



Privacy Complaint Handling Procedures

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Purpose

The Department of Education (the department) is committed to maintaining the privacy of individuals' personal information and endeavours at all times to ensure it fully complies with its obligations under the Australian Privacy Principles (APPs) set out in the *Privacy Act 1988* (Cth) (the Privacy Act). Relevantly, the APPs contain standards, rights and obligations in relation to the department's handling, holding, accessing and correction of personal information.

Each year, the department undertakes millions of transactions internally and externally with the general public which involve the collection and handling of personal information. These transactions are conducted through the telephone, letters, emails, online and face to face contact. The department recognises that in this environment, errors, misunderstandings and unexpected problems can occur. Consequently, the department is committed to providing an effective, efficient and responsive privacy complaints handling regime, which promotes transparency and openness.

Scope

Central to the department's privacy complaints handling regime is this document, known as the department's 'Privacy Complaint Handling Procedures'. This document, among other things, sets out the procedures the department will follow in the event a privacy complaint is received. A privacy complaint is taken to be a complaint made by or on behalf of an individual about an act or practice of the department or one of its contracted service providers, in relation to the individual's personal information (i.e. a living natural person and not, for example, a company), that is in breach of the department's or the service provider's obligations under the Privacy Act. These procedures are not intended to apply to requests for access to, or correction of, personal information held by the department.

Making a privacy complaint

What should I do before making a privacy complaint?

The department can only investigate privacy complaints in relation to its acts or practices or the acts or practices of the department's contracted service providers. As such, please ensure your complaint falls within the scope of the Privacy Complaint Handling Procedures and by referring to the APPs contained within the Privacy Act.

Please note that for the protection of everyone's privacy, the department only accepts complaints made by the persons directly affected or an authorised representative. As such, if you wish to make a privacy complaint on someone's behalf, please provide proof of authority to do so.

How do I make a privacy complaint?

If you believe that the department or one of its contracted service providers has not dealt with your personal information in accordance with an APP, you can make a privacy complaint to the department.

A privacy complaint can be made to the department in one of three ways:

Via email:

The department prefers that you email your privacy complaint to the following address:

privacy@education.gov.au

Via pre-paid post:

Privacy Officer
Legal
Department of Education
Location Code: C50MA1 - LEGAL
GPO Box 9880
Canberra ACT 2601

Via telephone:

The department's switchboard number is 1300 566 046.

In order to ensure that the department fully understands the nature of your privacy complaint and the outcome you are seeking, it prefers that you make your privacy complaint in writing. To assist you do this we have included a 'Privacy Complaint Form' at **Attachment A** that you can use.

What information should I include in my privacy complaint?

In order to properly and efficiently respond to your privacy complaint you should ensure that your complaint contains sufficient information to enable the department to understand the nature of your complaint and the outcome you are seeking. To assist you in this regard, things you may wish to think about include:

1. What happened?
2. When did it happen or come to your attention?
3. Where did it happen?
4. Who was involved?
5. What APPs do you believe have been breached?
6. How do you believe your personal information has been mishandled?
7. What outcome are you seeking?

Anonymous complaints

Please note that the department will generally accept anonymous complaints. However, if we do not know your identity, it may not be possible for the department to properly investigate or respond to your complaint. An example of where an anonymous complaint would be investigated is where an alleged breach involved the privacy of multiple individuals, such as data leakage.

Third parties

It may be necessary to contact any third parties named in your privacy complaint in the course of conducting the investigation. This may necessitate disclosing the nature of your privacy complaint and your identity. You can advise us that you do not wish for the department to do this, however, please be aware that this may mean the department cannot properly investigate and resolve your privacy complaint.

How long will the department take?

The department will acknowledge your privacy complaint within 5 business days of it being received by the department's Privacy Officer.

How long it takes for the department to investigate your privacy complaint and respond to you will ultimately depend on the nature and complexity of the issues involved. However, generally, the department will provide you with written notification of the outcome of its investigation into your privacy complaint within 20 business days. The department will provide you with an update on the progress of your complaint if the department anticipates it will take longer than 20 business days to advise you of the outcome of the investigation.

What happens if I am not satisfied with the department's response?

If you are unhappy with the department's response to your privacy complaint you can lodge a written complaint with the Office of the Australian Information Commissioner (OAIC). More information about the OAIC and how to lodge a complaint can be found on the OAIC website. The OAIC generally prefers that individuals complain to the agency in the first instance before complaining to the OAIC.

Privacy complaint handling procedures

In the event that a privacy complaint is received by the department, the following procedures will apply:

- If a verbal privacy complaint is received via telephone, the departmental officer should encourage the complainant to submit their complaint in writing to the department's Privacy Officer, using the department's Privacy Complaint Form. If the complainant is unwilling to submit a written complaint, then the officer receiving the complaint should:
 - document the verbal complaint in writing;
 - capture the complainant's contact details for the purposes of contacting them in relation to their privacy complaint. At a minimum this should include the complainant's telephone number, but ideally would also include an email or postal address;
 - advise the complainant that details of the privacy complaint and their contact details will be forwarded to the department's Privacy Officer for the purposes of assessing, investigating, conciliating and reporting on the privacy complaint;
 - if the complainant is unwilling to provide their contact details or would like to use a pseudonym or be anonymous, advise the complainant that it may be difficult to properly investigate or respond to their complaint and it will not be possible for the department to provide a response to the complainant;
 - refer the privacy complaint promptly to the Privacy Officer.

- If a written privacy complaint is received, the departmental officer should promptly forward the complaint to the Privacy Officer.

- The Privacy Officer will undertake the following:
 - acknowledge the individual's privacy complaint within 5 business days of the complaint having been received by them;
 - liaise with the complainant as appropriate to seek any relevant information necessary to investigate the privacy complaint and to identify the outcome the complainant is seeking;
 - where appropriate, brief the relevant SES officers in the legal area and business area on the privacy complaint;
 - impartially assess and investigate the privacy complaint in consultation with the relevant line area of the department;
 - appropriately document the investigation process;
 - advise the complainant of the outcome of the investigation and the proposed action, if any, the department intends to take;
 - provide the complainant with information on how to make a complaint to the Office of the Australian Information Commissioner (OAIC) if they are unhappy with the outcome of the department's investigation;
 - if the outcome of the investigation concludes that the department or one of its contracted service providers appears to have mishandled an individual's personal information, liaise with the relevant line area over what steps are appropriate to take to ensure a similar incident does not occur again.



Privacy Complaint Form

This form is provided to assist you in making a privacy complaint about an act or practice of the Department of Education (the department) or one of its contracted service providers that is in breach of the department's or a contracted service provider's obligations under the Privacy Act.

For the protection of everyone's privacy the department only accepts complaints made by the relevant individual or an authorised representative. As such, if you wish to make a privacy complaint on someone's behalf, please provide proof of authority to do so.

Complainant details

Name: _____

Address: _____

Home phone: _____ Mobile: _____

Email: _____

If you are complaining on behalf of someone else please include that person's name and your relationship to that person below:

NOTE: please submit proof of your authorisation with this form (e.g. written authorisation by the individual)

What outcome from the department are you seeking?

Documents

Please attach copies of any documents you consider may assist the department investigate your privacy complaint.

Complainant’s signature _____ Date: _____

Lodgement

Mail:
Privacy Officer
Legal
Department of Education
Location Code: C50MA1 - LEGAL
GPO Box 9880
Canberra ACT 2601

Email:
privacy@education.gov.au

Privacy statement

The personal information collected from you on this form is collected by the Department of Education (the department) for the purposes of assessing, investigating, conciliating and reporting on your privacy complaint. The department may collect information about you from other individuals or organisations involved in the complaint for the above purposes.

The department may disclose the information you give us to the individuals or organisations named in the privacy complaint and, if necessary, to others who have information relevant to your complaint. In case of a challenge to the department’s conduct connected with your privacy complaint, the department may need to disclose some of your personal information to a review body, for example, the Office of the Australian Information Commissioner or other court or tribunal. The department is not likely to disclose your personal information to any overseas recipients unless your complaint relates to an overseas contracted service provider of the department.

You are not required to provide the department with your contact details and may make a privacy complaint anonymously. However, if you do not provide your contact details, the department may not be able to properly investigate your complaint or inform you of the action, if any, taken in response to your complaint.

The department’s Privacy Policy contains information about how you may access your personal information held by the department. This Privacy Policy also contains information on how you can complain about a breach of the Australian Privacy Principles (APPs) and how the department will deal with such a complaint. A copy of the department’s Privacy Policy can be found at education.gov.au/privacy.