

Confidentiality and Personnel Privacy Policy

1. Privacy Overview

- 1.1 Mackay ENT is committed to protecting your privacy. Mackay ENT is bound by the *Privacy Act 1988* (Cth), which sets out a number of principles concerning the protection of your Personal Information known as the Australian Privacy Principles (**APPs**).
- 1.2 Mackay ENT may also operate subsidiary companies referred to as “related companies” in this policy.
- 1.3 Set out below is information that Mackay ENT is required to communicate to employees and prospective employees in connection with Personal Information collected about them. This policy may be amended from time to time. A current version will always be available on our website and intranet.
- 1.4 All applications for employment with Mackay ENT are treated as confidential in accordance with the Privacy Act.
- 1.5 This policy operates in conjunction with the Privacy Act and other relevant laws.

2. Definitions

In this policy:

Individual means a:

- (a) contractor;
- (b) former employee,
- (c) current employee; or
- (d) prospective employee,

of Mackay ENT, where the Relevant Circumstances apply to that employee.

Information means, collectively, Personal Information and Sensitive Information.

Personal Information means information relating to an individual, including an opinion, which may be provided to Mackay ENT as part of its business requirements. Such information may personally identify an individual or make the person’s identify reasonably apparent.

Privacy Act means the *Privacy Act 1988* (Cth).

Sensitive Information means information or an opinion about an individual’s racial or ethnic origin, political opinions, membership of a political association, religious beliefs, philosophical beliefs, membership of a professional or trade association, membership of a trade union, sexual preferences, criminal record or health information.

Relevant Circumstances means all circumstances where the employee records exemption under the Privacy Act does not apply, including Information:

- (a) obtained during the recruitment processes;

- (b) not directly related to an employee's current or former employment relationship with Mackay ENT; and
- (c) shared between related bodies corporate, contractors and subcontractors, such as Information which is shared through services arrangements with a corporate group.

3. Your Information

3.1 This policy relates to an Individual's Information collected by any means in connection with the Relevant Circumstances.

3.2 If an Individual does not provide their Personal Information, Mackay ENT may be unable to:

- (a) progress an Individual's application or offer of employment, or to consider an Individual for future employment opportunities;
- (b) monitor the use and efficiency of business resources (such as Mackay ENT technology); and
- (c) efficiently use related entities or contractors necessary for the delivery of our business activities and functions.

3.3 Personal Information collected in connection with the Relevant Circumstances may include:

- (a) ID information, such as your name, postal or email address, telephone numbers, licenses, date of birth, gender details;
- (b) other contact details such as social media handles you use on publicly available websites;
- (c) resumes and other correspondence;
- (d) work history and education history;
- (e) health information, disabilities and psychometric testing results;
- (f) other information Mackay ENT considers necessary to our recruitment, business activities and management processes.

3.4 Sensitive Information may be required to be collected in some circumstances. Mackay ENT will only collect Sensitive Information if it is necessary for business purposes and for the inherent requirements of the position.

3.5 All Information collected will be used and disclosed by Mackay ENT as outlined in this document. Mackay ENT takes reasonable steps to ensure that an Individual's Information is held securely.

4. How we collect your Personal Information

4.1 It is Mackay ENT's usual practice to collect Personal Information about Individuals in the Relevant Circumstances:

- (a) directly from the Individual, for example where an Individual provides Information by using a printed or online method;
- (b) where relevant, and with the Individual's consent, through a third party recruitment service provider;
- (c) from third parties, with an Individual's consent. For example, Mackay ENT may seek Information about an Individual's:

- (i) prior employment history through reference checks;
 - (ii) eligibility to work in Australia through a visa status check;
 - (iii) educational qualifications by requesting confirmation of qualifications or results from an academic institution;
 - (iv) aptitude or other psychometric testing;
 - (v) ability to perform the inherent requirements of the position, through medical and other allied health professionals, or criminal record history check and/or working with children check;
- (d) from speaking to Mackay ENT staff over the phone;
- (e) through publicly available networking sites, such as Facebook or LinkedIn.

4.2 We may also collect Information about you because we are required or authorised by law to collect it.

4.3 Before you commence employment with Mackay ENT, as a condition of employment we may ask you to provide evidence of your identity and legal entitlement to work in Australia. We may also ask for Personal Information, such as emergency contact details, tax file number and bank account details which will form part of your employee file.

4.4 If Mackay ENT does not have an Individual's prior consent to collection of Information from a third party, Mackay ENT will take reasonable steps to inform the Individual that it has collected Information from a third party.

5. How we use your Personal Information

5.1 An Individual's Personal Information may be used in order to:

- (a) assess an Individual's application (or an application submitted on the Individual's behalf by a recruitment service provider or by an employee as part of the employee referral program) for advertised positions;
- (b) invite an Individual to apply for future positions of interest with Mackay ENT and its related companies, unless you notify us that you do not wish this occur;
- (c) allow Mackay ENT and its related companies to conduct statistical reporting and analysis in relation to recruitment;
- (d) conduct, in connection with Mackay ENT management of any business risks, investigations, resolutions and defences of complaints of legal claims, compliance with court orders and other legal obligations and regulatory requirements associated with the recruitment process;
- (e) share Information between Mackay ENT's related body corporates, and with any contractor or subcontractor, where doing so would assist Mackay ENT with completing administrative tasks efficiently;
- (f) obtain security clearances where required;
- (g) capture any data in relation to the use of technological devices or systems provided to an Individual by Mackay ENT; and

(h) conduct employment-related management and administrative processes.

5.2 Unless authorised by the Privacy Act, an Individual's Personal Information will not be used for any other purpose without the Individual's consent.

6. When Mackay ENT may disclose your Personal Information

6.1 Mackay ENT may disclose an Individual's Personal Information to related companies for the purposes of:

- (a) enabling related companies to consider you, and contact you, in relation to future positions of interest with Mackay ENT and its related companies;
- (b) statistical reporting and analysis; and
- (c) conducting management and administrative processes.

6.2 Mackay ENT's information technology systems may automatically permit access to an Individual's Information within its network of international and national related entities, contractors and service providers.

6.3 Mackay ENT takes reasonable steps to ensure that these organisations are bound by confidentiality and privacy obligations in relation to the protection of your Personal Information. These organisations may carry out activities including:

- (a) information technology services;
- (b) website usage analysis; and
- (c) management and administrative tasks.

6.4 Mackay ENT may disclose your Personal Information to overseas related entities or contractors, including related entities or contracts located in the areas where Mackay ENT has offices.

7. Accuracy and storage of Personal Information held

7.1 Mackay ENT will endeavour at all times to maintain an accurate record of each Individual's Personal Information.

7.2 To assist Mackay ENT to keep its records up to date, Individuals should ensure all Personal Information provided to Mackay ENT is accurate and up to date, and to notify Mackay ENT of changes where appropriate.

8. Individuals can access their Personal Information

8.1 Individuals may request access to Personal Information that Mackay ENT holds about them by contacting Practice Manager using the contact details set out at paragraph 9, below.

8.2 If the Personal Information held is incorrect, Individuals may request that Mackay ENT amend our records by contacting the Practice Manager using the contact details set out at paragraph 9, and Mackay ENT will take reasonable steps to do so.

8.3 Mackay ENT may make reasonable changes for access to Information and may refuse to provide access to, or delete, Information where this is required or authorised by the Privacy Act or another law.

9. Confidential Information

9.1 Meaning of Confidential Information

In this policy, **Confidential Information** means:

Information in whatever form (including, without limitation, in writing, oral, visual or electronic form or on any magnetic or optical disk or memory wherever located) relating to current and prospective employees, medical and patient records, products, staff affairs and information (including finances) of Mackay ENT and its related companies (**Group**), trade secrets including, without limitation, business plans, technical data and know-how relating to Mackay ENT, or the Group, or any of their suppliers, clients, patients, agents, distributors, shareholders or management, including any information created by, provided by or belonging to Mackay ENT its directors, employees, officers, patients or clients, used or intended to be used in Mackay ENT's affairs, whether or not such information is marked confidential.

9.2 Use of Confidential Information

- (a) In the course of your engagement with Mackay ENT you may have access to Confidential Information that is business sensitive and confidential to patients of Mackay ENT, as well as Mackay ENT and the Group.
- (b) You may not use or disclose any Confidential Information unless authorised by Mackay ENT or as authorised by law. You must also use your best endeavours to keep secure all Confidential Information that is in your possession. You are required to notify Mackay ENT if you become aware of any breaches of these obligations, or if you are lawfully obliged to disclose the information to a third party and you must comply with Mackay ENT's lawful directions in relation to any disclosure.
- (c) If you are uncertain as to whether information is Confidential Information, you must treat the information as confidential unless advised by Mackay ENT in writing to the contrary.
- (d) If Mackay ENT requests you to deliver up any Confidential Information, you must do so immediately. If Confidential Information is stored electronically, once you have provided it to Mackay ENT, you must delete the Confidential Information so that it cannot be recovered.
- (e) You agree that these restrictions are reasonable and necessary to protect the business of Mackay ENT including its reputation and goodwill.

10. How to contact Mackay ENT

10.1 If you have any questions in relation to this personnel privacy policy or if you have a problem or complaint or would like to give us feedback please contact the Practice Manager using the below contact details:

T (07) 4942 0721

E practicemanager@mackayent.com.au