



Australian Government



# PRIVACY POLICY

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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.

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.

## 1 Objects of the Privacy Act 1988 (as amended)

The objects of the Privacy Act are:

- to promote the protection of the privacy of individuals; and
- to recognise that the protection of the privacy of individuals is balanced with the interests of entities in carrying out their functions or activities; and
- to provide the basis for nationally consistent regulation of privacy and the handling of personal information; and
- to promote responsible and transparent handling of personal information by entities; and
- to facilitate an efficient credit reporting system while ensuring that the privacy of individuals is respected; and
- to facilitate the free flow of information across national borders while ensuring that the privacy of individuals is respected; and
- 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

## 2 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 record
 that is also personal information; or
- health information about an individual or
- 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.

### 3 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.

### 4 Kinds of information collected and held by Screen Australia

#### 4.1 Payroll

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

#### 4.2 Health

- claims against Screen Australia's workers' compensation insurance (this is also sensitive information)

#### 4.3 Personnel information

- name
- sex
- 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)

#### **4.4 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.

#### **4.5 Information collected from application forms 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
- citizenship / residency
- professional experience
- sex
- 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 funding programs).

#### **4.6 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.

#### **4.7 Letters / emails received by Screen Australia**

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

#### **4.8 Social media**

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

#### **4.9 Invoices**

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

## **5 How is the personal information collected?**

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

Where Screen Australia collects sensitive information, it will seek consent to do so from the individuals.

In many instances, Screen Australia receives personal information in application for funding 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). In such circumstances, Screen Australia requires applicants to ensure that they have obtained consent from the third parties for Screen Australia to receive their personal 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. Screen Australia conducts surveys for the purposes of research to assist Screen Australia in policy development.

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.

## 6 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.

## 7 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 are for the purposes of fulfilling its functions.

Screen Australia uses the personal information it receives in funding applications to assess the eligibility and merits of the application in order to make funding decisions. 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 may use personal information it holds to assess eligibility for funding.

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, the purpose would be related to the primary purpose, and 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.

## **8 Accessing and seeking correction of personal information**

The Australian Privacy Principles give individuals the right to access or seek correction to the personal information Screen Australia holds about them. 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](mailto:privacy@screenaustralia.gov.au);
- telephone on 02-8113 1011; or
- write to Privacy Officer, Screen Australia, GPO Box 3984, Sydney NSW 2001.

## 9 How will a request for access or correction be handled?

Screen Australia will acknowledge the request within 14 days of receipt, and will provide a response within 30 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 complaints mechanisms available to the applicant.

## 10 Breaches of the APPs

In the case of 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.

## 11 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 14 days, and be actioned as soon as possible, but in all circumstances within 45 days.

## 12 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.

Screen Australia may include personal information that it 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.

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.

## 13 Website

In accordance with the Guidelines for Federal and ACT Government World Wide Websites issued by the Australian Privacy Commissioner, Screen Australia provides the following privacy statements in relation to website usage.

### 13.1 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 (eg. .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.

### 13.2 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 and will not be added to a mailing list unless you have requested this. Unless required by law, we will not use your email or other addresses for any other purpose, and will not disclose them, without your consent.

### 13.4 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](mailto:web@screenaustralia.gov.au).

### 13.5 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.

### **13.6 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 prospectus or other financial offerings by email.

## **14 Other matters**

### **14.1 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*. Section 34 of the Privacy Act does not allow applicants to receive information as to the existence or non-existence of documents that contain information that might cause the documents to be exempt documents under s 37 (1) of the *Freedom of Information Act 1982*.

### **14.2 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*.

### **14.3 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 5 above).

### **14.4 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.

### **14.5 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.

# PRIVACY POLICY

Should you have any comments on this policy, please send them to [privacy@screenaustralia.gov.au](mailto: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, ensure compliance with APP 1.

### **APP 2 – Anonymity and pseudonymity**

Applicants may deal with Screen Australia anonymously or pseudonymously, except where they are seeking funding from Screen Australia, it is impractical or Screen Australia has a legal requirement for a person to identify themselves. See section 0 above.

### **APP 3 – Collection of solicited personal information**

Screen Australia only collects personal information that it requires to fulfil its functions. Screen Australia will not collect sensitive information without the consent of the person whose information is sought. See section 0 above.

### **APP 4 – Dealing with unsolicited personal information**

Screen Australia treats unsolicited personal information as if it has been received as solicited information.

### **APP 5 – Notification of the collection of personal information**

Screen Australia requires that when personal information is provided by third parties (for example, in application forms from producers) the person signing the application form has obtained the consent of the other people named in the form to the disclosure of their personal information. If this is not possible, Screen Australia will issue an APP 5 notice to notify the individual that Screen Australia holds information about them. See section 0 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 0 above.

Screen Australia will not disclose personal information to other entities without consent.

### **APP 7 – Direct marketing**

Screen Australia does not usually undertake direct marketing. Screen Australia may use information provided by users of the Screen Australia's Facebook page or by other social media or marketing activities to contact people about Screen Australia initiatives for the purpose of undertaking Screen Australia's functions.

### **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. See Section 0 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. See Section 0 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 Sections 0 and 0 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 0 and 0 above.