



PRIVACY POLICY
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1. Introduction

The Screen Australia Privacy Policy sets out how Screen Australia manages personal information that it receives and collects. Screen Australia manages personal information in accordance with the *Privacy Act 1988*. If you require a copy of this Privacy Policy in a particular form, please contact Screen Australia's Privacy Officer. See section 9 for contact details.

Screen Australia is an Australian Government authority established under the *Screen Australia Act 2008*. Screen Australia handles personal information when performing its functions. Screen Australia's functions are to:

- support and promote the development of a highly creative, innovative and commercially sustainable Australian screen production industry and
- run programs to provide assistance to the screen industry to develop, produce, promote and distribute Australian programs.

Screen Australia also administers the producer offset under the *Income Tax Assessment Act 1997* (ITAA) in accordance with the *Tax Administration Act 1953* (TAA). Information collected and held by Screen Australia for this purpose is protected information under the TAA and Screen Australia manages this information to meet the requirements of the TAA. This policy does not apply to producer offset information to the extent that its terms are inconsistent with Screen Australia's obligations under the TAA.

2. Objects of the Privacy Act 1988

The objects of the Privacy Act are:

- to promote the protection of the privacy of individuals;
- to recognise that the protection of the privacy of individuals is balanced with the interests of entities in carrying out their functions or activities;
- to provide the basis for nationally consistent regulation of privacy and the handling of personal information;
- to promote responsible and transparent handling of personal information by entities;
- to facilitate an efficient credit reporting system while ensuring that the privacy of individuals is respected;
- to facilitate the free flow of information across national borders while ensuring that the privacy of individuals is respected;
- to provide a means for individuals to complain about an alleged interference with their privacy; and
- to implement Australia's international obligation in relation to privacy.

3. Personal information – what is it?

The Privacy Act defines **personal information** 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 material form or not.

It can include information such as:

- a person's name or address
- bank account details and credit card information
- photos
- information about opinions and what a person likes

Sensitive information is a subset of personal information and is defined as:

- information or opinion about an individual's:
 - racial or ethnic origin
 - political opinions
 - membership of a political association
 - religious beliefs or affiliations
 - philosophical beliefs
 - membership of a professional or trade association
 - membership of a trade union
 - sexual orientation or practices, or
 - criminal recordthat is also personal information; or
- health information about an individual
- genetic information that is not otherwise health information
- biometric information that is to be used for the purpose of automated biometric verification or biometric identification, or
- biometric templates.

4. Why does Screen Australia have a Privacy Policy?

The first of the Australian Privacy Principles (APPs), which form part of the *Privacy Act 1988* (as amended), requires all organisations covered by the Privacy Act to have a Privacy Policy in place.

See Appendix 1 below for further information on the Australian Privacy Principles, and how Screen Australia complies with them.

5. Kinds of information collected and held by Screen Australia

5.1. Payroll

- bank account details
- union membership that is funded via salary sacrifice (this is also sensitive information)

5.2. Health

- claims against Screen Australia's workers' compensation insurance (this is also sensitive information)
- pre-existing injuries or health conditions (this is also sensitive information)

5.3. Personnel and recruitment information

- name
- gender
- date of birth
- contact in case of emergency
- address and phone number
- superannuation details
- salary
- contract conditions
- performance reviews
- ethnic origin (this is also sensitive information)
- membership of professional associations (this is also sensitive information)
- residency status / citizenship
- professional experience
- references
- interview records
- performance bonuses
- correspondence
- business affairs (company directorships and other interests are collected in order to manage Screen Australia's conflict of interest obligations)

5.4. Information collected from subscribers to Screen Australia's electronic publications, notices and invitations

- names
- email addresses
- occupation category
- job title
- company
- state and country
- street address
- phone number

- website
- site visit data
- other data fields as required e.g. honorific

For self-subscribe publications such as Screen Australia's newsletter, some data fields are optional.

5.5. Information collected from application forms and statutory declarations for Screen Australia's programs

- names (not pseudonyms, as Screen Australia is required by law to verify the identities of those to whom it provides funds)
- contact details
- street address
- citizenship / residency
- professional experience
- gender
- LGBTQI+ (information about an individual's sexual orientation is sensitive information)
- disability status (this is sensitive information)
- language(s) spoken
- bank account details
- ethnic origin (this is sensitive information)
- business affairs (information about company directorships and other business information is collected in order to determine eligibility for Screen Australia's programs)
- Other information relevant to enable Screen Australia to make its program assessments or perform its statutory functions

5.6. Information collected through The Screen Guide on Screen Australia's website

- names
- contact details
- role(s)
- general biography information
- production credits
- photographs

5.7. Voluntary surveys undertaken by Screen Australia's research function or its subcontractors

- names
- contact details
- business affairs of individuals
- opinions held by individuals

- other information relevant to the research to help Screen Australia perform its functions

5.8. Letters / emails received by Screen Australia

- names
- addresses
- email address
- gender
- job title
- telephone numbers
- business affairs of the author and / or third parties
- opinions
- details of complaints

5.9. Social media

- names (these may be pseudonyms)
- email addresses
- postal address for prizes
- opinions
- telephone numbers
- photographs

5.10. Invoices

- names
- addresses
- contact details
- business affairs
- outstanding obligations to Screen Australia
- contractors' details

6. How is the personal information collected?

Screen Australia collects personal information from individuals in different ways. This may be via the agency's website, in the form of material supplied with job applications or material supplied with applications. Screen Australia also receives unsolicited personal information, in the form of job applications, and correspondence. This may be both written and electronic.

Where possible, Screen Australia will collect personal information about an individual only from that individual. However, for practical reasons, Screen Australia may sometimes collect information indirectly. For example, the agency receives personal information in application forms from parties who do not directly lodge the application (e.g. where a production company provides details of the proposed director of a film, which might include contact details, experience, and professional membership). Screen

Australia also occasionally conducts surveys which may involve indirect collection of personal information about project participants on a voluntary basis.

Information collected within application forms and surveys may relate to the diversity of participants in a project. Some of this information is considered sensitive information and is accorded further protections under the Privacy Act (e.g. information about an individual's ethnicity or cultural background, sexual orientation or disability status). This information enables Screen Australia to assess the diversity of funding applications, report on diversity within Australia's screen industry and assist in policy development in keeping with its functions under the *Screen Australia Act 2008*, including to support and promote the development of screen culture in Australia.

In circumstances of indirect collection, Screen Australia requires applicants or respondents to ensure that they have obtained consent from the third parties for Screen Australia to receive their sensitive information.

Screen Australia has a number of electronic newsletters to which individuals may subscribe, and also operates a number of social media channels to which subscribers may sign up. The agency also maintains a screen industry database, The Screen Guide, to which individuals may submit new entries or updates to existing listings.

The Screen Australia Privacy Policy does not apply to external service providers that Screen Australia may use, for example social media services that Screen Australia uses may hold your personal information and are required to manage your personal information in accordance with the service provider's privacy policy and law.

Screen Australia provides links on its website to other service providers and is not responsible for those service providers.

The Everyone Project

The Everyone Project or TEP is the online platform for surveying, measuring, analysing and reporting on diversity in populations called The Everyone Project accessible at theeveryoneproject.org and operated by Screen Industry Innovation Pty Ltd (ABN 92 620 804 855).

When entering into production grant or investment agreements with producers, Screen Australia requires producers to register the relevant project with TEP. They must use reasonable efforts to obtain consents to provide TEP with the names, roles and contact details of cast and crew for the purpose of TEP inviting them to participate in voluntary demographic surveys. Producers are responsible for obtaining the relevant consents and providing this information to TEP. Screen Australia does not provide this information directly to TEP and Screen Australia's Privacy Policy does not apply to TEP. Such information will be handled in accordance with TEP's own privacy policy.

7. Where is the personal information held?

Screen Australia holds personal information in a variety of manners. The information may be contained within:

- Screen Australia’s software and systems, these include:
 - electronic databases
 - email
 - electronic document and records management system (EDRMS)
 - cloud based software
 - paper files

Electronic information is accessible only to Screen Australia employees and contractors who are not permitted to disclose Screen Australia information. Access to certain information may be further restricted within Screen Australia to certain staff members to protect certain classes of information including sensitive information. Screen Australia complies with the Australian Government’s security requirements for IT access.

Physical access to Screen Australia’s premises is restricted to those who have security passes. Visitors must sign in before gaining admittance.

8. Why is the information collected, held, used and disclosed?

Screen Australia’s functions, as set out in its establishing act, the *Screen Australia Act 2008*, are to:

- (a) *support and promote the development of a highly creative, innovative and commercially sustainable Australian screen production industry; and*
- (b) *support or engage in:*
 - (i) *the development, production, promotion and distribution of Australian programs; and*
 - (ii) *the provision of access to Australian programs and other programs; and*
- (c) *support and promote the development of screen culture in Australia; and*
- (d) *undertake any other function conferred on it by any other law of the Commonwealth.*

All the personal information Screen Australia collects is for the purposes of fulfilling its functions. We will only collect sensitive information with consent and if it is reasonably necessary for, or directly related to, these functions.

Screen Australia uses the personal information it receives in funding applications, and applications for the co-production program:

- to assess the eligibility and merits of the applications in order to make decisions about funding or approval; and
- for reporting and research purposes. Note: Personal information is de-identified prior to any external publication.

Screen Australia receives and may be required to disclose further personal information when it negotiates, enters and manages contracts with successful funding recipients.

Screen Australia uses the personal information it receives in applications for the producer offset in order to make assessment determinations and to administer the producer offset scheme. Personal information provided for this purpose is considered 'protected information' and is subject to tax secrecy provisions under Division 355 of the TAA. Any personal information that is protected information will be held by Screen Australia on a strictly confidential basis and dealt with in accordance with Division 355 of the TAA.

Screen Australia also uses personal information to assess applicants for employment, respond to queries, to collate and maintain screen industry databases and to provide various communications related to the agency's functions.

Screen Australia will occasionally use personal information which was originally collected for one purpose for a secondary but related purpose. For example, an applicant to one of Screen Australia's funding programs might be invited by Screen Australia to a networking event. The use of personal information for this purpose would not be the original purpose for which the personal information was collected. However, Screen Australia will only use personal information for a secondary purpose if such purpose is related to (or, for sensitive information, directly related to) the primary purpose, and if it is reasonable that the individual would expect Screen Australia to use the information for this purpose.

In the event that the secondary purpose is not related to the primary purpose, Screen Australia will seek the individual's consent before using the information for the secondary purpose. Screen Australia will not sell personal information to another person.

9. Accessing and seeking correction of personal information

The Australian Privacy Principles give individuals the right to access or seek correction of the personal information Screen Australia holds about them. There is no fee associated with making a request.

Screen Australia is required to take reasonable steps to correct personal information to ensure that it is accurate, up-to-date, complete, relevant and not misleading, having regard to the purpose for which it is held.

If you would like access to the personal information Screen Australia holds about you, or would like to correct personal information which you believe is incorrect, please contact Screen Australia's Privacy Officer, setting out your request, and how you can be contacted.

To contact the Privacy Officer, you can:

- send an email to privacy@screenaustralia.gov.au;
- telephone on (02) 8113 1011; or
- write to Privacy Officer, Screen Australia, GPO Box 3984, Sydney NSW 2001.

10. How will a request for access or correction be handled?

Screen Australia will acknowledge the request within 10 working days of receipt, and will provide a response within 30 working days. In certain circumstances, Screen Australia may require more time to process the request, in which case Screen Australia will notify the applicant of the delay before the 30 days have elapsed.

Note that information held by Screen Australia forms Commonwealth records. Commonwealth records may generally only be destroyed or amended in accordance with the *Archives Act 1983*.

Should Screen Australia decide not to comply with the request to provide or amend the personal information, it will provide a written notice of the refusal, including the reasons for the refusal and the complaint mechanisms available to the applicant.

11. Breaches of the APPs

In the case of a data breach affecting personal information, Screen Australia will take reasonable steps to contain the breach and reduce the likelihood of harm. If the breach is likely to result in serious harm, Screen Australia will promptly notify affected individuals, and the Australian Information Commissioner, according to the Notifiable Data Breaches scheme.

12. How to complain about breaches of the APPs

Any complaints about Screen Australia's use of personal information, including possible breaches of the APPs, can be made to the Privacy Officer at Screen Australia. The complaint will be handled in accordance with Screen Australia's complaints policy, which requires that all correspondence receive a response within 10 working days, and be actioned as soon as possible, but in all circumstances within 30 working days.

13. Likelihood of disclosing personal information to overseas recipients, and to which countries

Screen Australia's IT providers and back-up services are physically present in Australia. It is therefore unlikely that Screen Australia will disclose personal information to recipients in other countries. However, in some circumstances, Screen Australia may use service providers based in other countries, which may involve the disclosure of some personal information.

If Screen Australia does engage a service provider (e.g. a research company) to collect personal information in Australia, it will contractually require the company to comply with the Australian Privacy Principles. When using overseas service providers that may handle personal information, Screen Australia will select a service provider in a country

with similar privacy protections to those afforded by the Australian Privacy Act.

Personal information that Screen Australia holds for the purpose of providing funding (for example, personal information included in an application for funding) may be disclosed in correspondence and transactional documentation with overseas parties, where applicable.

Screen Australia administers the official co-production program in accordance with the Australian Government's co-production arrangements with other countries. When Screen Australia receives personal information from an applicant for co-production certification, it may share that information with counterpart organisations in other countries for the purpose of assessing the application and in accordance with the official co-production program.

Screen Australia conducts marketing activities in other countries to assist Australian producers to access overseas markets. Screen Australia may disclose personal information that it holds in respect of a particular production that it is assisting overseas for this purpose.

14. Website

Screen Australia provides the following privacy statements in relation to website usage.

14.1 Site visit data

Screen Australia makes a record of all visits on our websites and logs the following information for statistical purposes: the user's server address, the user's top level domain name (example: .com, .gov, .au, .uk etc.), the date and time of the visit to the site, the pages accessed and documents downloaded, the previous site visited and the type of browser used.

No attempt will be made to identify users or their browsing activities except, in the unlikely event of an investigation, where a law enforcement agency may exercise a warrant to inspect the service provider's logs.

14.2 Collection of personal information

Screen Australia will only record your email address or other supplied details if you send us a message or complete a form online. Supplied information will only be used for the purpose for which you have provided it or a related secondary purpose, and will not be added to a mailing list unless you have requested this. Unless permitted or required by law, we will not use your email or other addresses for any other purpose, and will not disclose them, without your consent.

14.3 Editing and deleting your membership information

Subscribers to Screen Australia e-newsletters can unsubscribe via the link at the bottom of every newsletter or change their details by contacting web@screenaustralia.gov.au.

14.4 Cookies

We use web browser cookies on this website. Cookies are small pieces of information we store on your computer. These cookies do not contain information by which Screen Australia can identify you. If you would like to disable or control cookies then you can do so through a preference on your web browser.

Cookies are sent back to the originating server. Session cookies are used during a browsing session at the site. Please note that most browsers can be configured to notify the user when a cookie is received, allowing you to either accept or reject it. If you do not accept cookies, then some of the features on our site will not work as they are intended to.

14.5 Screen Australia email addresses

To assist communication with Screen Australia, contact names and email addresses are published on our website. These are provided only for bona fide enquiries relating directly to the organisation's business. In accordance with the *Spam Act 2003*, Screen Australia does NOT give consent to the sending of spam to these email addresses, including unsolicited commercial electronic messages, direct internet marketing communications, the offer of products and services over the internet or the issuing of prospectuses or other financial offerings by email.

15. Other matters

15.1 Exemptions

Personal information held by Screen Australia's Producer Offset & Co-production Unit is subject to tax secrecy laws. Documents containing this information may therefore be exempt documents under s 37(1) of the *Freedom of Information Act 1982*.

15.2 Retention of records

Information, including personal information, held by Screen Australia forms Commonwealth records. Commonwealth records may generally only be destroyed or amended in accordance with the *Archives Act 1983*.

15.3 Access to personal information

Generally only Screen Australia staff and contractors have access to the personal information held by the organisation. Staff and contractors are required to comply with the *Privacy Act 1988* and the Screen Australia Privacy Policy. Screen Australia may disclose personal information it holds in respect of a production it funds to other parties involved in the production (see section 8 above).

15.4 Updating this policy

Screen Australia may update this policy at any time and will review this policy at least annually. Any revised versions will incorporate a change log, and this will be published on Screen Australia's website.

15.5 Anonymity and pseudonymity

In general, people have a right to communicate and deal with Screen Australia without revealing their names, or they may use a pseudonym. However, there are circumstances where Screen Australia is required to ascertain the identity of the people with whom it deals. This includes any situation where an applicant is applying for funding from Screen Australia. In addition, applicants must comply with Screen Australia's Terms of Trade, which require applicants to act in good faith at all times.

Should you have any comments on this policy, please send them to privacy@screenaustralia.gov.au.

Appendix 1 – How does Screen Australia comply with the Australian Privacy Principles?

APP 1 – Open and transparent management of personal information

This policy, and its availability on Screen Australia's website, ensures compliance with APP 1.

APP 2 – Anonymity and pseudonymity

Applicants may deal with Screen Australia anonymously or pseudonymously, except where they are making an application to Screen Australia, it is impractical or Screen Australia has a legal requirement for a person to identify themselves. See section 15.5 above.

APP 3 – Collection of solicited personal information

Screen Australia only collects personal information that it requires to fulfil its functions and does so only by lawful and fair means. Screen Australia will not collect sensitive information without the consent of the person whose information is sought. Screen Australia will only collect personal information indirectly if the individual has consented to such indirect collection, it is authorised to do so by law or if it is unreasonable or impracticable in the circumstances. See section 8 above.

APP 4 – Dealing with unsolicited personal information

If a third party provides us with personal information about you that we did not ask for, or you provide us with unsolicited personal information, we will only hold, use or disclose this information if we determine that we could have collected this information from you had we asked for it. In this circumstance, we will take all reasonable steps to notify you of the collection of that information and such information will then be treated as if it had been received as solicited information (see section 6 above). If we determine that we could not have collected this personal information, we will de-identify or destroy it where it is lawful to do so.

APP 5 – Notification of the collection of personal information

Screen Australia takes reasonable steps to notify individuals when it collects personal information. When personal information is provided by third parties (for example, in application forms from producers), Screen Australia requires the person submitting the form to have notified any individuals whose information is included. See section 6 above.

APP 6 – Use or disclosure of personal information

All the personal information Screen Australia collects is for the purposes of fulfilling its functions.

Screen Australia will occasionally use personal information (which was originally collected for one purpose) for a secondary but related purpose. See Section 8 above.

APP 7 – Direct marketing

Not applicable to Screen Australia, however, the agency may also use personal

information for other purposes which you might reasonably expect us to use that information. You authorise us to use any email address or other contact information you provide at any time for such purposes. See section 8 above.

APP 8 – Cross-border disclosure of personal information

Screen Australia may disclose personal information to recipients in other countries when performing its functions. In some circumstances, Screen Australia may use service providers based in other countries. Where it does so, it will require the service provider to comply with the APPs or ensure the country offers similar privacy protections to those afforded by the Australian Privacy Act. See Section 13 above.

APP 9 – Adoption, use or disclosure of government related identifiers.

Not applicable to Screen Australia.

APP 10 – Quality of personal information

Screen Australia has a team of information specialists and researchers whose objective it is to ensure that the information held by Screen Australia is accurate and up-to-date.

APP 11 – Security of personal information

Screen Australia's information is held securely in order to protect it from interference or unauthorised access. See Section 7 above.

APP 12 – Access to personal information

Individuals may seek access to the personal information Screen Australia holds about them by applying to the Privacy Officer. See Section 9 above.

APP 13 – Correction of personal information

Individuals may seek correction to the personal information Screen Australia holds about them by applying to the Privacy Officer. See Sections 9 and 10 above.