



Australian Government  
Department of Employment  
and Workplace Relations

# Privacy Complaint Handling Procedures

ISBN



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The document must be attributed as the Department of Employment and Workplace Relations Privacy Complaint Handling Procedures.

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## Purpose

The Department of Employment and Workplace Relations (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 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	Via pre-paid post	Via telephone
<a href="mailto:privacy@dewr.gov.au">privacy@dewr.gov.au</a>	Privacy Officer Legal and Assurance Division Department of Employment and Workplace Relations Location Code: C12MT1EMP - LEGAL GPO Box 9828 Canberra ACT 2601	The department's switchboard number is 1300 488 064.

## Privacy Complaint Form

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 to do this, we have a Privacy Complaint Form that you can complete and send to the department via email or pre-paid post at the above address.

## 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.

Things you may wish to think about including:

- What happened?
- When did it happen or come to your attention?
- Where did it happen?
- Who was involved?
- What APPs do you believe have been breached?
- How do you believe personal information has been mishandled?
- 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 30 business days. The department may be able to respond within a shorter timeframe and will endeavour to do so where possible. The department will provide you with an update on the progress of your complaint if the department anticipates it will take longer than 30 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.