



Australian Government
Department of Employment

National Office

Your Ref
Our Ref: ES-15-11042

[REDACTED]

Sarina Russo Job Access (Australia) Pty Ltd (SRJA)
Level 6
Sarina Russo River Plaza
100 Eagle Street
Brisbane City QLD 4000

[REDACTED]@sarinarusso.com.au

Dear [REDACTED]

jobactive Deed 2015-2020 – Records related incident

I am writing to you regarding the incident involving the security and management of job seeker records at your (former) Narre Warren site in Victoria. The department was notified about the incident by the Office of the Member of Parliament for Holt.

The department acknowledges your organisation's action in reporting the incident to the Office of the Information Commission on the 27 May 2016 and your efforts in keeping us informed of your progress during your investigation of the incident.

On 5 July 2016 you provided the department with a detailed response of your investigation and findings, including the extent and content of the records involved and the events leading up to the incident. Your report of the incident confirms that in the course of relocating your offices at Narre Warren, the relevant clauses of the Deed and other legislation, as outlined in Attachment A, including internal records management processes were not fully complied with and you concluded that carelessness and human error contributed to the incident, rather than systemic processes for the overall management of records.

The department considers that the removal of the [REDACTED] secure destruction bin on 20 May 2016, one week before the final vacation of the premises at Narre Warren also contributed to the inappropriate disposal of documentation by your staff.

jobactive providers must comply with all of their obligations under the Deed, including compliance with privacy and other legislation. The department treats any failures to comply with these requirements very seriously, regardless of how it occurs, and it is important that

rectification action is taken, as soon as possible, to prevent incidents of this nature reoccurring in the future.

The department notes and agrees with the steps that your organisation intends to take following the incident, to reduce the risks and prevent further incidents.

Accordingly, I seek your reassurance and agreement to the following actions outlined in your 5 July 2016 report:

- Update the processes for office relocations including:
 - clearer identification of a single responsible person for managing the process;
 - a revised relocation plan that 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 compliance with the Records Management Instructions issued to you by us;
 - contingency arrangements for resourcing to ensure sufficient staff resources to achieve the above with caseload management factored into the move; and
 - refresher Privacy and Records Management face to face training will be delivered for all Narre Warren site staff.
- Conduct a review of existing procedures to ensure they comply with your obligations under the Deed regarding records management and privacy to ensure the issues identified in this incident are appropriately covered.

I require you to confirm in writing within fourteen days of the date of this letter your agreement to complete these rectification actions by 10 December 2016. You will also need to report to your Account Manager, [REDACTED] that the steps have been taken by 10 December 2016.

The department reserves the right to take further action it deems necessary under the Deed in relation to this privacy breach. Failure to provide updates by the timelines and/or demonstrated compliance with the actions you have proposed will result in a review of this matter and may lead to further actions by the department.

The department does not, at this stage, require your organisation to contact the job seekers whose records were breached by this incident. However, if in the future, job seekers contact the department regarding this incident, the department will reconsider this position.

If you have any questions regarding the details of this letter, please contact [REDACTED] on (07) [REDACTED] or myself on (02) [REDACTED]

Yours sincerely

[REDACTED]
[REDACTED]
[REDACTED]

Quality and Integrity Group
10 August 2016

Attachment A

Deed clauses and legislation non compliance

Specifically, the Department notes that as a result of this incident your organisation has failed to comply with:

- the *Privacy Act 1988 (Cth)* ('the Privacy Act') specifically Australian Privacy Principle (APP) 11 and possibly APP6;
- clause 35.2 of the jobactive Deed in that it failed to comply with the Privacy Act and the APPs as if it were an agency;
- clause 35.4 of the jobactive Deed in that it failed to comply with the requirements under Division 3 [Confidentiality] of Part 5 of the Administration Act when handling Protected Information;
- clause 37.5, 37.7 and 37.11(a) of the jobactive Deed in that it failed to store, control access to and dispose of Records in accordance with the requirements of clause 37;
- clause 93.3 of the Employment Services Deed in that it failed to comply with the Privacy Act and the APPs as if it were an agency;
- clause 93.5 of the Employment Services Deed in that it failed to comply with the requirements under Division 3 [Confidentiality] of Part 5 of the Administration Act when handling Protected Information; and
- clause 96.4, 96.6 and 93.10(a) of the Employment Services Deed in that it failed to store, control access to and dispose of Records in accordance with the requirements of clause 96.