

## **PRIVACY POLICY – Reporting Serious Abuse in Defence**

The Commonwealth Ombudsman, as part of its Defence Force Ombudsman (DFO) jurisdiction, can receive and assess reports of serious abuse in Defence. The Commonwealth Ombudsman is an entity under the *Privacy Act 1988* and is subject to the Australian Privacy Principles (APPs). The APPs set out standards, rights and obligations for APP entities in relation to handling, holding, accessing and correcting personal information.

This policy is to be read in conjunction with the Commonwealth Ombudsman Privacy Policy which covers the requirements of APP1 for the purposes of this policy. If there is an inconsistency between the broader Commonwealth Ombudsman Privacy Policy and this policy, the broader policy will apply.

- Personal information means any information or an opinion about an identified individual, or an individual who is reasonably identifiable:
  - whether the information or opinion is true or not, and
  - whether the information or opinion is recorded in a material form or not.

### **Kinds of personal information that the DFO collects and holds, and the purpose of collection**

In relation to reports of abuse, the DFO collects personal information where it is relevant to discharging our obligations under the *Ombudsman Regulations 1977*.

This personal information may include the name, address, contact details, date of birth, gender, occupation, employment history, family background and financial records of individuals who have reported serious abuse in Defence to the DFO. It may also include information about alleged abusers and other third parties, such as witnesses to the abuse or individuals to whom the abuse was reported.

The information which the DFO collects and holds includes some types of sensitive information (which is a subset of personal information). This may include sensitive information 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, criminal record or physical or mental health.

### **How the DFO collects personal information**

At all times the DFO tries to only collect the information needed for the particular function or activity we are carrying out under the Regulations. Where it is reasonably practicable to do so, we collect this information directly from the individual concerned.

People who make reports to the DFO provide us with personal information to enable us to assess their report of abuse and take appropriate action in accordance with the Regulations. In appropriate circumstances, personal information may be collected indirectly or from other sources, such as the Department of Defence, the Department of Veterans' Affairs or from public records.

## **Anonymity**

Where possible, the DFO allows individuals to interact with us anonymously or to use a pseudonym. However, for most of our functions and activities associated with assessing and responding to reports, we will need an individual's name, contact information and enough information about them to enable us to fairly and efficiently handle their report.

## **How the DFO holds personal information**

The DFO uses a range of physical and electronic security measures to protect personal information from misuse and loss, and from unauthorised access, modification or disclosure. These measures include restricted physical access to our offices, security containers, firewalls, secure databases, computer-user identifiers and passwords.

The requirements of the *Archives Act 1983* relating to Commonwealth records (including the disposal, alteration and destruction of such records) apply to DFO records, including personal information held by the DFO. The National Archives of Australia has imposed a disposal freeze on Commonwealth records potentially related to allegations, handling and consequences of sexual and other forms of abuse in Defence.

## **How the DFO uses and discloses personal information**

The DFO uses and discloses personal information for the primary purpose for which it was collected, namely to enable us to discharge our obligations under the Regulations. We may also use and disclose personal information for reasonably expected secondary purposes related to the primary purpose of collection, or for other purposes permitted under the Privacy Act. This will only be done with the consent of the person who provided the information, except where we are required by law to disclose the information.

The people or organisations with whom we may share personal information include:

- the Department of Defence and the Chief of the Defence Force
- any relevant parliamentary committees, and
- other agencies, bodies or persons with the consent of the individual.

The DFO will not use or disclose personal information for a secondary purpose (ie a purpose other than the primary purpose for which the information was collected) unless permitted exceptions under the Privacy Act apply.

It is unlikely that the DFO will send personal information overseas. However, if that is required, it will be done in compliance with APP 8 (cross-border disclosure of personal information).

### **Correction of personal information held by the DFO**

An individual can ask to see their personal information held by us. We endeavour to ensure that personal information sought and held by the DFO is accurate, up-to-date, complete, relevant and not misleading. However, if an individual is able to establish that information held by the DFO about them is not correct, we will take reasonable steps to amend it.

If we disagree with a person's view about the correctness of the information, we will provide reasons for our refusal to amend the information and, where requested, take reasonable steps to record a statement on our files that the individual have a contrary view.

### **Visiting the Commonwealth Ombudsman's website**

Please see the information contained in Part C of the Commonwealth Ombudsman's Privacy Policy for an explanation of the type of person information collected when you access the website.

### **Complaints procedure**

If an individual wishes to complain about the way the DFO handles their personal information, they should read the Commonwealth Ombudsman's Privacy Policy, in particular the section *How do I complain about the handling of my personal information by the Ombudsman?*