearances, the Australian Security Intelligence Organisation and theAustralian Federal Police
- Department of Home Affairs

- law enforcement agencies such as the Australian Federal Police, State and Territory Policing agencies,
- federal, state and territory courts and tribunals
- other Australian Government departments and agencies for legislative, regulatory andadministrative purposes
- overseas recipients for legislative, regulatory and reporting purposes to meet Australia'snational security and international obligations.
- Defence may disclose personal information about members who are attending the Australian Defence Force Academy to the University of New South Wales or to other educational institutions.
- Defence does not disclose personal health information to any other person, including next of kin,unless the individual about whom the information relates has given express consent, or the disclosure is required or authorised by or under Australian law, or in circumstance where it is unreasonable to obtain the individual's consent and the disclosure is necessary to lessen or prevent a serious threat to life, health or safety of an individual or to public health and safety.
- If it is necessary for the acquisition or use of Defence equipment and capability, Defence may alsodisclose the personal information of those involved directly, or indirectly, to recipients in the countries where the recipients are located or the activities or functions are performed.

Overseas use and disclosures

- Defence may disclose personal information about you to a person who is not in Australia or an external territory (overseas recipient) where it relates to Defence activities or functions.
- Personal information about you may be disclosed in the country where the recipient is ordinarily located, or in a country where the recipient is or, is soon to be, undertaking work related activities. For example, where Australia is undertaking or participating in military operations or exercises, where it has a Defence establishment (such as RMAF Base Butterworth, located in Malaysia), or where Defence personnel are located overseas on posting, such as those performing a Defence Attaché role or an exchange posting, personal information may be disclosed to 'overseas recipients' in the countries

where the activity is being undertaken.

Part 6 – Exemptions from the Privacy Act

The following Defence Intelligence Agencies are exempt from the requirements of the Privacy Actand are not included in this privacy policy:

- Defence Intelligence Organisation
- the Australian Geospatial-Intelligence Organisation
- the Australian Signals Directorate.

Additionally, the APPs do not apply to operational information collected by Defence and personal information for special access programs under which foreign governments provide restricted access to technologies.

Part 7 – Access to and correction of personal information

You have a right to request for:

- access to personal information that we hold about you
- correction to the personal information we hold about you.

Defence will provide you with access to the personal information we hold about you in the manner requested if it is reasonable and practicable to do so. We will also take reasonable steps to correct personal information we hold about you if we consider it is inaccurate, out-of-date, incomplete, irrelevant or misleading.

If we refuse to provide you with access, or correct, your personal information, we will notify you in writing and explain our reasons. You should be aware that Defence's ability to correct or amend personal information may be limited in some circumstances, such as if the refusal is required or authorised by law.

To make an access or correction request:

- Defence Privacy at defence.privacy@defence.gov.au

However, certain individuals may want to seek access to their personal information by

following the process set out below. These areas or centres may refer you to Defence Privacy if they need assistance.

Applicant	Contact
For former ADF members looking to access information contained in their: • Navy health records • Navy personnel records after 1947 • Air Force health and personnel records after 1952 • Army health records after 1947 • Army personnel records after 1947.	Defence Archive Centre—Fort Queenscliff (DAC-FQ) GPO Box 1932 MELBOURNE VIC 3001 Defence no longer holds Army health records prior to 1947 or Air Force health records prior to 1952. For information about how to request these records, contact the Department of Veterans'Affairs (www.dva.gov.au). All ADF World War I and World War II records are held by the National Archives of Australia. Forinformation about how to request these records contact the National Archives of Australia (www.naa.gov.au).
Current ADF members	Current ADF members can request access to their personal information through their chain ofcommand.
Current and former Defence APS employees	Current Defence APS employees may request personal information directly through their line manager, from the area that holds the information, or by contacting the Defence Service Centre –Cooma on 1800 333 362. Former Defence APS employees may request personal information about them by contacting theDefence Service Centre – Cooma on 1800 333 362.
ADF recruitment applicants	ADF recruitment applicants should contact the Defence Force Recruiting Centre at which theirapplication was initially submitted, or call 13 19 01.
Security clearances	Individuals may request personal information about them held by the Australian Government Security Vetting Agency, which was provided for a security clearance process, by contacting theDirector Vetting Governance at SecurityClearances@defence.gov.au

Part 8 – Concerns about how personal information about you is handled

If you have questions about how personal information about you will be, or has been, handled by Defence, you should contact Defence Privacy. Your concerns may be forwarded to the relevant area within Defence for consideration and action, if appropriate.

Defence is committed to quick and fair resolution of privacy complaints. However, some cases may require more detailed inquiry. Defence undertakes to keep you informed of the progress ofyour complaint.

If you are dissatisfied with the way Defence handles your privacy-related complaint, you may contact the **Office of the Australian Information Commissioner** at:

Phone: 1300 363 992

Web: http://www.oaic.gov.au/privacy

Email: enquiries@oaic.gov.au

Post: GPO Box 5218

Sydney NSW 2001

Part 9 – Contact details

Defence Privacy

Email: defence.privacy@defence.gov.au

Post: BP35-01-066
PO Box 7927
Canberra BC ACT 2610

Office of the Australian Information Commissioner

Phone: 1300 363 992

Web: http://www.oaic.gov.au/privacy

Email: enquiries@oaic.gov.au

Post: GPO Box 5218
Sydney NSW 2001

1 An ADF member is defined in section 4 of the *Defence Act 1903* to include an officer, soldier, sailor, airman or airwoman.

2 A Defence APS employee means a person employed in the Department of Defence under the *Public* Service *Act 1999*.

3 For the purposes of the Privacy Act, the Department of Defence includes the Australian Defence Force and the Australian Defence Force Cadet Organisations (Australian Navy Cadets, Australian Army Cadets and the Australian Air Force Cadets) and are collectively referred to as Defence.

4 Defence civilian as defined in section 3 of the *Defence Force Discipline Act 1982* (DFDA), is a person (other than a Defence member) who:

a. with the authority of an authorised officer as defined in the DFDA, accompanies a part of the ADF that is outside Australia, or on operations against the enemy; and

b. has consented, in writing, to subject themselves to ADF discipline while so accompanying that part of the ADF.

Annexure 1 to the Defence Privacy Policy

Part 1 – Personal Information collected by Defence

The kinds of personal information collected by Defence for purposes directly related to or reasonably necessary for its functions or activities may include:

Information about you
NameTitle
Date and place of birth
Contact details Addresses
Gender, Marital status

Information relating to your employment and the workplace
Equity and diversity information
Next of kin details
Emergency contact details
Occupation
Rank or classification
Post nominals
Professional areas of interest
Languages spoken
Hobbies/interests
Driver license details,
Education Qualifications Certificates/awards
PMKeyS/Service number
Training and development
Employment history
General information relating to an employee's employment, professional references
AGS number
Personal history
Discipline history
Conduct history
Workplace management history
Biographies
Application for recruitment/employment
Written tasks undertaken during selection process
Notes taken about you during selection process
Personal information contained in selection process reports
Records relating to attendance and overtime
Leave applications and approvals
Payroll and pay related information
Performance appraisals
Trade, skill and aptitude test records
Honours and awards
Information related to character checks and security clearances
Applications for compensation
Information relating to rehabilitation and fitness for duty
Information relating to workplace incidents

Information about your circumstances
Family details (e.g. Family support history, Dependent details and information Relationship details)
Financial information (e.g. Taxation information, superannuation information)
Health and welfare
Residency details
Citizenship details
Passport information

Information about your family and other related persons
Partners
Children
Dependents
Carers

Information about your interactions with us
Completed questionnaires and personnel survey forms
Information relating to removals
Information relating to travel Information relating to welfare
Information relating to allowances
Information relating to complaints andgrievances
Information relating to FOI requests
Information relating to social media accounts (e.g. Facebook, Twitter)
Information relating to the use of Defence websites, including:
- User's server address
- User's top level domain name (e.g. .com, .gov, .au)
- Date and time of visit
- Pages accessed and documentsdownloaded

Any unsolicited or solicited material that enters the Defence IT network
Voice data
Video images
Photographic images
Information relating to court proceedings
Evidence provided in relation to inquiries and other investigations
Witness statements
Information related to seeking legal advice
Legal advice
Client instructions
Court documents

Part 2 – Sensitive Information collected by Defence

We may collect sensitive information about you where you consent, the collection is allowed under the Privacy Act or when the collection is authorised or required by law. The kinds of **sensitive information** collected by Defence may include:

Racial and ethnic originPolitical opinions
Political affiliations, associations and memberships
Religious beliefs/affiliations
Philosophical beliefs
Professional/trade association and memberships

Trade union membership
Sexual preferences or practices
Health information (including the health information of ADF members and for the assessment of security clearance applications)
Physiological biometrics
Signature biometrics
Genetic informationCriminal history
Criminal intelligence information