

SMART, SKILLED AND HIRED

# Youth Employment Innovation Challenge

## Privacy Guidelines

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## Explanation of terms used in this document

### **Youth Employment Innovation Challenge (YEIC)**

The Youth Employment Innovation Challenge (YEIC) is a \$10 million initiative that aims to improve employment outcomes for young people aged 15 to 24. The program provides funding to innovative solutions and ideas that help young people find employment in the Western Sydney, Central Coast and Hunter, New England–North West, North Coast, Illawarra and Southern Highlands/Shoalhaven regions.

### **Department**

NSW Department of Industry

### **Provider**

A Provider contracted to the NSW Department of Industry to deliver Outcomes for young people as part of the YEIC.

### **Participant**

A young person aged 15 to 24 years who is registered with a YEIC Provider and actively involved in the YEIC.

### **Services Deed**

The deed between a Provider and the Department in relation to the delivery of services under the YEIC.

### **Host Organisation**

An organisation that hosts a YEIC Participant in a work experience, volunteer, trainee, apprentice or student capacity.

## Explanatory note

In this document, '**must**' means that compliance is mandatory and '**should**' means that compliance represents best practice for Providers, who are encouraged to comply.

## Disclaimer

This guideline is not a stand-alone document and does not contain the entirety of Provider's obligations with respect to managing their obligations under the Services Deed. Accordingly, Providers must ensure that they comply with the *Privacy and Personal Information Act 1998* (NSW) (PIIP Act) at all times, and the *Health Records and Information Privacy Act 2002* (NSW) (HRIP Act) when obtaining information about a Participant's health and other personal information concerning the Participant.

Additionally, any other legislation or laws relevant to the respective jurisdictions in which they operate including privacy, work health and safety or anti-discrimination obligations that apply under State law are to be adhered to. This guideline is not legal advice and the NSW Department accepts no liability for any action purportedly taken in reliance upon it. This guideline does not reduce the obligation of Providers to comply with their relevant legal obligations.

## General Privacy Policy

The New South Wales Government's privacy practices are regulated by the New South Wales *Privacy and Personal Information Protection Act 1998* (PIIP Act). For more information contact:

- the Office of the NSW Privacy Commissioner ([www.lawlink.nsw.gov.au/privacynsw](http://www.lawlink.nsw.gov.au/privacynsw))
- the NSW Department of Industry, Governance & Information Access Unit  
[privacy@industry.nsw.gov.au](mailto:privacy@industry.nsw.gov.au)
- refer to the NSW [Department](#) of Industry Privacy Management Plan  
<https://www.industry.nsw.gov.au/privacy/privacy-management-plan>

The Department will only collect personal information for a lawful purpose that directly relates to our primary function and services as a NSW Government agency and for obtaining feedback about the effectiveness of our services. The Department will not collect any more information than is necessary for it to fulfil these functions. The Department will not disclose your personal information to anyone without your consent unless legally required or entitled to do so.

## Summary

This document provides guidance regarding a Provider's responsibilities and required actions for all Participants with respect to notification and obtaining consent for the collection, use and disclosure of personal information.

## Guideline intent

All agencies, including the Department and Providers, have obligations under the *Privacy and Personal Information Act 1998* (NSW) and the *Health Records and Information Privacy Act 2002* (NSW) to ensure that personal information (including sensitive information) is collected, held, used and disclosed in accordance with these Acts. These Guidelines provide assistance to Providers and program staff to meet their obligations regarding the protection of Participants' personal information.

## Relevant Deed clause/s

The relevant clauses in the Services Deed include:

- Section 23
- Services Schedule.

# Operational Processes

## Process A: Intake/Registration

Notifying the Participant of privacy requirements and seeking consent to obtain, use, and disclose sensitive personal information.

Services Deed Clause Reference:

- Section 23
- Services Schedule.

## Details

During the intake/registration stage, the Provider **must** provide and ask the Participant to sign the Privacy Notification and Consent Form and ensure that the Participant is aware of the types of personal information they may be required to provide and how this information will be used and disclosed.

The Department expects that for Projects involving face-to-face interaction that this will be mandatory for each Participant. For Projects which do not involve face-to-face interaction, the Department expects that the Privacy Notification and Consent Form is incorporated into the onboarding or registration process for Participants.

The Participant **must** be made aware of the types of information that will be collected e.g. health information and information about any limitations on their ability to participate in activities. This information may be disclosed to organisations that are providing training or work experience opportunities.

The Participant **must** be advised that this information is collected to ensure that the Provider can reasonably manage the Participant's personal information, provide appropriate services to the Participant and manage relevant issues that may impact on a Participant's ability to participate in activities e.g. health and safety issues.

If a Participant does not sign the Privacy Notification and Consent Form this may limit the Provider's ability to provide services and reduce the options available to the Participant. The Participant **must** be made aware of this.

## Process B: Managing the privacy implications regarding a Participant's medical information

Services Deed Clause Reference:

- Section 23
- Services Schedule.

Any health or medical information regarding a Participant is sensitive information and **must** be handled carefully and afforded a greater level of protection from unnecessary disclosure to sub-contractors and employers. This information is protected by the HRIP Act.

Whether it is permissible to disclose sensitive personal information regarding a Participant's health or medical conditions (or history) to third parties **must** be considered on a case-by-case basis taking into account the following principles:

- whether a duty of care exists. This **must** be assessed on a case-by-case basis—it does not automatically follow that, if a Participant has a particular medical condition, it **must** be disclosed. Factors which would need to be considered include the currency, accuracy and reliability of the information and the relevance of the information to the proposed activity. Where the information is accurate, current and relevant it is more likely that a duty may arise, but this **must** be determined on a case-by-case basis. In a given case, it may be necessary to seek professional advice.
- whether the information is relevant to the position
- wherever possible, the matter **must** be discussed with the Participant in order to clarify what information, if any, they are comfortable with disclosing and a record of that conversation **must** be created and retained.

The following example pertaining to disclosing highly sensitive health information may provide some guidance.

### Example 1

The Participant discloses that they have mental health challenges and regularly use alcohol and other drugs. The Participant advises that when stressed, their mental health deteriorates, and their drug use increases. Health issues **should** always be considered in making employment or work experience referrals. In this circumstance it is important to discuss the health issues with the Participant as their condition may expose themselves or others to potential risk. Referral to support services should be discussed with the Participant, as should the types of suitable employment. If the Participant consents, these issues could be discussed with the employer and a management plan developed.

### Example 2

This example applies where a Provider is aware of a sensitive health issue that the Participant has disclosed, e.g. that they have a medicated (managed) mental illness or a communicable disease. Health issues **should** always be considered in making employment or work experience referrals. Where health issues may be relevant, it is important to discuss this with the Participant as their condition may expose them or others to potential risk. If the Participant does not give permission to pass on the information, or the Participant gives permission to pass on the information but the Host Organisation reasonably considers that the placement is not suitable or they cannot mitigate the risk, the Provider **should** seek another work placement that does not pose a health risk to the Participant or others.

## Process C: Participant requests access to or correction of their personal information

If the Participant wishes to:

- query how their personal information is collected, held, used or disclosed by the Department or Providers
- ask questions about the Privacy guidelines
- request access to or seek correction of their personal and/or health information
- make a privacy complaint,

they will need to contact the department by:

- email: [privacy@industry.nsw.gov.au](mailto:privacy@industry.nsw.gov.au)
- telephone: 9934 0657 or 9934 0648
- post  
NSW Department of Industry  
Governance & Information Requests Unit  
PO Box K348  
Haymarket NSW 1240

For further information refer to the NSW [Department](#) of Industry Privacy Management Plan <https://www.industry.nsw.gov.au/privacy/privacy-management-plan>

## Storage of and access to personal information

The Department takes all reasonable steps to protect the security of any personal information held, be it stored in electronic or hard copy format. Except in the circumstances set out in the Act, Participants may request access to their personal information held by the department. Access can be arranged by contacting:

Governance & Information Access Unit  
NSW Department of Industry  
Box K348  
HAYMARKET NSW 1240

Telephone: 02 9934 0657 or 9934 0655  
Email: [privacy@industry.nsw.gov.au](mailto:privacy@industry.nsw.gov.au)

# Privacy Notification and Consent Form

In order to provide employment services and assistance, the Provider (acting as a contractor of the Department of Industry) is required to collect sensitive information that is additional to personal information such as name and date of birth. This sensitive and/or health information may include details of:

- schooling and other educational experiences
- cultural background, to ensure that you are provided with the most appropriate service or a translator if required
- medical conditions, injuries or disabilities, for example to provide you with appropriate support services and/or to ensure your suitability for certain employment opportunities and activities
- housing status and sustainability—this allows the provider to provide you with appropriate support services if required.

Your Provider will generally collect such information directly from you; however your information may also be collected from:

- Service Providers and/or third parties including where work experience or voluntary work activities are undertaken. Employers offering volunteer or work experience places
- Support Service Providers such as mental health services, housing and accommodation services, alcohol and other drug treatment services.

**Declaration by Participant**

By signing below, I confirm that I have read, understood and agree to the collection of my sensitive personal information in accordance with this agreement form.

Name:	Signature:
Date:	

The Youth Employment Innovation Challenge is a two-year program funded by the Department of Industry (DoI). At the end of the two-year period, DoI will undertake an evaluation assessing the effectiveness of the program. As part of this research, we would like to access your personal information (including sensitive information) collected by the service provider when you are registered with the provider. We are asking if you would be willing to allow us to link data from you across different government departments including Family and Community Services, Department of Justice, Department of Health and state health agencies, Department of Education, Department of Social Services and the Australian Taxation Office. This research will enable us to develop future programs best suited to the needs of young unemployed people. Note that non-participation in the program evaluation will not exclude you from accessing the program. Please indicate below if you are willing for your information to be used in the program evaluation.

<input type="checkbox"/>	Yes, I consent to my information being used for the purposes of program evaluation.
<input type="checkbox"/>	Yes, I consent to my information being linked across government departments for the purposes of program evaluation.
<input type="checkbox"/>	I do not give consent for my information to be used in the program evaluation
<input type="checkbox"/>	Yes, I consent to my information being stored outside of Australia.
Name:	Signature:
Date:	