



Australian Government

Defence Force Remuneration Tribunal

COMPLETE PRIVACY POLICY

Last updated:

11 March 2014

CONTENTS

GENERAL	2
PURPOSE OF THIS POLICY	2
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	3
ANONYMITY AND PSEUDONYMITY	4
ACCESS AND CORRECTION	4
COMPLAINTS	4
RETENTION AND DESTRUCTION OF RECORDS	4
CONTACT DETAILS	5
PART B — KINDS OF PERSONAL INFORMATION USUALLY COLLECTED AND HELD BY THE TRIBUNAL AND HOW THIS INFORMATION IS USED OR DISCLOSED	5
TRIBUNAL INQUIRY RECORDS.....	5
ENQUIRY RECORDS.....	7
TRIBUNAL WEBSITE RECORDS	8
FREEDOM OF INFORMATION (FOI) RECORDS.....	9

GENERAL

ABOUT THE DEFENCE FORCE REMUNERATION TRIBUNAL

The Defence Force Remuneration Tribunal (the Tribunal) is an independent statutory authority established under the *Defence Act 1903* (the Defence Act). It consists of three part-time members, including a President, appointed by the Governor-General.

Under section 58H of the Defence Act, the Tribunal has two functions:

- to inquire into and determine the salaries and relevant allowances to be paid to Permanent and Reserve members of the Australian Defence Force (ADF); and
- to inquire into and make determinations on prescribed matters that have been referred to the Tribunal.

The Tribunal is supported by a Secretariat staffed by employees of the Australian Public Service Commission. As a separate statutory authority, the Tribunal is required to publish its own privacy policy. The Commission’s privacy policy is available on the [Commission’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 our 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:

- **ADF** refers to the Australian Defence Force;
- **APP** or **APPs** refers to the Australian Privacy Principles under section 14 of the Privacy Act;
- **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;
- **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 Defence Force 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:

- inquiring into and determining the salaries and relevant allowances to be paid to Permanent and Reserve members of the ADF and related prescribed matters;

- responding to enquiries regarding the Tribunal and its work; 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 most instances it is impractical for the Tribunal to deal with individuals without knowing the identity of those individuals. If you are seeking information of a general nature, however, it is unlikely that you will be required to provide your real identity for that purpose.

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 concerned 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

It is unlikely that the Tribunal will disclose your personal information to any overseas recipients.

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 <http://www.naa.gov.au/naaresources/ra/2011-00681744.pdf> (or by request from the Tribunal’s Secretariat). 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) 6257 3855 (or from outside Australia +61 2 6257 3855)

Post

GPO Box 2761

Canberra Square ACT 2601

Australia

Email

dfirt@dfirt.gov.au

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

TRIBUNAL INQUIRY RECORDS

The Tribunal conducts inquiries into the salaries and relevant allowances to be paid to members of the ADF and other related matters. As part of this process, it holds hearings which require the Defence Force Advocate (on behalf of the ADF) and a person representing the Commonwealth to be present. Individual ADF members may also appear as witnesses if required. In addition, other persons or bodies may seek leave to intervene or appear at hearings; most commonly from the Returned and Services League of Australia and the Defence Force Welfare Association.

The Tribunal may also consider written submissions, affidavits, and witness and intervener statements from the parties involved.

The kinds of personal information collected regarding advocates, interveners and witnesses may include (where applicable): name, rank, job title, organisation represented, operational and locational details, home address and other contact details.

The personal information contained in submissions is generally de-identified. Where the office, occupational group, category or team in question has a single or small number of occupants,

however, the kinds of personal information collected may include: name, rank, gender, work location, term of appointment, duties, and remuneration.

Purpose

The Tribunal collects personal information to inform and facilitate its inquiries into the salaries and relevant allowances to be paid to members of the ADF and related matters.

Collection

The Tribunal collects personal information about ADF members, advocates, interveners and witnesses, both directly and indirectly. A copy of the relevant privacy collection notice can be found on the [Tribunals website](#).

Use and disclosure

As previously noted, the Tribunal uses the personal information collected to inform its inquiries into the salaries and relevant allowances to be paid to members of the ADF and related matters. The Tribunal also uses it to:

- decide whether to permit a particular person or body (other than the Defence Force Advocate and the person representing the Commonwealth) to be heard in relation to a particular matter;
- advise the relevant parties of administrative arrangements regarding the conduct of hearings (e.g. time, date, place).

The personal information collected about advocates, interveners and witnesses may appear in the following:

- verbatim transcripts of Tribunal hearings, which may include (where applicable) a person's name, rank, job title, organisation represented, operational and locational details, and home address, plus a full record of any verbal or written evidence they may have given;
- the Tribunal's statements of decision, which may include (where applicable) a person's name, rank, job title, organisation represented, operational and locational details, plus an outline of any verbal or written evidence they may have given.

The majority of hearings are open to the public except where classified matters are being inquired into.

Transcripts are not published but are provided to all parties involved in a hearing including, on application, to interveners. Classified transcripts are never released to interveners.

The statements of decision are published on the Tribunal's website. The website is accessible to persons located overseas.

Submissions, affidavits, witness and intervener statements are not published by the Tribunal. Generally, any requests for access to these documents will be directed to the originating body/organisation.

Other than the above, the Tribunal does not give any personal information gathered during inquiries 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.

Personal information regarding members of the Special Forces is never disclosed.

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 to the appropriate classification if in paper form. Records of transcripts are held by the court recording contractor for one week after recording.

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
- court recording operators.

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

Any personal information regarding members of the Special Forces is provided by the ADF in hard copy only (hand-delivered) and is stored in an appropriately classified safe. After the relevant inquiry is finalised, one copy is retained for archival purposes and any duplicates are destroyed.

ENQUIRY RECORDS

The kinds of personal information the Tribunal collects when responding to enquiries may include (where applicable): the name of the enquirer, rank, work area, and contact details. As noted previously, 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.

Purpose

The Tribunal collects personal information from telephone and written enquiries to enable it to respond to those enquiries.

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.

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, 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 to 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.

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.

Purpose

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

Collection

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

Use and disclosure

The generic 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.

Data quality

N/a.

Data security

Data is stored securely in databases managed on behalf of the Tribunal by its 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 does not give it 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 we are 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 to 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; 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.