



**Australian Government**  
**Seafarers Safety, Rehabilitation  
and Compensation Authority**

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# PRIVACY POLICY

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SEACARE

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# 1. The Seacare Authority's privacy policy

- 1.1. The Seacare Authority (**Seacare**) takes its privacy obligations very seriously and is committed to meeting the highest standards when collecting, storing, using and disclosing personal information. Seacare will take reasonable steps to:
- a) comply with the requirements of the *Privacy Act 1988 (Privacy Act)*, *Privacy Amendment (Notifiable Data Breaches) Act 2017* and the *Australian Government Agencies Privacy Code*
  - b) ensure all staff understand and comply with Seacare's privacy obligations and this privacy policy
  - c) ensure that Seacare's privacy policy is up to date and complete
  - d) respond promptly and transparently to privacy complaints
  - e) maintain an effective working relationship with the Office of the Australian Information Commissioner (**OAIC**).

# 2. What is the purpose of this privacy policy?

- 2.1. The purpose of this privacy policy is to:
- a) clearly communicate Seacare's personal information handling practices
  - b) enhance the transparency of Seacare's operations
  - c) give individuals a better and more complete understanding of the sort of personal information that Seacare holds, and the way it handles that information.
- 2.2. The Privacy Act sets the minimum standards Seacare, as an Australian Government agency, has to meet when handling personal information.
- Personal information is defined in the Privacy Act as:
- 'Information or an opinion about an identified individual, or an individual who is reasonably identifiable:
- 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.'

2.3. The Privacy Act contains 13 Australian Privacy Principles (**APPs**). The APPs:

    - a) set out legally binding standards for handling personal information
    - b) regulates how Seacare collects, stores, uses and discloses personal information
    - c) requires Seacare to allow people to access the information about them that Seacare keeps
    - d) requires Seacare, in certain circumstances, to allow people to correct or update information about them.

2.4. The APPs are contained in Schedule 1 of the Privacy Act. Guidance and information about the APPs can be found on the OAIC [website](#).

2.5. Seacare may review and update this policy from time to time, to take account of new laws or technology, or changes to Seacare's functions, operations or practices.

2.6. This privacy policy is published on Seacare's [website](#). Seacare can also provide you with a copy of the policy in another form, if it is reasonable to do so. If you would like a copy of this policy in another form, please contact the Privacy Officer using the contact details at the end of this policy.

### 3. What kinds of personal information does the Seacare Authority collect and hold?

#### Collection of solicited information

- 3.1. Seacare only collects personal information if it is reasonably necessary for, or directly related to, one or more of Seacare's functions or activities. These include functions and activities under the *Seafarers Rehabilitation and Compensation Act 1992* (**Seafarers Act**) and the *Occupational Health and Safety (Maritime Industry) Act 1993* (**OHS(MI) Act**). Seacare also collects personal information related to employment services, human resource management and other corporate service functions.
- 3.2. Certain information we collect is 'sensitive information' as defined in the Privacy Act. Sensitive information includes information about a person's health. In particular, information contained in workers' compensation claim records, work health and safety investigation records, asbestos-related claim records, and personnel records, may be sensitive information.
- 3.3. Seacare will usually only collect and hold sensitive information with your consent. However, there are certain circumstances where Seacare is permitted to collect and hold sensitive information without such consent. These circumstances are described in APP 3.4 and include, but are not limited to, where the collection:
  - a) is required or authorised by or under law
  - b) will prevent or lessen a serious threat to somebody's life or health, or assist in the location of a missing person
  - c) is reasonably necessary to allow Seacare to take appropriate action when it suspects unlawful activity or misconduct of a serious nature that relates to Seacare's functions or activities
  - d) is reasonably necessary to establish, exercise or defend a legal or equitable claim, or for the purposes of a confidential alternative dispute resolution process
  - e) is reasonably necessary for enforcement related activities.

#### Collection of unsolicited information

- 3.4. Seacare is occasionally provided with personal information which it has not requested or solicited. Where unsolicited information is received by Seacare, within a reasonable period, Seacare will determine whether that information is reasonably necessary for, or directly related to, one or more of its functions or activities. If the unsolicited information does not relate to one or more of Seacare's functions or activities, subject to the requirements of the *Archives Act 1983* (**Archives Act**), Seacare will destroy or de-identify the information as soon as is practicable.

## 4. How does the Seacare Authority collect and hold personal information?

### Collection of personal information

- 4.1. Seacare only collects personal information by lawful and fair means. Collection of personal information by Seacare may occur when:
- a) an individual's employer provides Seacare with documents relating to a workers' compensation claim under the Seafarers Act
  - b) an individual provides Seacare with documents relating to a workers' compensation claim under the Seafarers Act
  - c) Seacare seeks information from people such as a treating health professional in connection with a workers' compensation claim
  - d) Seacare collects information relating to incidents that cause death, serious injury or illness of a person or a dangerous incident pursuant to the Seafarers Act and the OHS(MI) Act
  - e) an individual provides information to Seacare in connection with a job application or their employment
  - f) an individual completes security forms required in connection with their employment
  - g) Seacare collects information in relation to Health and Safety Representatives training course accreditation
  - h) contractors or suppliers are working with Seacare
  - i) individuals contact Seacare.
- 4.2. Where reasonable and practical, Seacare collects information about you directly from you. However, Seacare may also collect personal information from someone other than you with your express consent, or if it is required or authorised to do so by or under an Australian law or a court or tribunal order.
- 4.3. At or before the time Seacare collects information about you, or as soon as practicable after collection, Seacare will take reasonable steps to notify you or otherwise ensure that you are aware of the matters that are required by APP 5, including, but not limited to:
- a) the details of the relevant law under which the collection is required or authorised (if any)
  - b) the fact that Seacare has collected the information and the circumstances of the collection
  - c) the main consequences (if any) for you if Seacare does not collect the personal information
  - d) how you can access and correct information about you, or make a complaint about a breach of the APPs

Seacare may provide this notification by including privacy notices on our paper-based and online forms.

## Holding of personal information

- 4.4. Seacare holds all its records in accordance with the provisions of the Archives Act and relevant records authorities.
- 4.5. Seacare takes all reasonable steps to protect the personal information that it holds from misuse, interference and loss, and from unauthorised access, modification or disclosure. This includes appropriate measures to protect electronic materials, and materials stored and generated in hard copy, and ensuring contracted service providers are subject to the same strict privacy obligations that Seacare operates under.

## Destruction and de-identification of personal information

- 4.6. Personal information that Seacare collects and holds is generally either contained in a Commonwealth record (as defined in the Archives Act) or required to be retained by or under an Australian law. Seacare manages its Commonwealth records (including those that contain personal information) in accordance with the Archives Act, the Administrative Functions Disposal Authority, and any other relevant Records Disposal Authority.

# 5. What are the purposes for which the Seacare Authority collects, holds, uses and discloses personal information?

- 5.1. The Seacare Authority performs functions and exercises powers in connection with supporting the Seacare scheme under the Seafarers Act and OHS(MI) Act.
- 5.2. Seacare may collect, hold, use and disclose personal information for the purposes of these functions and exercising these powers. This includes disclosing personal information to third parties who assist Seacare in performing these functions and exercising these powers.
- 5.3. Where Seacare holds information about you that was collected for a primary purpose, it does not require your consent to use and disclose the information for that purpose. However, Seacare will not use or disclose the information for another purpose (a secondary purpose) unless:
  - a) you have consented to the use or disclosure of the information
  - b) the use or disclosure falls within one of the specific exceptions in APP 6.2. This may occur, for example, where the use or disclosure:
    - i. is related to the primary purpose of collection, and you would reasonably expect Seacare to use or disclose the information for this secondary purpose
    - ii. is required or authorised by or under Australian law or a court or tribunal order
    - iii. will prevent or lessen a serious threat to somebody's life or health, or assist in the location of a missing person
    - iv. is reasonably necessary to allow Seacare to take appropriate action when it suspects unlawful activity or misconduct of a serious nature that relates to Seacare's functions or activities
    - v. is reasonably necessary for establishing, exercising or defending a legal or equitable claim
    - vi. is reasonably necessary for the purposes of a confidential alternative dispute resolution process
    - vii. is reasonably necessary for an enforcement related activity conducted by an enforcement body.

## 6. How can you access and correct personal information that the Seacare Authority holds?

- 6.1. Seacare takes all reasonable steps to ensure that the personal information it collects, uses or discloses is accurate, up to date and complete.
- 6.2. You can request access at any time to the information about you Seacare holds. You may ask Seacare to either correct the information or include a statement indicating that the information is inaccurate, out of date, incomplete, irrelevant or misleading. To do so, please contact the Privacy Officer.
- 6.3. Seacare will respond to requests for access or correction within 30 days. No charges apply to requests for access to, or correction of, information about you.
- 6.4. Seacare can decline access to, or correction of, personal information under circumstances set out in the Privacy Act. Where access is refused, Comcare will give you written notice of the reasons for refusal and the mechanisms available to you to dispute that decision.

## 7. Will the Seacare Authority use your personal information for direct marketing?

- 7.1. When Seacare undertakes commercial activities, these are subject to the same restrictions on using or disclosing personal information for direct marketing purposes that apply to private sector organisations.
- 7.2. Seacare does not typically use or disclose personal information for direct marketing purposes in connection with our commercial activities. Seacare will only use or disclose personal information for direct marketing purposes, where this is permissible under APP 7. For example, we:
  - a) obtain your consent to use or disclose information about you for direct marketing purposes if it is practicable, unless you would reasonably expect us to use or disclose the information for direct marketing purposes
  - b) provide a simple means by which you may easily request not to receive direct marketing communications from Seacare

## 8. Will the Seacare Authority send your personal information overseas?

- 8.1. Seacare is unlikely to disclose personal information to a person who is not in Australia or an external Territory. However, there are instances in which this may occur. For example, if a person has been located outside Australia or an external Territory and is seeking, or has sought, medical attention or undergone rehabilitation activities in relation to a claim, disclosure to an overseas recipient becomes a possibility.

Whenever disclosing personal information to an overseas recipient, we will comply with APP 8.

If you nominate an email account to communicate with us, you acknowledge your email service provider may store information in data centres outside of Australia. By providing us with permission to email information to your nominated address you are consenting to this possibility.

## 9. What are the main consequences for you if the Seacare Authority does not collect your personal information?

- 9.1. If Seacare does not collect personal information from you for the purposes of performing one of its functions, Seacare may not be in a position to undertake the relevant function.

## 10. Can you deal with the Seacare Authority anonymously?

- 10.1. Your identity is typically relevant to the fulfilment of Seacare's purpose for collecting, using, holding or disclosing personal information. Most of the time, it is not likely to be practicable for Seacare to deal with you if you have not identified yourself or have used a pseudonym. If you are concerned about not being able to deal with Seacare anonymously, you can make an anonymous inquiry by contacting the Privacy Officer and explaining the circumstances.

## 11. How can you make a complaint about a breach of the Australian privacy principles?

- 11.1. You may make a complaint if you consider that Seacare has interfered with your privacy or otherwise breached its obligations under the APPs in relation to the management of information about you.
- 11.2. Any complaints should be in writing, providing as much detail as possible, and addressed to the Privacy Officer.
- 11.3. Seacare will take reasonable steps to investigate any complaint, and to notify you of the outcome of its investigation within 30 days.
- 11.4. If Seacare does not respond to the complaint within 30 days, or you are not satisfied with the outcome of Seacare's investigations, you can make a complaint directly to the Office of the Australian Information Commissioner. Further details about how to make a complaint are set out on the OAIC [website](#).

## 12. How to contact the Privacy Officer

- 12.1. Comcare is authorised under section 72A of the *Safety, Rehabilitation and Compensation Act 1988* (SRC Act) to provide secretariat services to the Seacare Authority and to assist the Seacare Authority to perform its functions. The Seacare Authority may provide your personal information to Comcare for this purpose. For more information on how Comcare handles your personal information, please see Comcare's [privacy page](#).
- 12.2. The Privacy Officer can be contacted by:
- Telephone: (02) 6275 0070
- E-mail: [secretariat@comcare.gov.au](mailto:secretariat@comcare.gov.au)
- Post: Seafarers Safety, Rehabilitation and Compensation Authority (Seacare Authority)  
GPO Box 9905  
Canberra ACT 2601

## 13. How to arrange interpreter services

- 13.1. If you require interpreter services, details for how to access these services are available [here](#).