

## POLICY

# Privacy and Personal Information Policy

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## Purpose

The privacy policy establishes how the office of the Ombudsman Western Australia (**the Ombudsman**) identifies, assesses, and manages personal and sensitive personal information it collects.

The policy also supports transparency by informing members of the public about how their personal information is collected, used, shared, and managed by the Ombudsman.

This policy will also define our position regarding for Information Sharing Requests from both members of the public and public entities.

This policy aligns with the requirements of the *Privacy and Responsible Information Sharing Act 2024* (WA) (**PRIS Act**) and reflects the application of the Information Privacy Principles (**IPPs**).

## Application

This policy applies to the Ombudsman and to all material held by the office that contain or may contain, personal information.

## Information Sharing Requests:

As defined by the PRIS Act, the Ombudsman is classified as a 'Special Information Sharing Entity' and therefore is not subject to Information Sharing Requests or Information Sharing Directions made by public or external entities under the act.

As defined by the *Freedom of Information (FOI) Act 1992* (WA), material produced by the Ombudsman in relation to the functions of Investigations are considered exempt and therefore not subject to FOI requests.

## Requests for Information from Parliament:

Requests for information from the OWA from members of parliament, its committees or from either house, must be referred to the Ombudsman for consideration. These requests will be dealt with in consistent with the PRIS Act and with parliament's role in overseeing the OWA as stipulated by the *Parliamentary Commissioner Act 1971* (WA).

## Collection of Personal Information

The Ombudsman is authorised under relevant legislation, including the *Parliamentary Commissioner Act 1971* (WA) (**The Act**) and associated acts, *Energy Coordination Act 1994* (WA), *Water Services Act*

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2012 (WA), and the *Electricity Industry Act 2004* (WA), to collect information for investigative purposes, including personal and sensitive personal information – see page 9 for definitions

This information may be obtained directly from individuals who engage in the use of the Ombudsman's services or, indirectly from local and state government agencies to support the Ombudsman's statutory functions. In addition, this includes agencies subject to the *Parliamentary Commissioner Amendment (Reportable Conduct) Act 2022* (WA) (**the Reportable Conduct Scheme**) and Charitable Trust organisations under the *Charitable Trusts Act 2022* (WA) (**the Charitable Trusts Act**)

In addition, the Ombudsman is authorised under the *Industrial Relations Act 1979* (WA) to obtain information, including personal information for the purposes of recruitment, selection and employment of officers, and engagement of contractors.

The office collects information through a range of methods, including:

- Telephone recordings, transcripts, voice messages with associated notes;
- Notes taken during in-person interviews for investigations and recruitment processes;
- Minutes of official meetings between agency representatives, stakeholders' clients.
- Complaint forms submitted electronically or hard copy;
- Emails, text messages or via Microsoft Teams communications;
- Documents, reports, surveys and investigative material in hard copy or digital format;
- Recordings, including sound or video footage, including transcripts;
- Authorised access to information held by other agencies or organisations, such as databases, internal reports or personnel files.

In accordance with the Ombudsman's Recordkeeping Plan, all officers who receive information during their duties are responsible for ensuring that these records are appropriately captured and maintained within the approved Case Management (**CMS**) and Electronic Document Records Management systems (**EDRMS**).

The Ombudsman may collect sensitive personal information where it is necessary to perform its statutory functions, including in areas such as State and Local Government Complaints, Energy and Water Complaints, Child Safety, and recruitment. The definition of sensitive personal information is provided in the *Definitions* section of within the privacy policy. The Ombudsman collects such information in accordance with the PRIS Act ensuring it is only collected where reasonably necessary.

Individuals engaging with the Ombudsman may choose to remain anonymous. In such cases, individuals are not required to provide any personal or identifiable information. Alternatively, a pseudonym may be used for the purpose of interaction with the Ombudsman.

## Management of Personal Information

The Ombudsman manages, stores and holds personal information in the following physical and electronic formats,

- Investigative functions of the Ombudsman are stored within the CMS;

- Electronic documents are stored in EDMRS, which serves as the primary repository for all official records;
- Hard copy records are retained in office or in state government approved offsite storage facilities; and
- Additional digital information may be stored in approved information systems, including Microsoft SharePoint, Microsoft Outlook, Microsoft Teams and secured computer network storage drives and inter-agency sharing platforms.

In accordance with IPPs within the PRIS Act, the Ombudsman takes reasonable steps to ensure that personal information is securely stored and managed. This includes applying access controls and information classification to electronic records so that information is only accessible to authorised staff for legitimate business purposes.

Individuals engaging with the Ombudsman's services are informed about the capture of personal information and may choose to remain anonymous or use a pseudonym where and when required.

Following the completion of an investigation, the Ombudsman will de-identify or securely destroy unsolicited personal information collected during the course of an investigation.

## Use of Personal Information

The Ombudsman may collect a range of personal and sensitive personal information to support its functions:

### State and Local Government Complaints and Energy and Water Complaints

Information collected in relation to complaints may include a broad range of personal and sensitive personal information about complainants, affected individuals, and staff of Local and State Government agencies and energy, gas, and water service providers.

This information is used for the following purposes:

- Assessing whether a complaint falls within jurisdiction and functions of the Ombudsman;
- Responding to enquiries and requests for information;
- Managing complaints and conducting investigations under the legislation listed within this policy.
- Referring or redirecting complaints and enquiries to the relevant Local, State or Federal Government authority;
- Determination of conducting an Own Motion Investigation into Local or State Government agencies or energy, gas and water providers; and
- Undertaking analysis of complaint compilation in relation to agency, matter type, number and severity.

Sensitive personal information collected by the Ombudsman may be accessed by authorised staff who are responsible for assessing, investigating, and reporting on enquiries, investigations, and complaints under the relevant functions of the Ombudsman.

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Under *Parliamentary Commissioners Act 1971 (WA)*, information obtained in the course of an enquiry or investigation must not be disclosed except in authorised circumstances. The Ombudsman may disclose this information to:

- The Director, Deputy Director of Public Prosecutions and their authorized staff.

Information may also be disclosed where it is relevant to the functions of the following:

- Corruption and Crime Commission;
- Parliamentary Inspector;
- Public Sector Commissioner in connection with the responsibilities under the *Corruption, Crime and Misconduct Act 2003 (WA)*; or
- Commissioner for Children and Young People that is relevant to the death of a child.

Information may be disclosed to the agency that is the subject of a complaint where it is necessary to:

- Obtain the agency's response to the complaint;
- Understand actions already taken in relation to the individual;
- Seek further information relevant to the matter; or
- Facilitate resolution, including agreed outcomes.

The Ombudsman is required by law to notify or disclose information to another agency without the individual's consent to their respective staff or nominated organisation if the Ombudsman believes a violation of the *Corruption, Crime and Misconduct Act 2003 (WA)* or the *Criminal Code Act 1913 (WA)* has occurred.

De-identified information (information that has had personal identifiers removed so individuals cannot be reasonably identified) may be used for reporting and shared with Local or State Government agencies, as well as organisations regulated under the relevant energy, gas and water legislation.

### **Personal information obtained under the functions of Reportable Conduct Scheme**

Information collected under the Reportable Conduct scheme may contain sensitive personal information relating to matters managed under the Reportable Conduct Scheme.

This information may be provided by relevant organisations, members of the public, or staff of organisations subject to the Reportable Conduct Scheme.

Personal and sensitive personal information collected under this function is used for the following purposes:

- Assessing whether a matter falls within jurisdiction;
- Responding to enquiries and requests for information;
- Conducting investigations and system reviews in accordance with the Reportable Conduct amendment of The Act;
- Notifying Law enforcement agencies within Western Australia where required or authorised by law;
- Determining whether previously actioned investigations or system reviews warrant further action, including an independent Own Motion Investigation;

- Supporting collaboration, analysis and information sharing with the broader Child and Family Safety Function; and
- Undertaking statistical analysis and reporting on investigations and system reviews, including trends by agency, matter type, severity, affected persons and compliance outcomes with The Act's amendment.

Staff who are responsible for operating under this function will have access to this information.

Under the Act, information collected through the Reportable Conduct Scheme may only be disclosed where it is:

- Relevant to the functions of, or provided to, the Commissioner of Police.
- Relevant to the functions of, or provided to, the Commissioner for Children and Young People.
- Relevant to the functions of, or provided to, the CEO as defined under:
  - Children and Community Services Act 2004 (WA); or
  - Working with Children (Criminal Record Checking) Act 2004 (WA).
- Required for the purposes of proceedings relating to perjury or offences under the *Royal Commissions Act 1968* (WA).

Outside of these circumstances, information collected under this function must not be disclosed. Information may be collected without an individual's consent where it is necessary for an investigation, system review, complaint, Own Motion Investigation, or enquiry. In such cases:

- Individuals may not be provided with access to amend personal information collected in this manner.

And that, de-identified information may be:

- Shared with external agencies; and
- Included in monthly and annual reporting.

Presentations and other publications will also use de-identified information to ensure privacy is maintained.

### **Personal information obtained under the functions of reviews of Investigable Deaths**

The information received under the function of reviews of certain deaths under the Act will include sensitive personal information. This information may be provided by organisations defined under the Act. This information will be used for the following:

- Determining the circumstances and contributing factors;
- Identify patterns, systematic issues or emerging trends;
- Provide recommendations to organisations or authorities to prevent or reduce investigable deaths;
- Notifying law enforcement agencies where required under the Act;
- Assessing whether an Own Motion Investigation is warranted into the conduct of a department or authority involved;
- Supporting collaboration and analysis in conjunction with the broader Child Safety function; and

- Undertaking statistical analysis of investigations in relation to the Agency, affected individual, matter type, severity, occurrence and compliance with the Act.

Access to this information is restricted to staff operating under this function. Under the Act, information obtained during the review of an Investigable Death must not be disclosed unless it is to the following:

- The Director, Deputy Director and authorised staff of Public Prosecutions;

Or the disclosure relates to the functions of:

- The Corruption and Crime Commission;
- The Parliamentary Inspector;
- The Public Sector Commissioner (in relation to responsibilities under the *Corruption, Crime and Misconduct Act 2003* (WA); and
- The Commissioner for Children and Young People, where relevant to the death of a child.

Information may be collected without the consent of the individual where required for an active/ongoing investigation. Individuals are not entitled to access or amend this information.

De-identified information may be shared with other divisions or agencies to support reporting and resolution of preventative actions. This information may also be provided to the State Coroner.

### **Personal information gathered during human resource management functions**

Records and other forms of information relating to current, former and prospective employees (including casual, contracted and temporary staff) include a broad range of sensitive personal information collected for work force management. This includes activities such as recruitment, selection, appointment, re-classification, performance management, payroll, leave and other personally identifying information.

Sensitive personal information collected may include, but is not limited to;

- Identifying information;
- Professional and academic qualifications;
- Employment history and current occupation;
- Financial and payroll information (e.g. banking details, salary, superannuation);
- Family and relationship details;
- Medical information;
- Work-related records (e.g. timesheets, leave, overtime, travel records and reports);
- Performance information (e.g. assessments, service awards, disciplinary investigations and outcomes); and
- Workplace claims and compliance records (e.g. Workcover submissions)

Limited personal information of a financial nature may be disclosed to third party financial institutions when required. Recruitment records include:

- Applicants submitted for advertised positions;

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- Interview notes, selection panel assessments;
  - Criminal history and serious disciplinary history checks;
  - Referee checks and related correspondence; and
  - Communications with candidates, including selection outcomes and feedback.

This information is collected and used solely for the purpose of recruitment and selecting candidates for positions within the Ombudsman. Accessed recruitment information is restricted to:

- Employees involved in the recruitment process;
- External contractors (recruitment consultants) appointed to selection panels; and
- Human resources staff responsible for assessing and appointing candidates.

Relevant personal information from an applicant's submission may be disclosed to nominated referee/s for the purpose of conducting referee checks.

Internal communications, including emails, Microsoft Team's messages and other forms of electronic communications may be monitored by the Information Technology division.

Internal and external auditors may access information held by the Ombudsman where it is relevant to an authorised audit. Personal information will only be disclosed to third parties where required or authorised by law.

### **Personal Information obtained under the function of Charitable Trust investigations**

This information may contain a wide array of personal or sensitive personal information regarding a submitted or received complaint about a Charitable Trust under the Act. This information may be used for

- Assessing whether a complaint falls within jurisdiction;
- Responding to enquiries and requests for information;
- Managing complaints and conducting investigations; and
- Undertaking analysis of compiled complaints.

Personal information collected by the Ombudsman in the function of the Charitable Trusts may be accessed by authorised staff under this function.

Under the Charitable Trusts Act, information obtained during an enquiry or investigation must not be disclosed except in authorised circumstances. This information may be disclosed to:

- The provider, Public Trustee or a person with an advisory role;
- Persons intended to benefit from the application of trust funds;
- The Attorney General;
- The Commissioner of Police;
- The Australian Securities and Investments Commission (*Commonwealth*);
- The Advisory Committee established under the *Charitable Collections Act 1946 (WA)*;
- The Commissioner of the Australian Charities and Non-for-profits Commission (*Commonwealth*);
- Office of the Registrar of Aboriginal and Torres Strait Islander Corporations (*Commonwealth*);

- The Commissioner of Taxation (*Commonwealth*); and
- The Commissioner of State Revenue (WA).

De-identified information may be used for reporting purposes. Such information may also be used and shared with the Attorney General, as well as organisations regulated under the Act.

### **Personal Information accessed under the function of Monitoring within the Ombudsman:**

This information may contain a wide array of personal or sensitive personal information that has been collected by state and local government agencies under the functions of:

- Telecommunications (Interception and Access) Act 1996 (WA);
- Telecommunication (Interception and Access) Regulation 1996 (WA);
- Criminal Law (Unlawful Consorting and Prohibited Insignia) Act 2021 (WA); and the
- Liquor Control Act 1988 (WA).

Information accessed by authorised staff responsible for investigating and reporting on Local or State Government agencies who are being monitored under the respective acts.

### **Additional Services of the Ombudsman**

The Ombudsman may provide access to translation and interpretation services to individuals when required to ensure equitable access to its functions.

In accordance with The Act, the Ombudsman publishes an annual report on its activities and functions.

### **Accessing or amending personal information**

Under the PRIS Act, individuals may apply to access, amend or update their personal information held by the Ombudsman.

To make this request, individuals should refer to the following:

- Access and amendment of personal information procedure; and
- Personal Information Policy

### **Information Breach**

In the event of an information breach, the Ombudsman will manage the incident in accordance with its Information Breach Policy and Procedure. This includes; identifying the breach, taking appropriate remedial action, and where required, notifying the affected individuals.

A notification will outline the nature and scope of the breach, including the type of information involved and whether it has been lost, accessed, disclosed, or destroyed.

If an individual believes they have been affected by an information breach they may lodge a complaint with the Office of the Information Commissioner.

## Definitions

Term	Definition
Agency	The Parliamentary Commissioner for Administrative Investigations
Personal Information	<p>Means information or an opinion about an individual (whether true or not, and whether recorded in a material form or not), where the individual is identified or reasonably identifiable from that information or opinion, including a deceased individual. Personal information includes, but is not limited to:</p> <ul style="list-style-type: none"> <li>• <b>Identity information</b>, such as a name date of birth or address;</li> <li>• <b>Identifiers</b>, including unique identifiers, online identifiers (e.g. IP address) or pseudonyms;</li> <li>• <b>Contact Information</b>, such as telephone numbers, email addresses, or other communication details;</li> <li>• <b>Location Information</b>, data relating to an individual’s physical or digital location;</li> <li>• <b>Technical or behavioural information</b>, profiles, predictions, or insights generated from aggregated or analysed data that relate to an individual’s behaviour or preferences;</li> <li>• <b>Personal characteristics</b> information relating to one or more features specific to an individual’s identity, including: <ul style="list-style-type: none"> <li>• physical or physiological characteristics</li> <li>• genetic or biometric information</li> <li>• mental or behavioural attributes</li> <li>• economic status</li> </ul> </li> </ul> <p>cultural or social identity</p>
Ombudsman	Ombudsman Western Australia or the Parliamentary Commissioner
Sensitive Personal Information	<p>The PRIS Act defines sensitive personal information as:</p> <p><i>Sensitive personal information means personal information -</i></p> <p><i>(a) that relates to an individual’s —</i></p> <p><i>(i) racial or ethnic origin; or</i></p> <p><i>(ii) gender identity, in a case where the individual’s gender identity does not correspond with their designated sex at birth; or</i></p> <p><i>(iii) sexual orientation or practices; or</i></p> <p><i>(iv) political opinions; or</i></p> <p><i>(v) membership of a political association; or</i></p> <p><i>(vi) religious beliefs or affiliations; or</i></p>

	<p><i>(vii) philosophical beliefs; or</i></p> <p><i>(viii) membership of a professional or trade association; or</i></p> <p><i>(ix) membership of a trade union; or</i></p> <p><i>(x) criminal record; or</i></p> <p><i>(b) that is health information; or</i></p> <p><i>(c) that is genetic or genomic information (other than health information); or</i></p> <p><i>(d) that is biometric information; or</i></p> <p><i>(e) from which information of a kind referred to in any of paragraphs (a) to (d) can reasonably be inferred.</i></p>
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## Authorisation & Contacts

### Authorisation

Policy Title:	Privacy Policy
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Approved By:	Executive Director Corporate Development
Date of Current Issue:	26 June, 2026
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### Owner & Contacts

Policy Owner:	Chief Information Officer
Primary Contact:	Records Manager
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