



## Working with Children Check Privacy Policy

The Working with Children (WWC) Screening Unit is committed to ensuring the privacy of your personal information and complies with all relevant State and Commonwealth legislation.

This policy statement explains how we collect, store, use and disclose your personal information and provides contact information should you have a complaint about the way your personal information has been managed.

### What is ‘personal information’?

‘Personal information’ is information or opinion about an identified individual or an individual who is reasonably identifiable. This is regardless of whether it is true or not and whether it is recorded in a material form or not. Examples of personal information are your name, address, occupation and date of birth. Personal information includes sensitive information (such as criminal records) on which the outcome of a decision under the *Working with Children (Criminal Record Checking) Act 2004* (the WWC Act) relating to you was made.

### Why do we collect your personal information?

We collect your personal information in order to administer the WWC Act. When you complete and sign the *Application for a WWC Check* form you provide ongoing consent to the collection, use and disclosure of information about you (including criminal records) that is relevant to whether you should be issued with a WWC Card.

### How do we collect your personal information?

We collect personal information directly from you when you submit an application form for a WWC Check. We may then gather further information from you by telephone, mail, email or interview.

Initially the WWC Screening Unit obtains a criminal history record through the Australian Criminal Intelligence Commission which is usually provided in electronic form. Where your history requires the WWC Screening Unit to undertake a detailed assessment under the WWC Act, further information will generally be obtained about you (if it is relevant to your application).

That further information may be obtained from various sources including from persons you suggest may support your application as well as government agencies, criminal records agencies and other appropriate persons and bodies who may have relevant information. This further relevant information may also be gathered in various ways including electronically, by mail, telephone or by face to face interview.

## What kinds of personal information do we collect and hold about you?

The information obtained as part of a WWC Check includes, but is not limited to:

- criminal history information from various sources, including a National Police History Check which discloses information held by police services across Australia, including where a court has:
  - made a formal finding of guilt in relation to an offence;
  - convicted you of an offence;
  - accepted a plea of guilty from you; or
  - acquitted you of an offence because of unsoundness of mind.
- criminal record check information from any jurisdiction about:
  - any convictions you have;
  - any spent convictions you have;
  - charges and convictions when you were a child (under 18 years);
  - where you were charged with an offence but not convicted;
  - any pending charges (charges that have not yet been finalised); and
  - the circumstances surrounding any of these charges and convictions.

In certain circumstances, police history information relating to charges and/or convictions for offences recorded overseas may be obtained.

Where your history requires the WWC Screening Unit to undertake a detailed assessment under the WWC Act, any further information you would like to be taken into consideration (your submission) and relevant information from other parties will also be considered where available. For example this could include information provided by an applicant to support that a substance abuse issue that contributed to past offending behaviour has been successfully dealt with, and confirmation from counsellors or other appropriate persons providing support or evidence for that.

The outcome of your Application for a WWC Check and the information on which the decision was based is permanently held by the WWC Screening Unit.

Information obtained by the WWC Screening Unit about you is treated as confidential and is used by the WWC Screening Unit *only* as required or permitted by law including:

- information provided to authorised persons, criminal records agencies and other appropriate persons and bodies for the purpose of obtaining records and details for the checking process. This includes providing information from your WWC Check Application Form to the Australian Criminal Intelligence Commission so that the agency may disclose that information to Australian Police Agencies in order to obtain police history information relating to you, and return that information to the WWC Screening Unit in accordance with any laws applying to that information;
- information given to persons or bodies in other jurisdictions that perform similar functions to WWC Checks;

- if you are an employee, a volunteer or a student, your employer, volunteer organisation or education provider (if known to the WWC Screening Unit) must be advised when you are issued with either a WWC Card, Interim Negative Notice or Negative Notice or if you withdraw your application. The details of your criminal record will not be provided;
- if it is required by law or in the public interest to do so, certain public authorities may be advised of your application and the decision made. Please refer to the WWC Check website for a current list as this may change through regulation; and
- limited disclosure of relevant information where that is required for the purpose of investigating offences or conducting legal proceedings under the WWC Act.

The WWC Screening Unit will retain your personal information within Australia. In some particular cases information may be disclosed overseas.

## **How do we store your personal information?**

We store your personal information both in paper files and electronically on our information management system. We take all reasonable precautions to protect your personal information from misuse, loss, unauthorised access, modification or disclosure.

This includes:

- securing paper files in locked cabinets;
- the use of appropriate firewalls for our information management system;
- password protection for system access;
- restricting physical access to the WWC Screening Unit; and
- destroying personal information securely if we no longer require it.

## **How can you access the personal information we hold about you and apply to amend inaccurate information?**

The *Western Australian Freedom of Information Act 1992* gives you the right to apply for access to personal information held by State Public Sector agencies such as the WWC Screening Unit. If the information is incorrect, inaccurate, out of date or misleading you can apply to have it amended.

The WWC Screening Unit has a specific procedure for dealing with freedom of information requests. Please contact us via the details below if you have such a request.

## **How can you lodge a complaint about a breach of our Privacy Policy?**

If you have a complaint with regards to how we have handled your personal information you may lodge a complaint with us.

There are a number of ways to lodge your complaint:

- talk to one of our staff on: (08) 6217 8100 or 1800 883 979 (country callers);
- in writing - send a letter to: PO Box 1262, West Perth WA 6872.
- complete a feedback form on the Complaints page (under the Resources tab) of the WWC Check website: [www.workingwithchildren.wa.gov.au](http://www.workingwithchildren.wa.gov.au)
- send an email to: [checkquery@cpfs.wa.gov.au](mailto:checkquery@cpfs.wa.gov.au).

Our Complaints Resolution Process can be found on our website:

[www.workingwithchildren.wa.gov.au](http://www.workingwithchildren.wa.gov.au)

or you can contact us for a copy if you are unable to access the website.

If you are not satisfied with how we deal with your complaint you may contact the Western Australian Ombudsman.

The Ombudsman will generally deal with your complaint if your contact with WWC Screening Unit does not resolve the issue and it is has been less than 12 months since you became aware of the issue.

If the Ombudsman's office cannot assist with your complaint, it will assist to refer you to another agency or person that may be able to help. The Ombudsman's website provides information explaining how to make a complaint.

## **Ombudsman Contact Details**

Ombudsman Western Australia

Level 2, Albert Facey House

469 Wellington St

Perth WA 6000

**Phone:** 08 9220 7555 or freecall (outside metropolitan area) 1800 117 000

**Fax:** 08 9220 7500

**Email:** [mail@ombudsman.wa.gov.au](mailto:mail@ombudsman.wa.gov.au)

**Website:** [www.ombudsman.wa.gov.au](http://www.ombudsman.wa.gov.au)

**Post:** PO Box X5386 St Georges Terrace Perth WA 6831

## **Questions or concerns?**

If you have any further questions or concerns about how we manage your personal information please contact our Complaints Handling Officer using one of the methods listed below.

**Call us:** (08) 6217 8100 or 1800 883 979 (country callers using a landline)

**Email us:** [checkquery@cpfs.wa.gov.au](mailto:checkquery@cpfs.wa.gov.au)

**Visit our website:** [www.workingwithchildren.wa.gov.au](http://www.workingwithchildren.wa.gov.au)