

Information Management Policy

Information Management Policy - Version 3.0 (3/08/2022)

Purpose and scope

This Policy applies to the Department of Seniors, Disability Services and Aboriginal and Torres Strait Islander Partnerships (the Department) who is responsible for worker screening functions under Part 5 of the *Disability Services Act 2006* (Qld) (the Act).

The purpose of this Information Management Policy (the Policy) is to outline how personal information may be collected, managed, used or disclosed as part of the administration of the Disability Worker Screening Check in Queensland. This includes the National Disability Insurance Scheme (NDIS) worker screening check and State disability worker screening check, for disability services funded, or delivered, by the Department outside of the NDIS.

The Department collects and manages your personal information in accordance with the Act, the *Information Privacy Act 2009* (Qld) (the IP Act) and the *Human Rights Act 2019* (Qld). This Policy is to be read together with the Queensland Government's Privacy Statement:

<https://www.qld.gov.au/legal/privacy>

What is personal information?

The IP Act currently defines "personal information" as meaning information or an opinion, including information or an opinion forming part of a database, whether true or not, and whether recorded in a material form or not, about an individual whose identity is apparent, or can reasonably be ascertained, from the information or opinion.

Personal information can also be protected information and confidential information under the Act.

Protected information refers to a range of information obtained about you, if applicable, to inform a risk assessment. Under section 227 of the Act, this can include the following information about a person:

- Police and related information;
- Domestic violence and/or child protection information;
- Disciplinary information;
- NDIS disciplinary or misconduct information;
- Information about the person's mental health;
- Other information provided to the chief executive to decide whether the person poses an unacceptable risk of harm to people with disability, including information disclosed by the NDIS Quality and Safeguards Commission, an NDIS worker screening unit or other prescribed entity.

'Confidential information' includes other information obtained under the Act about your affairs that is not publicly available or could not reasonably be expected to result in your identification.

Collection of information

Information from you

The Department will collect your personal information which you provide in completing and submitting the application form, including:

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- full legal name, including title and first, middle and last names;
- date of birth;
- gender;
- postal and residential address;
- contact telephone numbers;
- email address;
- your role including whether you are engaged by an NDIS service provider or funded service provider
- whether you've ever been suspended or refused, barred or excluded from holding a relevant worker screening check in any Australian State or territory
- whether you've been charged, convicted, or found guilty of a criminal offence in Australia or overseas
- whether you've ever been the respondent to a domestic violence order in Queensland
- whether you been subject to an investigation in Australia relating to allegations of abuse or neglect of a child in your care that resulted in restrictions regarding you contact with children (including removal of a child/children)
- whether you ever been subject of a workplace misconduct investigation
- previous worker screening clearance card number (if applicable); and
- customer reference number (CRN) and digital image issued by the Department of Transport and Main Roads (TMR).

If the above personal information is not provided, the Department may be unable to accept and assess your application for a Disability Worker Screening Clearance.

It is an offence under the Act for you to knowingly provide information to the chief executive that is false or misleading. This includes the information you provide in your application form, and may also include not providing relevant information. It is also an offence to provide false or misleading information to an NDIS service provider or funded service provider that engages or proposes to engage you, for the purposes of worker screening under the Act.

Information from other entities

The Department will obtain relevant information from TMR about you.

The Department will also be collecting other information through the application process if relevant to you including, for example:

- police information (including domestic and international criminal history);
- domestic violence information;
- child protection orders or related information;
- disciplinary information;
- outcomes of previous screening checks;
- mental health information;
- NDIS misconduct or disciplinary information; and
- other information authorised to be collected under the Act.

The Department will obtain information from any police, court, prosecuting authority, health professional agency or other authorised agency for the purposes of determining whether you pose an unacceptable risk of harm to people with disability, including a national criminal history check and ongoing monitoring of relevant criminal history information. The criminal history information

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obtainable and considered when risk assessing you is broad. For example, it includes details of charges and convictions regardless of whether they were recorded or when and where the offence or alleged offence occurred.

Information about any NDIS misconduct or disciplinary action (including compliance or enforcement action) may be sought from, provided by, shared with and retained by the NDIS Quality and Safeguards Commission or NDIS worker screening units in any state or territory.

Use and disclosure of information

Your personal information is collected for the purpose of administering the Disability Worker Screening Check under Part 5 of the DSA. This includes, for example, specific functions to:

- verify your identity;
- process your application for a clearance;
- assess your application for a clearance, including to determine whether you pose an unacceptable risk of harm to people with disability;
- contact you to provide or obtain more information about your application and the application process;
- notify relevant persons, such as NDIS service providers or funded services providers that engage you or any other notifiable persons, regarding the status of your application or clearance;
- produce your clearance card;
- issue your clearance card;
- administer ongoing monitoring of clearance holders' criminal history information;
- record keeping; and
- enable you to meet your disclosure obligations under the Act.

Your personal information may be disclosed to the following persons or organisations for the purposes outlined above and those specified below:

- organisations you work for, or propose to work for, or provide services to, including the following information:
 - whether you have a current application for, or hold, a current clearance;
 - if an interim bar is in effect for your application;
 - the outcome of this application which may include its withdrawal or issuing you with an exclusion; and
 - if your clearance is subsequently suspended or cancelled;
- courts, law enforcement agencies, regulatory, governing, disciplinary or supervisory bodies including police agencies for law enforcement purposes;
- other Australian agencies who are responsible for undertaking screening of individuals who work or provide services, or propose to do so, for people with disability or vulnerable people, for purposes related to the agency's functions as a worker screening unit;
- NDIS Quality and Safeguards Commission for the purpose of being included on the NDIS Worker Screening Database or for the NDIS Commission's functions;
- other government agencies, including TMR, to verify your identity;
- TMR and their card producer to produce your clearance card;

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- the department's information and communication technology service providers for the purpose of system support and development;
- any other person you have authorised for the department to discuss your application with.

Your personal information may also be used to prepare a summary of statistical or performance information to support the overall assessment of progress towards nationally consistent outcomes across jurisdictions and trends. This information will be disclosed in a de-identified and anonymous way.

TMR will provide the photograph they hold/attain of you to their card producer and your photograph will be displayed on your clearance card.

The department will not disclose your personal information to other third parties except in accordance with the Queensland Government's Privacy Statement, the Act and the IP Act or where otherwise authorised or required by law.

For NDIS Worker Screening applications, the department will update the NDIS Worker Screening Database with the status and outcome of your application.

Please note that under section 138ZM of the Act, the chief executive may advise a person who makes a request and provides your name and clearance number, with information about whether your clearance (or interstate clearance) is in force at the time the request is made.

The department may use electronic communication to provide information and to collect information for research purposes.

Updating Information

You must notify the department of any changes in your personal information so that records are complete and up-to-date.

If your police information or risk assessment matter changes, you must notify the department immediately. It is an offence if you do not do this.

If your personal details, such as your name, contact details, engagement with an NDIS service provider or funded service provider change, you must notify the department of the change within 14 days otherwise may be liable for breaching an offence.

If you have any queries regarding privacy and personal information, please contact the Worker Screening Unit via email using workerscreening@dssatsip.qld.gov.au or the Worker Screening Hotline via 1800 183 690.

Emails

The [Queensland Government's Privacy Statement](#) applies to emails.

Some service providers store emails outside Australia. If this applies to your email service provider, then emails sent to you by the department will be stored outside Australia.

Microsoft Azure

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The department has engaged Microsoft Azure services for integrating information from online applications to the information repository operated by the department that contains data about individuals who hold, or have applied for, a disability worker screening clearance.

When you access the online application, data is stored locally on your device during the session. When your application is submitted, the information is sent through the Azure Service Bus temporarily before being sent to our information repository for permanent storage. In some cases, the information may be temporarily stored in Azure Blob storage if the message size exceeds the allowable size limit set by Azure Service Bus. Information is deleted from the Azure services when the transfer to our information repository has been completed. See the Microsoft Azure Trust Centre for more details. All personal information is protected using the latest encryption techniques, rendering this information unreadable to unauthorised people while housed in the Azure platform.

Access to your personal information

Individuals have the right to access the personal information that the department holds about them. You may also request to amend your personal information. The department will take reasonable steps to correct any information that is inaccurate, incomplete, out-of-date or misleading.

The department may refuse your request to access or amend your personal information, but you will be provided with a reason for our decision and, in the case of an amendment, we will place a note with your personal information indicating that you have disputed its accuracy.

If you wish to access or amend your personal information, you can do this online at workerscreening@dsdsatsip.qld.gov.au or the by contacting the Worker Screening Unit Worker Screening Hotline via 1800 183 690.

Use of demographic information

In addition to specific personal information collected through your application, the department also records anonymous information for statistical purposes as specified in the Queensland Government's Privacy Statement.

Please note that as part of the application process you do not have to answer questions about:

- whether you identify as Aboriginal or Torres Strait Islander;
- whether you come from a culturally or linguistically diverse background;
- whether you are a person with a disability; and
- your education background and qualifications.

Answering these questions is voluntary and any answers provided will not be used in considering your application for a disability worker screening clearance.

If you do choose to answer these questions in an application for an NDIS clearance, this information may be included in the NDIS Worker Screening Database, where it may be accessed by the NDIS Quality and Safeguards Commission (NDIS Commission). The NDIS Commission will use the information to support policy development and research about NDIS workers and the NDIS, including to help better understand the needs of NDIS workers and reporting statistical information about the NDIS workforce. The NDIS Commission is an independent Commonwealth agency established to improve the quality and safety of NDIS supports and services (for more information about the work of the NDIS Commission see: <https://www.ndiscommission.gov.au/>).

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Your information will be de-identified before any other disclosure of it by the NDIS Commission (for example, in any reports produced by the NDIS Commission, or where it is provided to other Commonwealth agencies, such as the National Disability Insurance Agency, to support their policy development and research functions).

National Worker Screening Database

The NDIS Quality and Safeguards Commission has established the NDIS Worker Screening Database as required by law under the *National Disability Insurance Scheme Act 2013* (Cth).

The NDIS Worker Screening Database will include:

- personal information about a worker that a worker has provided, including in this application form (but not criminal convictions);
- personal information about a worker provided by a worker's NDIS employer; and
- details about clearance decisions undertaken by worker screening units.

The NDIS Worker Screening Database will not include information about any criminal convictions a worker may have, rather it will have the outcomes of worker screening checks.

More information about the NDIS Worker Screening Database can be found at <https://www.ndiscommission.gov.au/>

Once a record has been created for you on the NDIS Worker Screening Database:

- that record will continue to exist on the NDIS Worker Screening Database even if you leave the NDIS sector;
- that record may be accessed by NDIS employers who are linked to you and need to check your clearance status. They will be able to see the following about you on the NDIS Worker Screening Database:

- your worker screening ID;
- your first and last name;
- date of birth;
- status (clearance or exclusion);
- the expiry date of your clearance; and
- your eligibility to work.

NDIS employers who are linked to you in the NDIS Worker Screening Database will be notified of any changes to your clearance status, for example, if you are no longer cleared to work (such as your clearance being cancelled or replaced with an exclusion). If you cease to be employed by a particular employer, that employer will no longer be linked to you on the NDIS Worker Screening Database and will not be able to access your information on the Database.

The NDIS Commission will use the NDIS Worker Screening Database to undertake its statutory functions under *National Disability Insurance Scheme Act 2013* (Cth).