

## **Senate Standing Committee on Education and Employment**

### **QUESTIONS ON NOTICE Budget Estimates 2017 - 2018**

#### **Outcome 1 - Employment**

**Department of Employment Question No. EMSQ17-004202**

**Senator Marshall asked on 29 May 2017 on proof Hansard page 89**

#### **Question**

##### **Penalties for privacy breaches**

Senator MARSHALL: So two have been finalised. Did they get a penalty for the second one?  
Ms Harrison: We asked for them to undertake rectifications.

Mr Hehir: Again, I would need to examine the actual documentation to see whether they are the same issue or not. In terms of privacy breaches, there are a range of things that can go wrong. Sometimes it is how staff themselves have managed the issue. Sometimes it is whether the procedures and policies within the organisation have not been sufficient. So I would have to have a look at the individual circumstances to determine whether, in actual fact, they had breached in the same manner or around similar matters before we would be able to give you an answer. As the secretary said, we do have a process. We work with our providers to try to educate them first, and I think that is consistent with our approach around compliance. It is absolutely education first and no penalty at the start. As we see further issues, then we absolutely seek to get tougher in our responses, and that is the framework within which we operate. It is also important to note that there are a range of measures that we use around compliance, including having a compliance measure applied to the provider's star rating. Where we see issues being repeated, or large-scale noncompliance, we do take that into account, and that does have a penalty for the providers in terms of their star ratings.

#### **Answer**

As at 10 July 2017, one provider has had three privacy breaches. The provider has been required to undertake a range of rectifications. No financial penalty has been applied.

The three breaches were different in nature and occurred at different sites. They were due to a lack of care rather than intentional action. However, the Department is currently asking the provider to demonstrate to the Department its quality assurance processes, documentation and communication and undertake an assurance review of email correspondence to jobseekers and employers covering the period 1 January 2017 to 30 June 2017.