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**Report on data incident at
SRJA Narre Warren site
5 July 2016**

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Overview

At approximately 11AM on 27 May 2016, the *Herald Sun* contacted SRJA regarding allegations that job seeker records had been left unsecured at the SRJA Narre Warren site office premises located at Shop HM2A, Westfield Fountain Gate Shopping Centre, Overland Drive, Narre Warren VIC 3805 (the old Narre Warren site).

At 9.41PM on the same day, the *Herald Sun* published an article (**Attachment A**) alleging that “thousands” of job seekers confidential data were left unsecured. The article alleged that:

- The documents were discovered on Thursday night (26 May 2016)
- More than 20 boxes containing hundreds of alphabetised manila folders that were filled with what appeared to be job seeker profiles, were left in an unlocked shared corridor that leads to the outside area where the blue skip bin was located; and
- A garbage bag containing job seeker files was placed inside an unlocked blue skip bin which was located in an outside area behind the old Narre Warren site.

On Saturday 28 May 2016, the same article ran in *Herald Sun* print media with an accompanying photograph of SRJA staff. Other online news agencies picked up the article but it had very limited exposure.

SRJA immediately commenced an investigation into the circumstances regarding this data incident.

SRJA is not aware of the circumstances of how and when the incident was brought to the attention of the *Herald Sun*.

This report has been prepared by the SRJA incident response group comprised of independent SRJA executives to investigate this data incident.

Section 1: SRJA's approach to the issue

Details of those involved in identifying and/or responding to the incident

The [REDACTED] has taken the lead responsibility in providing strategic oversight of the investigation and convened an incident response group headed by the SRJA [REDACTED] (who is also [REDACTED]). The incident response group was comprised of the following senior executives:

- SRJA [REDACTED]
- SRJA [REDACTED]
- SRJA [REDACTED]
- SRJA [REDACTED]
- SRJA [REDACTED]
- SRJA [REDACTED]

SRJA's [REDACTED] and [REDACTED] were immediately deployed to Narre Warren to conduct on-the-ground investigations. They were supported by the SRJA [REDACTED] and the SRJA [REDACTED] who are both based in Victoria.

The investigation comprised of the following:

- One on one interviews with SRJA Narre Warren staff and other relevant staff involved, such as SRJA property staff and facilities staff;
- Physical inspections of the old Narre Warren site premises on the incident date and on succeeding dates including inspection of common areas of the tenancy accessible by and used by other tenants;
- Inspection and review of all affected job seeker records – records reviewed are those documents returned by the Department of Employment to SRJA on 31 May 2016.

The Chair of the SRJA [REDACTED] conducted the independent and impartial review of SRJA's response to this data incident.

Section 2: SRJA Policies and Procedures

Track record of compliance with relevant standards and Deed requirements

SRJA takes the privacy and confidentiality of job seeker records seriously. SRJA is part of the Sarina Russo Group which has successfully managed the privacy and confidentiality of its student and client records since 1979.

SRJA is accredited to the ISO 9001 quality standard and the National Standards for Disability Services both of which include records management and privacy as key performance measures (ISO 9001 standard 4.2.4 *control of records* and National Standards for Disability Services standard 1.9 *the service keeps personal information confidential and private*). SRJA has also recently undergone its Quality Assurance Framework audit where no non-conformance was identified by the auditor in relation to KPM 6.2 – arrangements to monitor and comply with the Privacy Act and other relevant legislation.

The audit report following the National Standards for Disability Services audit undertaken at the new Narre Warren site on 8 June 2016, noted there was evidence that all participant files were kept private under *section 1.9*.

More specifically, SRJA has delivered employment and disability employment services at the old Narre Warren site since 2003. The old Narre Warren site had undergone several site monitoring visits by the Departments. Site monitoring visit feedback letters (**Attachment B**) did not identify any issue in relation to records management.

QAF Quality Principles Report Appendix 1

Overall Summary Comment:

"Information on document handling and records management is clearly communicated to staff through Induction training (covered within the Privacy Training) and Department Deed Updates including topics on document and records control (these are read in staff buzz meetings in all sites and acknowledged understanding as evidenced by auditors). The Auditors' interviews of staff at all audited sites confirmed the Provider's document control procedures are implemented and understood by staff."

SRJA records management System

SRJA's documented records management system is contained in the following documents which are communicated to staff during initial induction. The suite of reference material covered during induction is also prominently accessible in the SRJA intranet and reminder messaging is regularly included in SRJA Department Deed Updates. Reference Material covers:

- SRJA Document Management Policy (**Attachment C**)
- SRJA Retention of Records Policy (**Attachment D**)
- SRJA Records Management and Archiving Procedure (**Attachment E**)
- JSA, jobactive and DES Deeds and Records Management Instructions
- Privacy obligations training module delivered at each induction program (**Attachment F**)

SRJA staff employment contracts contain specific provisions regarding confidentiality and privacy obligations that staff must adhere to. SRJA has a *Deed of Confidentiality* (**Attachment G**). The SRJA

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Deed of Confidentiality contains an obligation on the staff member to comply with the applicable Australian Privacy Principles in relation to Protected Information.

SRJA conducts regular induction training sessions for new staff. This training is delivered by the [REDACTED] and [REDACTED] and comprehensively covers records management and privacy. The SRJA Quality Assurance Team located in Victoria and Queensland and SRJA [REDACTED] are also the main support and resource contact for SRJA staff regarding records management and privacy.

SRJA also releases updates regarding privacy and records management through its weekly *Department Deed Updates (DDUs)* (Attachment H) issued to all staff which are then reinforced in the team meetings (buzz meetings) conducted by managers of each site. The DDUs are released to remind staff of requirements and to advise about any new procedures regarding the provision of employment and disability employment services.

SRJA records storage, transfer and destruction process

SRJA uses [REDACTED] as its records management and destruction provider. SRJA has an arrangement with [REDACTED] covering: supply of secure document destruction bins and the management of destruction of the contents of these bins; supply of archiving boxes and transportation of documents to archiving destination and retention of archived documents. Documents are collected and handled by [REDACTED] in line with its secure processes.

Under the SRJA Records management and archiving procedure v3.4, active paper records containing job seeker information must be stored in secure lockable filing cabinets on site and inactive paper records are archived in accordance with the SRJA's document and record management policies and department's Record Management Instructions.

SRJA sites are equipped with locked [REDACTED] secure document destruction bins (a photograph of this type of bin is at Attachment I). Staff are trained during their formal induction training on all aspects related to the handling of job seeker records identified as appropriate for destruction – specifically they are not to be disposed of in general waste bins or in any other manner other than the specified secure destruction processes. Each site manager is responsible for the frequency with which [REDACTED] attends the site to replace the bins. This may vary from site to site based on size of caseload.

SRJA place job seeker records for archiving in designated archive boxes provided by [REDACTED] Archiving boxes used meet prescribed archiving standards.

SRJA has a prescribed cataloguing process for records that are identified for archiving (refer SRJA Records Management and Archiving Procedure). Documents identified and prepared for archiving are collected by [REDACTED] and securely stored in [REDACTED] facilities.

SRJA site relocation process

SRJA has a property and facilities team headed by the [REDACTED]. The SRJA [REDACTED] is responsible for overseeing site relocations supported by the property and facilities team and Regional/Site Manager for day to day operational activities.

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Where SRJA is relocating premises, in respect of the closing site:

- The SRJA [REDACTED] liaises with the relevant government department for approval and to update all necessary contract and systems information.
- The [REDACTED]
 - convenes a working group to coordinate the relocation. This working group is comprised of SRJA property and facilities staff; the SRJA property lawyer; the relevant state and regional manager and manager responsible for the site and an SRJA IT representative. The working group remains in place until the move is completed.
 - issues the manager responsible for the site with SRJA templates which must be completed and returned to the SRJA property and facilities team within a sufficient timeframe prior to the proposed move date. The templates cover an inventory of equipment at the site (eg furniture and IT to be moved to the new location, furniture and IT to be donated to charities, signage removal and new signage at new location.
- The [REDACTED]
 - completes the templates and identifies contract records and documents to be moved and those requiring archiving
 - liaises with the SRJA QA Team to order archive boxes
 - Oversees the cataloguing of records in accordance with the SRJA Records Management and Archiving Procedure (Attachment E)
 - arranges with [REDACTED] for their collection
 - undertakes a reconciliation of material and equipment moved to ensure completeness and liaises with relevant charities (where applicable) in relation to the collection of furniture and equipment that is being donated.
- The SRJA [REDACTED]
 - conducts end-of-lease arrangements including arrangements for cleaners and disconnection of utilities and other third party providers to the site (e.g. electricity and postal providers).
- The SRJA's [REDACTED]
 - is responsible for all IT and telecommunications matters, e.g. relocation of IT and phone facilities from the old site to the new site.

A final inspection is conducted by an appropriate manager responsible for the outgoing site on the last day of the tenancy to ensure that ALL SRJA documents and possessions have been removed from the site.

Section 3: Facts about The Narre Warren site relocation

Information about the old Narre Warren site

The old Narre Warren site is located within the Westfield Fountain Gate complex. The SRJA site was outside the shopping centre complex and has its own shopfront and an entrance from street level. SRJA is not the only tenant in this section of Westfield. Other tenants include retail premises and [REDACTED] which is adjacent to the SRJA premises. This section the Westfield complex also has a rear laneway to a loading dock area for delivery trucks and rubbish collections. The laneway is not generally frequented by pedestrian or regular traffic.

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SRJA and [REDACTED] both have access a locked common corridor as an emergency exit (not accessible to the public). This corridor leads to an open air area located at the back of the premises where all tenants have access to loading dock facilities as well as storage of refuse facilities. Deliveries and rubbish collection for all the tenants in this section is via this laneway and loading dock area.

SRJA pays for the lease of 3 wheelie bins located in the loading dock area for disposal of general waste only such as kitchen waste. The SRJA bins are generally only accessed and used by the contracted cleaners for the site. These bins can be identified by the red lids AND the decal [REDACTED].

There are other wheelie bins also in this area used by other tenants. These bins also have red lids and do not have the same logo as SRJA bins (refer photographs taken on 28 May 2016 provided by the department on 1 June 2016). Whilst SRJA may pay lease costs for 3 wheelie bins, because these bins are not fixed or locked, SRJA cannot control who else, including the other tenants, may use these bins or what may be placed inside.

Also located in the loading dock area is a blue skip bin, lockable with a chain and padlock (refer photograph at Attachment J) which is managed [REDACTED] SRJA understands that [REDACTED] is the only tenant with the key to the padlock.

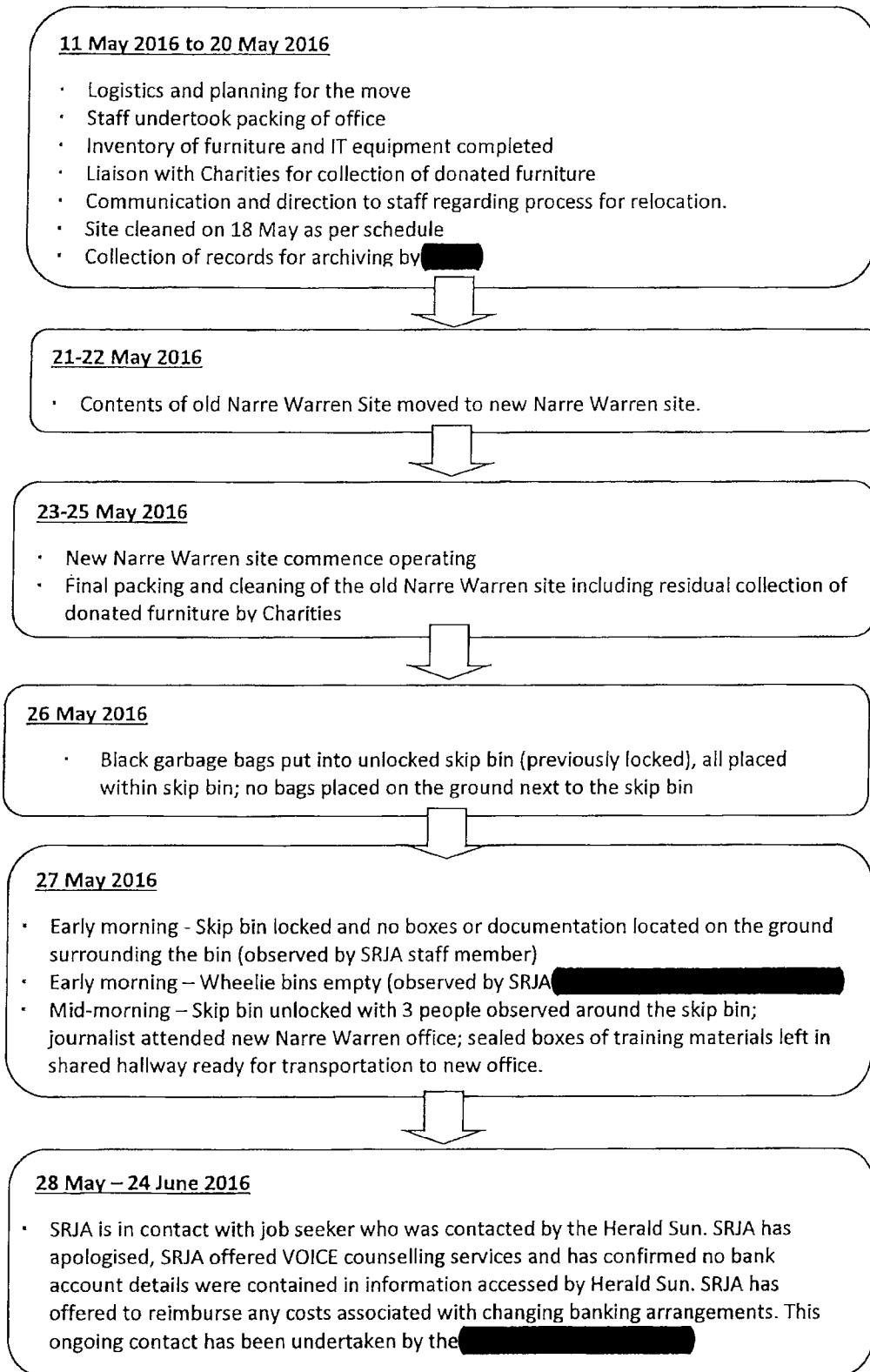
SRJA retained possession of the old Narre Warren site until 1 June 2016 to enable end of lease cleaning to be carried out.

Details of individuals involved in the site relocation

There were 11 staff working in the old Narre Warren site and involved in the relocation:

[REDACTED]

Figure 1 - Timeline – prepared based on staff statements and information provided by the Department of Employment



Section 3a: Events 11-20 May 2016

Request to relocate:

On 11 May 2016, SRJA wrote to the Department of Employment to seek approval to relocate the SRJA Narre Warren office to new premises at 3b/420 Princess Highway, Narre Warren VIC 3805. SRJA proposed to deliver jobactive and DES services at the new site from Monday 23 May 2016. SRJA also wrote to the Department of Social Services (DSS) on 13 May 2016 with the same request.

SRJA received formal notification of approval from Department of Employment on 20 May 2016. As the relocation is within the same suburb, consistent with its practice, DSS has not formally responded to the request but have not raised any issues in relation to the move. Site contact details have been updated on ESS in respect of both contracts.

Logistics:

While awaiting department approval for the site relocation, SRJA started planning the relocation in accordance with its standard site relocation process including making the necessary arrangements regarding removalists, document archiving and transfer, and cleaning. The planned date for the removalists was the weekend of 21-22 May 2016.

Inventory checklists and archive requests were completed by the SRJA Narre Warren site manager. The inventory checklists were submitted to the SRJA Property and Facilities Team and the archive requests were sent to the SRJA QA Team. These teams reviewed the requests and actioned accordingly (for example, 25 archive boxes were delivered by [REDACTED] to the site prior to the weekend of 21-22 May 2016).

The governance arrangements established as per the SRJA relocation processes had ongoing communication between the Property and Facilities Team, the QA Team, the site manager, and the [REDACTED] regarding the move. This communication covered matter including but not limited to completion of the checklists, planning of logistics, communication to caseload of new address details and site signage being standard content for any relocation.

Communication:

Staff at Narre Warren were briefed by the [REDACTED] on the requirements for the move confirming individual staff responsibilities for their respective caseload management and a reminder of the SRJA records policies and contract requirements.

In addition, at the site's daily buzz meetings with staff, the Narre Warren site manager reinforced the importance of appropriate storage, transfer and destruction of job seeker records in view of the impending move date. In particular specific mention was made regarding:

- All records for transfer to the new site were to be secured in archive boxes or in the filing cabinets which were going to be transferred by removalists.
- All records for archiving were to be placed into the designated [REDACTED] archive boxes.
- All other confidential documents identified as appropriate for destruction were to be placed in the [REDACTED] Secure Document Destruction bin on site.
- Any other documents and materials (such as marketing collateral) to be moved to the new Narre Warren site.

The Narre Warren site staff then prepared for the site relocation. When interviewed by the SRJA [REDACTED] and [REDACTED] staff advised that they reviewed the records held at

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the site and identified whether the records were to be archived, relocated to the new site, or destroyed.

Process for Packing and cataloguing Deed records:

All Narre Warren staff were responsible for packing the records for transfer to the new site and cataloguing records for archiving in accordance with the documented SRJA procedure.

Appropriate facilities were available to staff over this period including archive boxes, a [REDACTED] secure document destruction bin and lockable filing cabinets in order to comply with procedures.

Supporting Narre Warren staff were 2 resources who assisted in the packing of the office including general clean up duties such as emptying the kitchen and common areas as well as preparing records for transportation.

The site manager supervised this process.

[REDACTED]
By 17 May 2016, [REDACTED] collected 15 archive boxes containing job seeker records from the old Narre Warren site for secure storage at [REDACTED] facilities.

The secure document destruction bin remained on site until removal on 20 May 2016.

IT Equipment and furniture:

Contents of the old Narre Warren site were sorted in accordance with the inventory and items for collection by charities were identified for removal. The charities involved were [REDACTED]
[REDACTED]

Cleaning:

The old Narre Warren site was cleaned as per the schedule on 18 May 2016. The cleaners have been cleaning the old Narre Warren site for several years and have signed a confidentiality agreement.

Final clean of the old Narre Warren site was scheduled for 27 May 2016.

Section 3b: Events 21-22 May 2016

On 21 May 2016, removalists attended the old Narre Warren site to collect materials (furniture and filing cabinets) for transportation to the new site.

The site manager was in attendance and supervised the move. Several staff members were also present at the site on the morning of 21 May 2016.

All furniture, filing cabinets and boxes that were picked up by the removalists that day were delivered to the new site on the same day.

SRJA had possession of the premises until 1 June 2016.

Some items remained at the old Narre Warren site following the move such as printer cartridges, small binding machines and a small number of records along with some furniture to be sorted and

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collected in the week 23-27 May prior to relinquishing the lease. Arrangements were in place for the charities to collect the furniture closer to 1 June 2016.

SRJA has confirmed that the furniture slated for collection by the charities did not contain job seeker records. The filing cabinet that remained at the old Narre Warren site was planned to be moved to the new site during the week 23-27 May 2016.

Section 3c: Events 23-27 May 2016

SRJA commenced operations at the new Narre Warren site. All staff, with the exception of one individual, were operating at the new site on a full time basis.

Under supervision, this one staff member was dividing time between the old and new Narre Warren sites to finalise removal of the remaining equipment (e.g. printer cartridges etc) and other items such as archive boxes. These boxes were secure and in the possession and control of an SRJA staff member at all times during their transportation.

Thursday 26 May 2016

On the morning of 26 May 2016, the staff member attended the old Narre Warren site for the final clean and checks of the site before the proposed end of lease clean on 27 May 2016.

It was identified that there were approximately 10 garbage bags that were closed up located in the kitchen. It was understood by this staff member that these garbage bags contained general rubbish only.

The garbage bags were placed into the blue skip bin in the rear loading dock area. The staff member assumed it was appropriate to dispose of the bags in this receptacle:

- Given the blue skip bin was unlocked
- As the bin was normally locked, the staff member assumed that the site manager had made arrangements for it to be made available for SRJA for the clean up
- It was understood the bags contained general waste only (Kitchen rubbish and food waste) and did not contain any job seeker or sensitive information.

Section 3d: SRJA activity 27 May 2016

The SRJA staff member attended the site earlier in the morning to continue finalising clean up and coordinate end of lease clean of the site which was scheduled for that day. The staff member noted the blue skip bin was locked.

As part of the relocation, some SRI training materials were temporarily placed in the shared corridor ready for collection and transfer to the new site.

On 27 May 2016, prior to 11AM, the operations manager of the regular SRJA site cleaning company attended the old Narre Warren site for the scheduled clean and to facilitate the charities' collection of the remaining furniture.

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The operations manager of SRJA's cleaning company attended the rear of the old Narre Warren site and noticed that SRJA's three wheelie bins were empty. He also noticed that two other wheelie bins at the rear of the premises were also empty. One SRJA's wheelie bin was taken inside to be available as part of the scheduled clean.

Other SRJA staff attended the site later in the day and observed that the skip bin was found to be locked and there were no wheelie bins present in the loading dock area.

Following completion of the final clean, SRJA would undertake the final inspection and reconciliation of the site prior to 1 June 2016.

Section 4: 27 May 2016 (The Incident)

Between 10-11AM, a [REDACTED] person approached SRJA cleaner's operations manager, introduced herself as being from the *Herald Sun* and asked where the new SRJA site was located. The [REDACTED] [REDACTED] provided the address of the new SRJA Narre Warren site.

The [REDACTED] noticed [REDACTED] (most likely the *Herald Sun* journalist) in the area where the blue skip bins and wheelie bins were located. One [REDACTED] was taking photographs and the other one appeared to be looking into the skip bin, which was now unlocked and open. It is assumed that these individuals had gained access to the skip bin by an authorised person unlocking the bin.

At approximately 10.50AM, the *Herald Sun* journalist subsequently presented to the new Narre Warren site and introduced [REDACTED] to the site manager as [REDACTED] from the *Herald Sun*. The journalist put it to the site manager that several job seeker records had been left unsecured at the old Narre Warren site.

The site manager immediately rang the SRJA [REDACTED] and the SRJA [REDACTED] [REDACTED]. The SRJA [REDACTED] spoke with [REDACTED] over the phone and advised that SRJA will investigate and will respond to her in due course.

The SRJA site manager immediately proceeded to the old Narre Warren site office.

The SRJA [REDACTED] and the SRG [REDACTED] were immediately notified of the incident. A written statement was provided to the *Herald Sun* followed by a call from the [REDACTED] confirming that SRJA takes matters of privacy very seriously and offering to be a point of contact for further communication. The SRJA [REDACTED] [REDACTED] and the SRJA [REDACTED] were directed to immediately proceed to the old Narre Warren site.

At approximately 11AM the SRJA [REDACTED] received a call from [REDACTED] (Victorian State office Department of Employment) inquiring if SRJA was aware of a privacy issue at the old Narre Warren site. The SRJA [REDACTED] confirmed that SRJA had just been approached by the *Herald Sun* and had already commenced its investigation. SRJA is not aware of the circumstances under which the department was notified of the incident.

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At approximately 1PM, the SRJA [REDACTED] accompanied by the SRJA [REDACTED] arrived at the old Narre Warren site. They inspected the rubbish area in the back of the premises and:

- noted that the blue skip bin was now locked;
- lifted the lid by about 1cm and when they peered inside they could only find some crushed cardboard boxes, Christmas décor and blank paper with SRJA letterhead; and
- did not find any other records left unsecured outside the blue skip bin and within the vicinity.

There were no wheelie bins observed in the area at this time. They then proceeded to the new Narre Warren site to address staff.

At this time the [REDACTED] phoned [REDACTED] to speak with the [REDACTED] to request the return of any records held at [REDACTED]. She was advised that [REDACTED] was "indisposed" and not available to speak with [REDACTED].

At approximately 3PM, the SRJA [REDACTED] and the SRJA [REDACTED] returned to the old Narre Warren site to meet 2 staff from the Department of Employment, who inspected the back area and took photographs. The photographs taken at 3PM also show that there were no red-wheelie-bins in the rear of the premises (Attachment K).

At approximately 3.50PM, the Department of Employment staff left the old Narre Warren premises.

The SRJA [REDACTED] and the SRJA [REDACTED] attended [REDACTED] and again requested for the return of any SRJA job seeker records they may have in their possession. One of [REDACTED] advised that:

- SRJA documents had been located in their skip by their cleaner (no timeframe provided);
- as [REDACTED], they were required to follow a process when it came to handing over documents;
- he had not seen the documents; and
- they could not hand over documents without clearance from Department of Employment.

The SRJA [REDACTED] and the SRJA [REDACTED] remained at the old Narre Warren site.

SRJA's in-house legal counsel also contacted [REDACTED] and spoke with [REDACTED] staff members, identified via online sources as [REDACTED]. The purpose of the conversation was to confirm if [REDACTED] held SRJA job seeker records, and whether [REDACTED] had provided documents to the *Herald Sun*.

SRJA's in-house legal counsel reminded [REDACTED] that obligations under the *Privacy Act 1988 (Cth)* and *Social Security Act 1991 (Cth)* to ensure that personal information of job seekers remains held in accordance with these acts extended to [REDACTED] now they had the records in their possession. [REDACTED] was unable to comment on any of the above but advised he would convey the message to [REDACTED].

At approximately 5PM, [REDACTED] from Department of Employment phoned SRJA and advised it should approach [REDACTED] and request return of the job seeker records.

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The SRJA [REDACTED] and the SRJA [REDACTED] returned to [REDACTED] for a second time and made the request as directed by the Queensland office. [REDACTED] declined the request.

SRJA notified [REDACTED] by phone of [REDACTED] decision. SRJA was subsequently advised that the direction for SRJA to collect the records was incorrect. Department of Employment staff were returning to [REDACTED] to collect the records.

At approximately 5.40PM Department of Employment staff arrived at [REDACTED]. SRJA were not party to the conversation between the department and [REDACTED] but understands that the department collected some documents from [REDACTED].

SRJA and departmental staff had a brief conversation. SRJA was advised that it would need to contact the Department of Employment's legal team if it had questions.

SRJA understands the remainder of the garbage bags were collected by Department of Employment staff on Saturday 28 May 2016.

SRJA notified the Department of Social Services of the incident on 27 May 2016. The Department of Education and Training was notified on Monday 30 May 2016 of the incident. It should be noted that Australian Apprenticeship Support Network records are not kept at the Narre Warren site and this notification was for information only.

SRJA voluntarily notified the Office of the Australian Privacy Commissioner (OAIC) before close of business 27 May 2016. Notification to the OAIC was made by SRJA's [REDACTED] at the same time SRJA was undertaking preliminary conversations with the Department of Employment and prior to the Department attending [REDACTED] to collect the documents.

Later in the evening, the *Herald Sun* published an article regarding the incident on their website.

Section 4a: Summary of immediate action taken following notification of the incident on 27 May 2016

SRJA carried out the following actions in response to the notification of the incident:

- SRJA attended the old Narre Warren site to undertake an inspection and meet with other stakeholders such as the Department of Employment
- Notifications to key contract stakeholder – Department of Employment (Job Services Australia and jobactive), Department of Social Services (Disability Employment Services) and Department of Education and Training (Australian Apprenticeship Support Network)
- SRJA voluntarily notified the Office of the Australian Privacy Commissioner before close of business 27 May 2016. Notification was made by SRJA's [REDACTED] at the same time SRJA was undertaking preliminary conversations with the Department of Employment and prior to the department attending [REDACTED] to collect the materials.
- SRJA's legal counsel contacted [REDACTED] by telephone and email to request return of the records and to reiterate [REDACTED]'s obligations under the Privacy Act in relation to the records.
- The acting SRJA [REDACTED] contacted all SRJA state managers to advise them of the incident, and to seek their advice of any concern in any other site and confirmation that all private and confidential records were otherwise secure. No concern was raised by the SRJA state managers.

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- Following the initial conversation between SRJA's [REDACTED] and [REDACTED] SRJA made three additional contacts with the *Herald Sun* to ascertain the scope of the incident (including identification of any job seeker records that the *Herald Sun* might possess) and to issue a formal statement.
- SRJA activated its Incident Response Group.
- SRJA formally notified the Chair of the SRJA [REDACTED]

SRJA intended to formally correspond with the *Herald Sun* and obtain the return of any records that the *Herald Sun* might possess, however at the request of the Department of Employment SRJA did not proceed. A similar instruction was also issued in respect of SRJA contacting [REDACTED]. It is understood that the Department of Employment's legal counsel is managing communications with the *Herald Sun*. SRJA has not seen any related correspondence.

Section 5: Actions following the incident

28 and 29 May 2016

Following release of media articles, there were teleconferences between SRJA and Senior Executives of the Department of Employment. SRJA updated the department on its activities so far, proposed actions for Monday 30 May 2016 and requested advice from the department in respect of a communication strategy. Specific guidance was sought on responses to the media article and any communications with the public on the matter using social media such as Facebook. The discussion also covered SRJA's proposed response in the event it was contacted by job seekers. The department recommended that SRJA limit external or public communications on this matter at this point.

30 May 2016

At 10AM on 30 May 2016 (the next business day following the incident), the SRJA [REDACTED] sent an email to all SRJA staff in relation to the Narre Warren incident and reinforcing the need to comply with SRJA's documented privacy policy and protocols (Attachment L).

SRJA's [REDACTED] and [REDACTED] travelled to Victoria on the night of 30 May 2016 to conduct on-the-ground investigations at Narre Warren until 2 June 2016.

31 May 2016

On Tuesday 31 May 2016, SRJA met with representatives of the Departments of Employment and Social Services at the SRJA Fitzroy office.

The Department of Employment advised that they had:

- collected 11 garbage bags from [REDACTED] over the period 27 and 28 May 2016; and
- inspected the contents of these bags and found general waste products and some records.

These garbage bags were attributed to SRJA because the contents included material distinguishable as belonging to SRJA.

The department extracted documents which they believed contained information that may be considered personal information which they provided to SRJA at the meeting.

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Of the documents that were handed back to SRJA, the departments could not advise whether the documents had come from the blue skip or the red wheelie bins. The department indicated that there were 4-5 wheelie bins in the shared corridor.

The departments handed to SRJA:

- 1 box of SRJA records and unrelated materials which the departments advised was not of concern to them. No further action required.
- 1 box of Job Services Australia/jobactive records and
- A manila folder of Disability Employment Service records

The total volume of documents handed back to SRJA by the departments was approximately 190 documents of 900 pages, or the equivalent of two reams of paper.

SRJA immediately began examining these documents to create a risk assessment (Attachment M) in accordance with the OAIC's Data Breach Notification Guide as well as SRJA's organisational risk rating matrix contained in the *SRJA Risk Management Manual*.

Section 6: SRJA analysis of the events and findings of the investigation

In the course of relocating to new premises, on 27 May 2016 SRJA Narre Warren experienced a data incident when approximately 190 job seeker records, as have been identified by the departments and provided to SRJA, were mixed with general rubbish across 11 garbage bags which were placed in a lockable skip bin controlled by [REDACTED].

This incident was reported by the *Herald Sun* in media articles dated 27 and 28 May 2016.

There are two important but discrete issues that arise in relation to this data incident. The first issue is SRJA's compliance with the relevant Records Management Instructions in relation to the storage and destruction of job seeker and Deed records. The second issue is whether there was a privacy breach of job seeker personal information. SRJA spoke to the Office of the Australian Information Commissioner (OAIC) on the day of the incident and will provide a copy of this Report to the OAIC.

Issue 1: SRJA acknowledges that in the course of its Narre Warren site relocation, the relevant Records Management Instructions as well as SRJA's internal records management process were not fully complied with.

Issue 2: SRJA firmly believes that except for a single confirmed incident where the *Herald Sun* obtained access to one job seeker's personal information and contacted that job seeker, there is no evidence that any other instance of inappropriate access to personal information had occurred.

This is evidenced by the fact that neither the department's Customer Service Line nor SRJA have been contacted by any job seekers who have been contacted by the *Herald Sun* in relation this matter. Further it is understood that the *Herald Sun* has confirmed to the department that they do not hold any documents from SRJA Narre Warren.

Based on the information available to SRJA, the period from when the records delivered back to SRJA by the department were placed in the blue skip bin to the time when the records were discovered can be calculated as being less than a 12-hour period – assuming the estimate is from start of business on the 26 May 2016 to the Thursday night. This timeframe is based on the SRJA

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staff member placing the garbage bags in the blue skip bin at the start of business of Thursday 26 May and the records being located by the cleaning contractor as acknowledged by [REDACTED] as their cleaner on the evening of Thursday 26 May as stipulated in the *Herald Sun* Article..

This means that the risk of records being inappropriately accessed was unlikely because the window of opportunity was very narrow based on the SRJA risk assessment (Attachment M).

The following sections address specific findings and questions raised in correspondence from the department date 10 June 2016.

Section 6a: How did the incident occur?

SRJA submits that the incident is an isolated event and is not a reflection of the SRJA records management process which is implemented across SRJA sites in the course of its day to day operations. This incident was related to a relocation of a site which occurs infrequently.

In respect of the Narre Warren site, SRJA's investigation has identified that:

- In the course of finalising the move to new premises, 3 site staff had placed documents for destruction, that appear to have included job seeker records, into a waste bin (located in one area of the office) instead of the [REDACTED] secure destruction bin which they understood was full. They undertook this action in the belief that this waste bin was the contingent secure destruction arrangements and the contents placed in this bin would be securely destroyed.
- site staff had placed bundles of other documents and materials for disposal from their desk drawers into their own desk bins. Staff had considered these materials to be limited only to their own personal materials (such as personal insurance documents) and surplus marketing and training material - not job seeker records. However SRJA has concluded that inadvertently some job seeker records may have become mixed with these bundles that were placed into desk bins.
- It then appears that the contents of the waste bin and desk bins were unintentionally mixed and placed into black garbage bags. Rather than being securely disposed as anticipated by staff, the black garbage bags were placed in the blue skip bin.

SRJA comment: It appears that human error has contributed significantly to this incident occurring. On a day to day basis archiving, transfer and document destruction occurs in sites without incident. Where a site is relocating, the previous actions increase not only in volume but operate within a compressed timeframe.

On this occasion, SRJA had planned resources and facilities to support the relocation as demonstrated through the delivery of [REDACTED] archive boxes and the secure destruction bin being available. However, the actual requirements for facilities may change from that planned as the move evolves. This is especially the case in sites where SRJA has operated for a long period. Narre Warren had been operating at this location since 2003.

In this situation, the failure of the contingent arrangement (dot point 1 above) with the unintentional mixing of 2 separate disposal arrangements at the very end of the relocation process compounded the errors described in the dot points above.

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Section 6b: The filing cabinet

As some of the documents extracted from the garbage bags relate to non-job seeker matters, the department has speculated that the records came from a filing cabinet holding documentation and located in the old Narre Warren site.

As SRJA could not examine where the documents provided by the department were located within the 11 garbage bags, SRJA is unable to ascertain the exact location of these documents within the Narre Warren office.

The reference to the existence of a manager's filing cabinet was in the early days of the conversations between SRJA and the departments. As the investigation evolved, it has become clear that the reference to the existence of this filing cabinet and its importance in this incident has unnecessarily been a distraction.

Section 6c: Incorrect allegation of 20 boxes unsecured in the shared corridor

In the *Herald Sun* article, it was alleged that 20 boxes of documents containing personal information were unsecured.

SRJA are unable to confirm or find evidence supporting this allegation. We can confirm that on Friday 27 May 2016, 7 boxes of SRJA training documents were at times left in the shared (with the MP) corridor, while awaiting transportation to the new premises. All boxes of documents have been accounted for and are now securely stored at the SRJA Fitzroy site.

Section 6d: Were garbage bags or job seeker records placed by SRJA in red wheelie bins?

SRJA did not identify any evidence that SRJA staff or the SRJA cleaner placed garbage bags in any wheelie bins over the period 26 and 27 May 2016. SRJA acknowledges that garbage bags were placed by staff into the blue skip bin on Thursday 26 May 2016.

On the morning of 27 May 2016, the operations manager of SRJA's cleaners observed that all 5 wheelie bins were empty. Refer Section 3d: SRJA activity 27 May 2016 for more detail.

At approximately 1PM on 27 May 2016, the SRJA Victoria State Manager accompanied by the SRJA [REDACTED] arrived at the old Narre Warren site and no wheelie bins were observed in the area at this time.

At approximately 3PM, the SRJA [REDACTED] and the SRJA [REDACTED] met 2 staff from the Department of Employment on site, who inspected the back area and took photographs. The photographs taken at 3PM also show that there were no red wheelie bins in the rear of the premises (Attachment K).

SRJA cannot confirm how the garbage bags were relocated from the blue skip bin into the wheelie bins.

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Section 6e: Why records were not transferred or destroyed according to the RMI and in accordance with the obligations under the Privacy Act 1988 and Social Security Law

There are two separate issues. In relation to the transfer and destruction of records according to the RMIs, SRJA acknowledges that in the course of its Narre Warren site relocation, the records management process was not fully complied with.

Staff are comprehensively briefed on the SRJA and Deed record management requirements during induction with regular reminders through the DDUs. Specifically staff at Narre Warren were briefed by the [REDACTED] on the requirements for the move in terms of Individual staff responsibilities for caseload and a reminder of the SRJA records policies and contract requirements. In addition, regular conversation regarding the move and individuals responsibilities and policies was a standing item at the site's daily buzz meetings

SRJA's investigation concludes that human error has played a major factor in the occurrence of this incident despite staff confirming they understand and are aware of their obligations. Refer to Section 6a

In respect of the Privacy Act 1988, SRJA contends that except for a single confirmed incident where the *Herald Sun* obtained access to one job seeker's personal information, there is no evidence that any other instance of inappropriate access to personal information had occurred.

This single record was part of the 190 records returned by department to SRJA. It is unclear how this one single record ended up in the possession of the *Herald Sun*. SRJA was not involved in any of the action with the Herald Sun.

Section 6f: Details of affected job seeker records

Approximately 190 jobactive, JSA and DES records totting around 900 pages were provided to SRJA by the departments for assessment. **Attachment M** of this report sets out the categories of affected job seeker records, as well as the number of records for each category.

Section 6g: Details of the individuals involved in the site relocation and handling of secure records

Refer Section 3.

Section 6h: Details of others who had access to the site and records (eg cleaning, security contractors) and details of any involvement

Individuals who had may have come in contact with the 11 garbage bags may not have entered or accessed the SRJA Narre Warren site.

Details of individuals who had access to the site

Refer Section 3.

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Details of individuals who may have had access to the records

Based on SRJA's investigation, only the following had access to the records:

- 11 SRJA Narre Warren site staff indicated earlier in this report – this access was appropriate;

Of the following who SRJA understand came into contact with the contents of the 11 garbage bags, SRJA cannot confirm what access these individuals had. However, SRJA was advised by ██████████ ██████████ that they had secured the bags after the journalist had accessed. SRJA does not have information as to how the *Herald Sun* came to be notified of the presence of the garbage bags and materials in the blue skip bin.

- The *Herald Sun*- whilst their article states that they spoke to “several Sarina Russo clients whose personal information was exposed”, to date SRJA is aware of only one job seeker record which the *Herald Sun* has accessed. SRJA has already been in contact with the affected job seeker. Employment has advised SRJA that the *Herald Sun* has confirmed it does not have any other documents.
- Staff of ██████████ ██████████ had custody of the garbage bags before they were collected by Employment later in the day. ██████████ advised that they did not access the contents of the garbage bags.

Section 6i: Details of those involved in identifying and/or responding to the incident

Refer Section 1.

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Summary: As part of the Narre Warren move, SRJA successfully relocated 9 filing cabinets and 39 boxes to the new premises and archived 53 boxes to the [REDACTED] secure storage facility. Since 27 May 2016, SRJA has had a further site relocation on the weekend of 28-29 May 2016 (jobactive - Katoomba NSW) and this was executed without incident.

This is a clear indication that SRJA has strong processes in place, competently manages relocations, with the incident at Narre Warren being a one-off human error event. This matter was escalated within the internal governance escalation process and has been recorded in the Continuous Improvement Register. SRJA voluntarily notified the OAIC on the day of the incident and continues to liaise with the OAIC.

Following this incident, SRJA is undertaking a review of its policies and procedures and updating where required to take account of lessons learned and implement actions to prevent a recurrence of the incident.

Section 7 - Proposed actions to prevent reoccurrence of the incident

Actions to prevent re-occurrence of the incident

Primary Action:

- Update the process for office relocations including:
 - Clearer identification of a single responsible person for managing the process
 - The relocation plan includes at a minimum assigned roles, inventory, timeline for the move, resources (e.g. additional [REDACTED] Secure Document Destruction bins) and reconciliation process
 - Specific actions associated with Deed/contract Records Management Instructions
 - Contingency arrangements for resourcing to ensure sufficient staff resources to achieve the above with caseload management factored into the move

Additional Actions:

- Refresher Privacy and Records Management face to face training will be delivered for all Narre Warren site staff to be completed by early-mid July 2016.

Ongoing and Continuing Actions:

- Conduct a review of existing records management and privacy procedures to ensure the issues identified in this incident are appropriately covered.
- ELO Electronic Archiving implementation across all sites to progress SRJA to a paperless state in the future
- SRJA is undertaking the extensive process of IRAP certification. Although a large focus of this process in stage 1 is on digital data security, stage 2 encompasses physical records.
- SRJA voluntarily notified the OAIC on the day of the incident and continues to liaise with the OAIC.

Section 8 Your initial proposal for notification of job seekers about damage/loss/theft of their personal information (see below)

SRJA referred to the 4 step process set out in the OAIC's *Data Breach Notification Guide* and other relevant publications of the OAIC (such as its reports on specific privacy matters) as well as SRJA's

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organisational risk rating matrix contained in SRJA's Risk Management Manual, to determine whether notification to the job seeker would be required (**Risk Assessment - Attachment M**).

As part of this risk assessment, SRJA has carefully considered the likelihood of a privacy breach. This assessment is heavily influenced by the issue of document containment. Except for the actions of the *Herald Sun* (namely, photographing documents and contacting a jobseeker), SRJA believes the jobseeker records were contained with a very low likelihood of inappropriate access having occurred, for the following reasons:

- Firstly they were part of general waste in 11 garbage bags in a blue skip bin and were likely only in that bin for less than 12 hours (on 26 May 2016);
- The only reported access to the garbage bags in the blue skip bin was by the *Herald Sun*. It is unknown how the *Herald Sun* was notified. SRJA understands from the Department of Employment that the *Herald Sun* does not hold any job seeker records; and.
- SRJA was informed by [REDACTED] the contents of the blue skip bin were secured on the same day before they were collected by Employment.

SRJA considered the OAIC's Own Motion Investigation Report (July 2014) in relation to the *Pound Road Medical Centre*. In 2013, records containing 960 individuals' personal information (e.g. patient identifiers, names, addresses, dates of birth, Medicare number, treatment details, diagnoses, occupation, phone numbers, invoices, payment details) were compromised, when the locked shed at the back of the Medical Centre where the records had been stored for 2 years was broken into. Pound Road Medical Centre did not notify any of the individuals whose personal information was compromised and the OAIC did not comment on the validity or otherwise of this decision.

The approach to notifying job seekers of the incident has been the subject of ongoing conversations with the senior executives within the Department of Employment.

SRJA has been in direct contact with the individual contacted by the *Herald Sun*. The *Herald Sun* suggested to this job seeker that her specific details had been compromised e.g. bank account details. SRJA has confirmed that is not correct and the job seeker was misinformed by the *Herald Sun*. SRJA is working with this individual providing support as required including ensuring any and all out of pocket expenses related to changing her bank account are reimbursed. The [REDACTED] is handling this case and SRJA VOICE services are available to this jobseeker is required.

Since the discussions with the Department of Employment began, the extensive investigation by SRJA has reduced the timeline on the issue of containment from possibly days down to the job seeker records being part of general waste in 11 garbage bags in a blue skip bin and were likely only in that bin for less than 12 hours.

SRJA's initial rating of likelihood of breach was (excluding the job seeker contacted by the *Herald Sun*) "Unlikely". Given the most up to date containment timeline it could be argued that the risk rating should be downgraded to "Rare". That said SRJA will maintain the rating as "Unlikely" and will continue to monitor the situation moving forward to see if any adjustments to the risk rating should be made. At this stage, and subject to any new information negatively impacting SRJA's current risk assessment, SRJA does not intend to notify any other job seekers and will continue to work closely with the one job seeker contacted by the *Herald Sun*.

Response to the Department of Employment questions – Narre Warren Site 27 June 2016-

This is the SRJA response to the specific clarifications on the report submitted 26 June 2016 regarding the Data incident at the SRJA Narre Warren site on 27 May 2016.

The following sets out the details against each specific query. In the main, the queries are related to facts around the incident of 27 May 2016. We are pleased to observe that none of the queries raise questions or concerns regarding the existence of systemic issues within SRJA.

Specific queries outlined in your email of 5.41 pm Monday 27 June 2016.

As a number of your queries included multiple issues, our responses have been broken down by each issue but should be read collectively.

1. The report indicates Sarina Russo Job Access has good policies in place to manage job seeker documentation. However your report on page 18 indicates that staff at the Narre Warren site did not adhere to these policies.

Thank you for the acknowledgment that SRJA has good policies in place to manage job seeker documentation. This has also been supported by independent auditors for ISO, QAF and the recent National Standards for Disability Services.

We do not believe there are systemic non-conformances throughout our organisation. This is demonstrated by the successful management of job seeker records over 18 years.

In reference to page 18, based on this query, it appears some of our report may have not been as clear as intended.

Staff have adhered to policies in respect of job seeker records in relation to the transition caseload for Narre Warren of 754 for jobactive and some 6,610 job seekers serviced over the JSA contract period. As stated in Attachment B, the Departments of Employment and Social Services did not observe any record management issues during its contract and compliance monitoring programme.

As has been conceded from the start, human error has contributed to a failure in relation to what is essentially a small number of documents, considering the volume transacted at this site, at the final stage relocation.

2. Staff members at the Narre Warren site appear to have kept job seeker documents either on their desks, or in their desk drawers, rather than in locked filing cabinets (noting that by the 26 of May your report further indicates that most of the move (including of documents) had taken place).

As this query relates to query 1 above, once again it appears some of our report may have not been as clear as intended.

The SRJA report states:

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- “site staff had placed bundles of other documents and materials for disposal from their desk drawers into their own desk bins. Staff had considered these materials to be limited only to their own personal materials (such as personal insurance documents) and surplus marketing and training material - not job seeker records.”

SRJA has stated this was not job seeker records but staff own information in their own control.

The report further states that “SRJA has *concluded* (new emphasis) that inadvertently some job seeker records may have become mixed with these bundles that were placed into desk bins.” As has been conceded from the start, human error has contributed to a failure in relation to a small number of documents, when considering the volume transacted at this site, at the final stage relocation.

Job seeker hard copy files and Records are kept in locked filing cabinets consistent with our policies, and observed by departments during monitoring visits. Staff are instructed not to keep Records in drawers.

Of the 190 records, returned to SRJA by the department, except for one job seeker file, all were discrete individual documents, some of which were print outs from ESS e.g. caseload lists and diary appointments.

3. Further, your report states that three staff members disposed of job seeker records by placing them in general waste bins.

It appears that this sentence has been taken in isolation. The full statement and explanation contained in reports says:

- In the course of finalising the move to new premises, 3 site staff had placed documents for destruction, that appear to have included job seeker records, into a waste bin (located in one area of the office) instead of the [REDACTED] secure destruction bin which they understood was full. They undertook this action in the belief that this waste bin was the contingent secure destruction arrangements and the contents placed in this bin would be securely destroyed.

The emphasis of this statement is that it was not intentional and the staff undertook this action in the belief that:

- this waste bin was the contingent secure destruction arrangements and
 - the contents placed in this bin would be securely destroyed
4. Please specifically address the inconsistency between your policies and what appears to have been the practice your staff applied in this case

There is no inconsistencies between SRJA policies and Record Management Instructions and deed obligations, and with practice across SRJA sites.

Human error has contributed to a failure in this isolated instance. Human error is not an inconsistency it is human error.

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5. What assurances you can give the department that this practice is not more wide spread in your organisation.

SRJA has managed job seeker records in the hundreds of thousands for 18 years. Narre Warren records were successfully transported between the old and the new site and dispatched to [REDACTED]. The same staff who securely managed the vast majority of the Narre Warren records unintentionally made a human error.

SRJA moved a site in NSW on the weekend of 28/29 May 2016 without incident.

As outlined in our actions (section 7) specific training is being delivered to Narre Warren staff in early July 2016 to reinforce the importance the technical requirements.

6. The report states that all job seeker documentation was at all times in black garbage bags.

Up until the morning of the 26 May 2016, the report as drafted states that job seeker records were inside the garbage bags that were located within the SRJA Narre Warren tenancy and this tenancy was locked and secure. The report also states that the staff member who placed the garbage bags in the blue skip bin did place the garbage bags intact.

7. Whilst the department's staff found most of the documentation in garbage bags, some documents were found loose and others found in supermarket bags in the skip and the red [REDACTED] wheelie bins.

It is difficult for SRJA to provide any more comment than the facts in the report and restated below as we were not able to sight the location where the records were found, were not provided with photographs of the area as found by the department on 27 May and 28 May and the department returned less than a box of material they had collected and sorted from the 11 garbage bags. SRJA was provided with only a subset of the garbage bags and no other evidence or information. Therefore, SRJA cannot make any specific comment about a supermarket bag(s) as we did not see the full content of the garbage bags.

The report states and SRJA concedes that the staff member placed the garbage bags in the blue skip bin and did so intact on 26 May 2016. There were no loose documents.

As on page 19 of the report, SRJA did not identify any evidence that SRJA staff or the SRJA cleaner placed garbage bags in any wheelie bins over the period 26 and 27 May 2016.

SRJA's report in Section 4, on page 13 states, the operations manager noticed [REDACTED] [REDACTED] (most likely the *Herald Sun* journalist) in the area where the blue skip bins and wheelie bins were located.

The blue skip bin was now unlocked and open.

One [REDACTED] was taking photographs and the other one appeared to be looking into the skip bin. It is assumed that these individuals had gained access to the skip bin by an authorised person unlocking the bin.

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It is a reasonable conclusion that the black garbage bags were being handled by these individuals in order to be photographed as they appeared in the Herald Sun – as torn plastic bags and loose documents.

As on page 19 of the report, SRJA did not identify any evidence that SRJA staff or the SRJA cleaner placed garbage bags in any wheelie bins over the period 26 and 27 May 2016.

On the morning of 27 May 2016, the operations manager of SRJA's cleaners observed that all 5 wheelie bins were empty and no loose material was in the area. Refer Section 3d: SRJA activity 27 May 2016 for more detail.

In summary, the operations manager of SRJA's cleaning company noticed that SRJA's three wheelie bins and two other wheelie bins at the rear of the premises were empty.

At approximately 1PM on 27 May 2016, the SRJA [REDACTED] accompanied by the SRJA [REDACTED] arrived at the old Narre Warren site and no wheelie bins were observed in the area at this time. The department also has evidence supporting this from their visit at 3PM.

SRJA cannot confirm how the garbage bags were relocated from the blue skip bin into the wheelie bins. However, [REDACTED] did confirm to SRJA in-house legal counsel that the office had secured the documents for safe keeping and return to the department. This confirmation was received around close of business 27 May 2016. No details were provided by [REDACTED] as to how they secured the bags.

Of the photographs provided by the department (understood to have been taken on 28 May 2016) there are 5 wheelie bins in an outdoor area but it is not clear what if any content they hold.

8. The report states the department collected documents from [REDACTED]. This is incorrect. The department collected all documentation from the skip and the wheelie bins.

The collection of the garbage bags from [REDACTED] was based on the department's Queensland State office advice late Friday afternoon (around 5pm) that the department were returning to [REDACTED] that evening (arrived approx. 5.40PM) to the office after 5pm to collect the documents.

The [REDACTED] also advised that SRJA could not collect the documents as they were securing them as per their obligations as an office of the Commonwealth and would return the documents to the department when directed. No additional information has been provided to SRJA to correct this view until this query has been raised.

In respect of the documents being found by the department in the wheelie bins, see our response to query 7 - "the department's staff found in the skip and the red [REDACTED] wheelie bins".

Our staff members, namely, the [REDACTED] and [REDACTED] confirm, waited and had a conversation with departmental staff upon their departure from the [REDACTED] on the Friday evening. No statements were made by the department to SRJA that documents remained unsecure.

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Throughout this process, SRJA has been encouraged to only focus on SRJA activities related to the incident. To that end, SRJA has not independently verified any facts relating to [REDACTED] or the related departmental interactions.

9. The report on page 11, states the secure documentation destruction bin was only on site until 20 May 2016.

Correct

10. However, on page 18 the report states during the final clean-up that the secure documentation destruction bin was understood to be full and this is the reason why job seeker records were put in unsecured waste bins.

Refer query 3.

11. The report states that the timeframe from when job seeker records were placed in the blue skip bin until the time the records were discovered was less than 12 hours (with the records being discovered by the cleaning contractor on the morning of Friday 27 May).

Incorrect. The Herald Sun article has stipulated that cleaning contractor made the discovery on Thursday night.

12. The report states that as such the time for inappropriate disclosure was very narrow (we assume because you understand that the skip bin was locked from Friday morning).

Correct – because the bin was locked on Friday Morning.

13. However the department retrieved documents from unsecured wheelie bins a full

Refer Question 8.

Response to the Department of Employment questions – Narre Warren Site 28 June 2016-

The following is the response to additional queries raised at the meeting held 28 June 2016.

1. The department has queried how the documents returned by the department were dispersed in more than 1 garbage bag.

The contents of the 11 garbage bags, were accumulated over the 8 business days to 20 May and a total of 13 business days to 27 May 2016. [REDACTED] progressed towards SRJA completing the exit from the lease on 1 June 2016.

The process of the documents ending up in the [REDACTED] garbage bags was not a single disposal event on 26 May 2016.

Activities related to the relocation of the Narre Warren site commenced from 11 May 2016 with the move occurring on 21 May 2016 with the final clean on 27 May 2016. All staff at the old Narre Warren site up to 20 May 2016, continued to service the caseload of job seekers in accordance with the deed whilst preparing files for transportation to the new site, archiving in accordance with SRJA policies and the Record Management Instructions and cleaning the site.

2. The department also queried what arrangements were expected to occur at the old Narre Warren site to manage any records identified under the deed in the period 23-27 May 2016.

Consistent with the SRJA policies and procedures, facilities supporting the proper handling of documents at the old the Narre Warren site continued to be available over this period. By this stage of the relocation, following the move on 21/22 May 2016, the deed information remaining at the Narre Warren Site, in addition to the 11 garbage bags, required archiving or were related to VOICE servicing.

Records related to VOICE servicing at the old Narre Warren site were transported, either for archiving or to the new site, under controlled arrangements under supervision of the [REDACTED]. This was consistent with the SRJA position that [REDACTED] should be the only staff member handling VOICE records.

SRJA had appropriate archiving facilities on site – being archive boxes to the required standard supplied by [REDACTED].

These boxes were transported to new site before 26 May 2016 and a reconciliation occurred to ensure all material from the old site was delivered to the new site. [REDACTED] made an second collected for archiving on 6 June 2016 and a further collection on 7 June 2016. Further collections may be made as on a business as usual basis.

Appropriate records management instructions were followed.

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In the event, that any deed documents were identified that could not be archived then staff would invoke the SRJA policies (provided by separate email on 25 June 2016) to secure the information according to its category for transportation to the new site for appropriate action.

Staff at Narre Warren have provided assurance that these processes are understood. This is supported by the recent National Standards for Disability Services which tested records management and privacy practices and compliance.

SRJA representatives have confirmed that on 27 May 2016 there was no deed material within the confines of the SRJA tenancy.

3. The department sort clarification regarding the [REDACTED] secure destruction bin.

SRJA clarifies that there was a [REDACTED] secure destruction bin on site at the old Narre Warren premises until 20 May 2016 when it was collected by [REDACTED]

The new site opened at start of business on Monday 23 May 2016 and had a [REDACTED] secure destruction bin on site as per SRJA policies and procedures.

In respect of the departments query regarding the period 23-27 May 2016 at the old Narre Warren site, in the event that any deed documents were identified that could not be archived then staff would invoke the SRJA policies to secure the information according to its category for transportation to the new site for appropriate action.

Finally, SRJA staff are aware of the requirement to properly handle deed records in accordance with deed requirements and SRJA policies and procedures. This includes the requirement for a "clean Desk". Narre Warren staff have provided assurance to the [REDACTED] that they adhered to the clean desk policy. As an added assurance, the [REDACTED] is undertaking refresher training and having specific conversations with each of the Narre Warren team in the first week of July and will reinforce this policy.



Australian Government
Office of the Australian Information Commissioner

Our reference: DBN16/00055

[REDACTED]
Sarina Russo Job Access Pty Ltd

By email: [REDACTED]

Copy to: [REDACTED] Department of Employment

Dear [REDACTED]

Your correspondence about Sarina Russo Job Access Pty Ltd

Thank you for the emails of 27 and 28 June 2016 about a data breach incident involving Sarina Russo Job Access Pty Ltd (SRJA).

You advised that in the course of relocating the SRJA office at Narre Warren, a process error by three employees meant that 190 documents (900 pages) concerning job seekers were placed in a general waste bin when SRJA's secure destruction bin was full. SRJA advised the employees understood that the general waste bin was to be used as a contingency for the secure destruction of the documents in the event the other bin was full.

You further advised that as a result the job seeker records were combined with general waste, and included in 11 garbage bags that were placed in an unlocked waste skip at the rear of the building on the morning of 26 May 2016. You state that the waste skip was the responsibility of the [REDACTED] which was adjacent to the SRJA's premises, and that [REDACTED] confirmed its cleaning contractor had collected the bags from the skip on the evening of the 26 May 2016.

You advise that SRJA became aware that the records were included in the garbage bags after a media enquiry from the Herald Sun, and that the bags were subsequently retrieved on 27 and 28 May 2016, and returned to SRJA.

SRJA also provided the Office of the Australian Information Commissioner (OAIC) with a copy of the investigation it had completed outlining the various actions it has taken in response to the incident. In particular SRJA has:

- attended the former Narre Warren premises to undertake an inspection
- interviewed the SRJA employees involved in the move
- notified the Department of Employment, Department of Social Services, and the Department of Education and Training, and liaised with the Departments about the incident
- sent an email to all SRJA staff on 30 May 2016 to refresh the requirement to comply with SRJA's privacy policy and protocols

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- reviewed the job seeker documents retrieved and created a risk assessment based on the information included
- contacted the job seeker whose information was disclosed to the Herald Sun.

In addition, SRJA has advised that to prevent reoccurrence it will:

- update the process for office relocations, with provisions for additional resources and contingency arrangements
- conduct refresher Privacy and Records Management face to face training for Narre Warren site staff by the end of July 2016
- conduct a review of existing records management and privacy procedures.

Given that SRJA has assessed the risk of wide disclosure of the records as 'unlikely' and SRJA considers that notification about the breach could cause unnecessary distress, I understand SRJA has decided not to notify the other affected individuals.

As you would be aware, there is no mandatory requirement under the *Privacy Act 1988* (Cth) (the Act) to notify individuals about a data breach. Further, while the OAIC's *Data breach notification: A guide to handling personal information security breaches* (the Guide) says that notification can benefit both the agency and the individuals affected by a breach, the Guide also acknowledges that notification may not always be an appropriate response to a breach.

Risk of human error

The OAIC's *Guide to securing personal information* (the PI Security Guide) also contains information about reasonable steps APP entities should consider taking to protect the personal information they hold from misuse, interference, loss and from unauthorised access, use, modification or disclosure, as required by APP 11.1 of the Privacy Act

The PI Security Guide sets out that privacy breaches can arise as a result of human error and that entities should assume that human error will occur and design for it. As such, we suggest that in SRJA's review of its established policies and procedures it ensures that they account for the risk of human error.

Next Steps

In light of the steps SRJA has taken, and is taking, in response to the incident, the OAIC does not intend to take any further action in response to SRJA's data breach notification at this time.

However, if we receive a complaint from individuals affected by the incident, we will deal with that complaint on its merits and will refer to the information provided in your notification.

Thank you for drawing this incident to the OAIC's attention.

Yours sincerely

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~~Investigations Officer~~
Investigations Officer
Dispute Resolution Branch

4 July 2016

List of Attachments

Attachment A	Herald Sun article on 27 May 2016 regarding the incident
Attachment B	Old Narre Warren site monitoring feedback letters
Attachment C	SRJA Document Management Policy
Attachment D	SRJA Retention of Records Policy
Attachment E	SRJA Records Management and Archiving Procedure
Attachment F	Privacy obligations training module delivered at each induction program
Attachment G	SRJA Deed of Confidentiality
Attachment H	<i>Department Deed Updates (DDUs)</i>
Attachment I	photograph of [REDACTED] Secure Document Destruction bin
Attachment J	photograph of blue skip bin
Attachment K	photograph taken at approx. 3PM on 27 May 2016 showing no red wheelie bins
Attachment L	email sent by SRJA [REDACTED] to all staff
Attachment M	SRJA risk assessment of privacy breach and notification
Addendum 1	<u>Response to the Department of Employment questions – Narre Warren Site 27 June 2016</u>
Addendum 2	<u>Response to the Department of Employment questions – Narre Warren Site 28 June 2016</u>
Addendum 3	<u>Response from Office of the Australian Information Commissioner dated 4 July 2016</u>