

Privacy Policy

Purpose

This Privacy Policy explains how Hamilton Island Enterprises Limited, Hamilton Island Shared Services Pty Ltd and all other subsidiaries and related entities (**HIE**) collect, store, use and disclose Personal Information relating to the employment of our employees.

Privacy is the ability to protect Personal Information including being able to control who can see or use the information. The *Privacy Act 1988 (Cth)* (**the Act**) sets out requirements for collecting, storing, using and disclosing Personal Information. These are called the **Australian Privacy Principles**. The Act also sets out additional rules and higher standards for collecting and handling Sensitive Information. The *Fair Work Act 2009 (Cth)* (**the Fair Work Act**) requires all employers to keep Personal Information about employees in their Employee Records.

Personal Information held by an employer, relating to someone's current or former employment, is not covered by the Australian Privacy Principles, but only when used by the employer directly in relation to their employment. This Personal Information will be Employee Records. Although the Australian Privacy Principles may not apply in certain circumstances, this Privacy Policy seeks to be transparent and explain to employees what happens to their Personal Information.

The Australian Privacy Principles do apply to Personal Information about unsuccessful job candidates. This can include applicants' resumes, contact details, references and academic transcripts. HIE has a separate Privacy Policy which sets out how HIE collects, stores, uses and discloses Personal Information throughout the recruitment process available at:

<https://www.hamiltonisland.com.au/careers>. HIE also has Privacy Policies in relation to our business operations, available at: <https://www.hamiltonisland.com.au/privacy-policy> and <https://www.hamiltonisland.com.au/general-business-privacy-policy>.

Scope

This Privacy Policy applies to all employees of HIE.

Definitions

For the purposes of this Privacy Policy, the following terms have the following meanings:

Employee Record	<p>in relation to an employee, means a record of personal information relating to the employment of the employee. Examples of Personal Information relating to the employment of the employee includes health information about the employee and Personal Information about all or any of the following:</p> <ul style="list-style-type: none"> (a) the engagement, training, disciplining or resignation of the employee; (b) the termination of the employment of the employee; (c) the terms and conditions of employment of the employee; (d) the employee's personal and emergency contact details; (e) the employee's performance or conduct; (f) the employee's hours of employment; (g) the employee's salary or wages; (h) the employee's membership of a professional or trade association; (i) the employee's trade union membership; (j) the employee's recreation, long service, sick, personal, maternity, paternity or other leave; or (k) the employee's taxation, banking or superannuation affairs.
Personal Information	<p>means information or an opinion about an identified individual, or an individual who is reasonably identifiable:</p> <ul style="list-style-type: none"> (a) whether the information or opinion is true or not; and (b) whether the information or opinion is recorded in a material form or not.

Privacy Policy

Sensitive Information	<p>means:</p> <p>(a) information or an opinion about an individual's:</p> <ul style="list-style-type: none"> (i) racial or ethnic origin; or (ii) political opinions; or (iii) membership of a political association; or (iv) religious beliefs or affiliations; or (v) philosophical beliefs; or (vi) membership of a professional or trade association; or (vii) membership of a trade union; or (viii) sexual orientation or practices; or (ix) criminal record; <p>that is also personal information; or</p> <p>(b) health information about an individual; or</p> <p>(c) genetic information about an individual that is not otherwise health information; or</p> <p>(d) biometric information that is to be used for the purpose of automated biometric verification or biometric identification; or</p> <p>(e) biometric templates.</p>
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Policy

What Personal Information does HIE collect?

HIE may collect and hold Personal Information about employees or information that may identify employees, such as:

- employee, referee and emergency contact details;
- applications for employment and supporting documents, including outcomes;
- employment contracts and other documents relating to the terms and conditions of employment;
- details of salary packaging arrangements and documents relating to any novated lease agreements;
- proof of Australian citizenship, permanent residency or visa documentation;
- records relating to salary, employment benefits and leave or flexible work arrangements;
- medical certificates, immunisation or vaccination statuses or health related information supplied by an employee or their medical practitioner;
- taxation details;
- banking information necessary to pay wages;
- professional associations or trade union memberships;
- superannuation contributions;
- information relating to an employee's training and development;
- information about an employee's workplace performance including information relating to warnings given to employees or non-compliance with employment terms or HIE policies and procedures;
- information concerning disciplinary processes or an employee's breaches of the Hamilton Island and Dent Island Rules and Regulations or Code of Conduct;
- arrangements relating to staff accommodation on Hamilton Island or Dent Island;
- work schedule and length of service;
- past and present work classifications and responsibilities;
- information about qualifications held;
- complaints made by or about an employee;

Privacy Policy

- information regarding termination or resignation;
- opinions or reports about how well an employee performs their duties; and
- Sensitive Information.

How does HIE collect Personal Information?

HIE generally collects Personal Information directly from employees. However, HIE may collect Personal Information from an employee's supervisors or managers, other employees, referees, or third parties such as immigration or recruitment agents or providers. HIE may collect Personal Information without the employees' consent such as where it is necessary to investigate suspected unlawful activity or misconduct of a serious nature in the course of the employment relationship.

How does HIE store and protect Personal Information?

HIE stores employees' Personal Information in several ways including:

- on secure servers;
- in electronic systems and devices;
- in paper files; and
- document retention services off-site.

This may include storage on HIE's behalf by third party service providers, including overseas third party service providers. HIE has implemented various physical, electronic and managerial security procedures in order to protect Personal Information from loss and misuse, and from unauthorised access, modification, disclosure and interference. If HIE no longer requires employees' Personal Information, HIE will take reasonable steps to destroy or de-identify the Personal Information unless it is required to be kept by the law. Overseas recipients or service providers are predominantly located in North America (including Canada), Europe, Asia and New Zealand.

How does HIE use employees' Personal Information?

The Personal Information collected by HIE is used to enable HIE to operate our business, including managing the employment of our employees and meeting legal obligations pursuant to the Fair Work Act. Largely this Personal Information will be regarded as Employee Records.

However, Personal Information provided by employees may also be used to ensure the safety and wellbeing of employees living in the unique tropical location of Hamilton Island and Dent Island. For example, staff accommodation may collect emergency and personal contact details and details may be provided to emergency services (police, ambulance and fire department) as necessary. Island Security may collect Personal Information and Sensitive Information, such as alcohol and drug testing records, necessary to ensure the safety and wellbeing of employees, residents and guests living on Hamilton Island and Dent Island. Personal Information may also be used for both internal (within HIE management) and external reporting (Workplace Gender Equality Agency). Personal Information used for reporting will largely be de-identified.

When does HIE disclose employees' Personal Information to third parties?

A Fair Work Inspector can request information about employees to check HIE is meeting our employment obligations. Under the Fair Work Act HIE is legally required to provide requested employment records to a Fair Work Inspector in some circumstances, for example if they issue a 'notice to produce' that requires records or documents to be produced.

Certain government agencies (such as the Australian Taxation Office and Services Australia) may ask HIE to provide Personal information about our employees. Also, HIE may need to provide information to police or under court orders. HIE ensures that when a request is received, we make enquiries in regards to which law requires or allows HIE to disclose the information.

There may be times when a permit holder with a right of entry permit (usually a union official) wants to enter the workplace to investigate a suspected breach of workplace laws. While there, they may ask to do things like inspect or copy documents or interview people. Permit holders can inspect and copy any record or document that is directly relevant to the suspected breach if that record or document is kept on the premises or accessible from a computer kept on the premises. They can also give written notice requiring HIE to produce, or provide access to, records or documents later. The records must substantially or entirely relate to a member of the union unless the Fair Work Commission allows otherwise. HIE do not need to let the permit holder inspect and copy documents if doing so would contravene a Commonwealth law (including Commonwealth privacy laws) or a State or Territory law.

HIE may also disclose Personal Information to emergency services (police, ambulance and fire department) as necessary.

Privacy Policy

HIE may also disclose an employee's name, employee identification number, whether the employee is a commuter or not and employment status to Cruise Whitsundays Pty Ltd ACN 105 420 737 in relation to Cruise Whitsundays Pty Ltd's discounted ferry tickets provided to employees.

How can employees update or access their Personal Information?

If an employee or former employee requests access to their Personal Information, HIE will make this available to employees to inspect and copy. Employees may contact the People, Culture and Development department to provide them with their updated Personal Information. Employees may also contact staff accommodation to provide them with their updated Personal Information.

How does HIE provide references?

HIE will generally ensure that we ask employees or former employees for their consent prior to disclosing Employee Records. Other Personal Information or Sensitive Information will ordinarily not be provided. Providing Employee Records that directly relate to the employment relationship will not breach the Act or Australian Privacy Principles.

How can employees make a complaint?

HIE takes privacy concerns seriously and we will work with employees to address any complaints or queries that arise. Please contact HIE by email at privacy@hamiltonisland.com.au in the first instance.

If employees' complaints are not resolved to the employees' satisfaction through internal procedures employees may contact the Office of the Australian Information Commissioner at GPO Box 5218, Sydney NSW 2001, phone: 1300 363 992 or email at enquiries@oaic.gov.au.

Further Information

HIE has separate policies in relation to employees' use of the internet and email, social media and regarding HIE's CCTV system. Please refer to the relevant policies.

If you have any feedback regarding this Privacy Policy please do not hesitate to contact privacy@hamiltonisland.com.au.

Subject to change

This policy is subject to change and HIE reserves the right to vary, replace or amend it at any time. This policy does not comprise a term or condition of an employee's employment with HIE and does not create any contractual rights on the part of any employee or impose any contractual obligations on HIE.

Document approval

Approved by: General Counsel and General Manager – People, Culture and Development

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