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# PRIVACY POLICY

(INCORPORATING REFERENCE TO THE AUSTRALIAN PRIVACY PRINCIPLES)

Australian Privacy Principle 1	Open and transparent management of personal information
Australian Privacy Principle 2	Anonymity and pseudonymity
Australian Privacy Principle 3	Collection of solicited personal information
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## **1 GENERAL:**

This Privacy Policy is a Policy which has reference to the Australian Privacy Principles (“APP’s”) and:

- (a) ensures compliance with those principles; and
- (b) implements practices, procedures and systems to ensure compliance with those principles and to enable us to deal with enquiries and complaints about our compliance with those principles.

This Policy is designed to provide you with guidelines about the handling and management of your personal information by us.

## **2 OUR PRIVACY COMMITMENT TO YOU:**

We take our obligations under the Privacy Laws and the APP’s very seriously. We are committed to maintaining the confidentiality and security of your personal information (including any sensitive information) and managing it in an open and transparent way.

To achieve this, we have created this Policy.

## **3 DEFINITIONS:**

*Amendment Act* means the *Privacy Amendment (Enhancing Privacy Protection) Act, 2012*.

*APP’s Entity* means an agency or organisation.

*OAIC* means the Office of the Australian Information Commissioner.

*Personal Information* means information or an opinion about you, 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 written, electronic or other form or not.

*Privacy Laws* means the *Privacy Act, 1988, Privacy Amendments (Enhancing Privacy Protection) Act 2012* and associated regulations.

*Sensitive Information* means:

- (a) information or an opinion about an individual's:
  - i. racial or ethnic origin; or
  - ii. political opinions; or
  - iii. membership of a political association; or
  - iv. religious beliefs or affiliations; or
  - v. philosophical beliefs; or
  - vi. membership of a professional or trade association; or
  - vii. membership of a trade union; or
  - viii. sexual preferences or practices; or
  - ix. criminal record;that is also personal information; or
- (b) health information about an individual; or
- (c) genetic information about an individual that is not otherwise health information.

*We, us or our* means Nurses Now Pty Limited (ACN 136 571 509).

*You or your* means you, the person who provides us with personal and/or sensitive information or who has access to this document.

#### **4 KINDS OF PERSONAL INFORMATION THAT WE COLLECT AND HOLD:**

- 4.1 We collect and hold electronically and in document form the following types of personal information about you:
- (a) Your name (subject to anonymity and pseudonymity referred to in Clause 17 below).
  - (b) Your address, your phone number, your email address, your date of birth, your phone number, details of your next of kin, certain driver's licence and bank account information, superannuation information, work experience, your curriculum vitae and nursing healthcare qualification.
  - (c) Details of your health and medical condition, including personal information obtained as a result of any medical examination that you must have to assess your suitability or otherwise for the inherent requirements of any employment with us.
  - (d) Any registration and numbers relevant to your employment.
  - (e) Details of your referees.
  - (f) Police clearance documents.
  - (g) Criminal record.

- (h) Any other information relevant to the Primary Purposes for which the information and data is collected.

4.2 We collect this personal information as it is reasonably necessary for or directly related to one or more of our functions or activities.

4.3 We will only collect sensitive information on the basis that you consent to the collection of that information, and the information is reasonably necessary for, or directly related to, one or more of our functions or activities. Please note that such sensitive information includes your criminal record.

## **5 HOW WE COLLECT AND HOLD PERSONAL INFORMATION:**

5.1 We only collect your personal information legally and preferably from you directly. We do this by requesting such information by telephone, through correspondence (whether by facsimile or email), directly through person to person contact and through relevant forms accessible on our website.

5.2 We will only collect personal information about you from yourself other than in circumstances where we obtain your consent to obtaining the information elsewhere, or we are required by Law or a Court or Tribunal Order to collect that information from a third party, or where it is unreasonable or impracticable to collect the information from you.

5.3 We will provide notification to you of the consequences of not collecting all or some of the personal information. An example would be if your application cannot proceed and therefore, we do not need to collect any further information from you.

## **6 HOLDING PERSONAL INFORMATION:**

6.1 We hold personal information we have obtained from you in the following manner:

- (a) In electronic form in our general data base.
- (b) In written form in the employment application pack and staff profile folder.

6.2 We store data collected from you in these forms. We also keep our web service log files that record information and data supplied by you.

6.3 We collect and hold data from the device and application you use to access our services.

- 6.4 We also collect and store information where you use an external source such as your own computer to access our website.
- 6.5 We secure your personal information in secured electronic and hard copy files which are only accessible by those authorised to do so and on a strictly 'need to know' basis, to prevent unauthorised access, modification or disclosure and to protect it from misuse, interference and loss.
- 6.6 In order to further secure your personal information we have a mandatory Data Breach Response Plan (DBRP) in place which is available on our website and sets out how we take additional steps to protect your personal information.

## **7 THE PURPOSE FOR WHICH WE COLLECT, HOLD, USE AND DISCLOSE YOUR PERSONAL INFORMATION:**

- 7.1 We will only handle your personal information for the particular purpose for which we collect it ('the Primary Purpose'). The Primary Purposes for which we collect information are set out in **Schedule 1** which is attached.
- 7.2 We will not disclose, use or otherwise deal with your personal information (not being sensitive information) for any other purpose (the secondary purpose) unless:
- (a) we first obtain your consent; or
  - (b) you would reasonably expect us to use or disclose the information for those secondary purposes related to the primary purpose; or
  - (c) if the information is sensitive, the use is directly related to the primary purpose; or
  - (d) where we are required to disclose by an Australian Law or a Court or Tribunal order; or
  - (e) unless a permitted general situation exists as defined by section 16(a)(i) of the *Amendment Act*; or
  - (f) if required because a permitted health situation exists as defined by, and in circumstances set out in, Section 16(b) of the *Amendment Act*.
  - (g) we reasonably believe that the use or disclosure of the information is reasonably necessary for one or more enforcement related activities conducted by, or on behalf of, an enforcement body.

## **8 HOLDING PERIOD AND DESTRUCTION OF PERSONAL INFORMATION:**

All personal information that we hold, keep and secure is held by us for a period of up to two (2) years from the date on which you last obtained gainful employment through us, or from the

date on which we collected your personal information in the case where you did not obtain gainful employment through us.

At that time the personal information will be destroyed, and you would need to make a fresh application to re-apply for use of our services.

## **9 COLLECTION, MANAGEMENT AND DISCLOSURE OF SENSITIVE INFORMATION:**

Generally speaking, we do not collect sensitive information about you unless:

- (a) you consent and the information is reasonably necessary for one of our functions or activities; or
- (b) any of the following is relevant:
  - i. the collection is required or authorised by Law, Court Order or a Tribunal; or
  - ii. a permitted general situation exists as defined by the Privacy Laws; or
  - iii. a permitted health situation exists as defined by the Privacy Laws.

We may ask for your consent to disclose sensitive information about your racial or ethnic origin and about your health as it may impact on your eligibility for certain grants or your ability to perform certain tasks.

## **10 GENERAL ACCESS TO YOUR PERSONAL INFORMATION:**

10.1 You may request access to the personal information we hold about you. We prefer you to put the request in writing.

10.2 We will allow you access to the personal information unless any of the following is relevant:

- (a) If we are required or authorised by Law to refuse giving you access to the personal information; or
- (b) if any of the following circumstances are relevant;
  - i. we reasonably believe that giving you access would pose a serious threat to the life, health and safety of any individual or to public health or public safety; or
  - ii. any access would have an unreasonable impact on the privacy of any other individual; or
  - iii. your request is frivolous or vexatious; or

- iv. the information relates to existing or anticipated legal proceedings between you and us, and our legal advice is that it would not be accessible by the process of discovery in such proceedings; or
- v. giving access would reveal our intentions in relation to negotiations with you in such a way as to prejudice such negotiations; or
- vi. giving access would be unlawful; or
- vii. denying access is required or authorised under Australian Law or a Court Order; or
- viii. we have reason to suspect that unlawful activity or misconduct of a serious nature relating to our functions or activities have been, is being or may be engaged in and giving access would be likely to prejudice the taking of appropriate action in relation to that matter; or
- ix. giving access would be likely to prejudice one or more enforcement related activities conducted by an enforcement body; or
- x. giving access would reveal evaluative information from within our entity in connection with a commercially sensitive decision-making process.

## **11 HOW YOU MAY ACCESS, REVIEW, CORRECT OR UPDATE YOUR PERSONAL INFORMATION:**

- 11.1 If you wish to access, review, correct or update your personal information you may contact us by any of the means referred to in Clause 20 of this Policy.
- 11.2 In your request please include your name, address, email address and telephone number and specify clearly the information you would like to access, review, correct or update.
- 11.3 We may need to share your information with third parties to assist in responding to your request.
- 11.4 We will respond to your request within a reasonable period of time and will give access to you if it is reasonable and practical to do so.
- 11.5 If we do not give you access, we will provide you with reasons why such access is denied.
- 11.6 If we refuse to give you access because of the reasons set out in Clause 10 above (in accordance with 12.2 or 12.3 of the APP's) or do not give you access in the manner requested by you, we will give you written notice setting out the reasons for the refusal (except where it is unreasonable to do so), and outline the mechanisms available to you to complain about the refusal.



## **12 WHAT DO WE DO ABOUT UNSOLICITED PERSONAL INFORMATION:**

- 12.1 If we receive personal information and we have not solicited it, we will, within a reasonable period after receiving that information, determine whether or not we could have collected the information if we had solicited it.
- 12.2 We may use that personal information, but if we determine that we could not have collected it and it is not contained within any Commonwealth record, we will (as soon as practical) but only if it is lawful and reasonable to do so, destroy that information to ensure it is de-identified. Otherwise, we will deal with it in accordance with Clause 7.

## **13 HOW CAN YOU CORRECT YOUR PERSONAL INFORMATION:**

- 13.1 If you wish to correct your personal information or have any concerns about how we handle such information, you may make a request to us in writing in the manner referred to in Clause 19 below, to correct that information.
- 13.2 Upon receipt of the request we will consider your request within a reasonable time and take such steps as are reasonable in the circumstances to correct that information to ensure that it is accurate, up to date, complete, relevant and not misleading.
- 13.3 If we have provided personal information about you to another APP's entity and you request us to notify that other entity of the correction, we will, within a reasonable time, take such steps as are reasonable to notify that other entity, unless it is impracticable or unlawful to do so.
- 13.4 Provided however, if we do not correct your personal information, we will provide you with a written notice setting out the reasons for the refusal (unless it is unreasonable to do so) and the mechanisms available to you to complain about that refusal. If so, you may make a complaint as outlined in Clause 20 below.
- 13.5 We have in place procedures and systems whereby we regularly review the way we handle personal information for you. If we are satisfied in our review that the personal information, we hold for you is inaccurate, out of date, incomplete, irrelevant or misleading, we will take such steps as are reasonable in the relevant circumstances to correct that information.
- 13.6 If we refuse to correct your personal information on request by you, and you request us to provide a statement accompanying the personal information, that the information is

inaccurate, out of date, incomplete, irrelevant or misleading, we will make your statement apparent to any users of the information.

#### **14 DIRECT MARKETING:**

- 14.1 We will not use an individual's personal information for direct marketing purposes unless:
- (a) We have collected your information and you would reasonably expect us to use your information for that purpose and;
  - (b) We have provided a simple means for you to opt out of receiving direct marketing communications and you have not made such a request.
- 14.2 Accordingly, we have provided you with the means to opt out of such direct marketing by contacting us as set out in Clause 19 of this Policy.
- 14.3 If you make a request to us to opt out of direct marketing, we will comply with such a request within a reasonable time period and free of charge.

#### **15 COMPLAINTS:**

- 15.1 We have implemented a Complaints Handling Policy. If you think we have breached the Privacy Laws or this Policy, you may complain to us by following the Complaints Handling Policy in **Schedule 2** which is attached. You will need to provide us with your name, address, email address and telephone number with your complaint and clearly describe its nature.
- 15.2 We may need to share your information with third parties to assist us in responding to the complaint.

#### **16 WHETHER WE ARE LIKELY TO DISCLOSE PERSONAL INFORMATION TO OVERSEAS RECIPIENTS:**

Under no circumstances do we disclose personal information about you to any cross border or overseas recipient at all and we are not likely to disclose such personal information to overseas recipients.

#### **17 ARE YOU ABLE TO USE A PSEUDONYM OR OPT OUT OF PROVIDING US WITH YOUR IDENTITY?**

- 17.1 Although the APP's allows you the option of not identifying yourselves or using a pseudonym, we require you to provide us with your actual name as is required to identify you by Law, as it is impracticable for us to deal with you (including where you make an application to us for employment) if you have not identified yourself.

17.2 Therefore we cannot adopt a government related identifier for an individual as the individual's identifier, unless:

- a) It is required under an Australian law or a Court or Tribunal order;
- b) The government related identifier is reasonably necessary for our functions or activities;
- c) The collection use or disclosure of the government related identifier is reasonably necessary for the establishment, exercise or defence of a legal or equitable claim or is reasonably necessary for the purposes of a confidential alternative dispute resolution process; or
- d) It is reasonably necessary for one or more enforcement related activities conducted by, or on behalf of, an enforcement body.

## **18 ACTIVITY INFORMATION, COOKIES AND OTHER TECHNOLOGIES:**

18.1 When you contact us and access our services electronically or otherwise, we may collect certain information from such access. For example, to permit you to connect to our services, our servers receive and record information about your computer, device, browser (including potentially your IP address, browser type and other software or hardware information).

18.2 If you access our services from a mobile or other such device, we may collect a unique device identifier assigned to that device, geo location, data or other transactional information.

18.3 Cookies and other tracking technologies often include an Identifier or anonymous unique identifier. These technologies also include and collect other information from sites that you have visited. Most browsers initially accept cookies, but you can change your settings to notify yourself when a cookie is being set or updated or to block cookies altogether. However, if you block one or all of the cookies you may not have access to certain features, content or personal information available through our services.

## **19 CHANGES TO POLICY:**

In accordance with the requirement that our Policy be current at all times, we give you notice that this Policy may change from time to time and therefore such changes will be made where required to comply with the Law via our website <http://www.nursesnow.com.au>.

**20 HOW YOU CONTACT US:**

- 20.1 You may contact us in respect of this Privacy Policy, any complaint arising from privacy issues or otherwise by any of the following means:
  - (a) our Nurses Now Management Team by:
    - i email at [support@nursesnow.com.au](mailto:support@nursesnow.com.au) or
    - ii. telephone at 1300 301 493

**21 ELECTRONIC TRANSACTION:**

- 21.1. The parties to this Policy acknowledge and agree that this Policy may be signed by You by electronic communication.
- 21.2. For that purpose, we have made the terms and conditions of this Policy available to You electronically.
- 21.3. Further we intend that You adhere to the terms and conditions of this Policy once you accept those terms by electronic communication.
- 21.4. Prior to You accepting the Nurses Now Employment Agreement, You have had an opportunity to read through and consider the terms and conditions in this Policy.
- 21.5. Further, You have had the opportunity to seek and consider obtaining independent financial and legal advice concerning the terms and conditions of this Policy.
- 21.6. Further, that You may confirm your acceptance and notification of this Policy either by signing the Policy on the page provided below or, alternatively, by clicking on the icon entitled "accept" in the Portal to accept and confirm notification of this Policy.
- 21.7. You further acknowledge that once you sign this Agreement electronically or click on the accept icon at the Portal then you are bound by the terms and conditions of this Agreement.
- 21.8. Alternatively, you may confirm acceptance and notice of this Policy by signing in the space given below:

.....  
 Signature of Employee

.....  
 Employee Print Name and Date

.....  
 Employer Representative Sign and Date

**SCHEDULE 1**  
**PRIMARY PURPOSES**

The primary purpose for which we collect personal information, via any mechanism or methodology that Nurses Now utilises to obtain that information, including but not limited to the Nurses Now online application process, is:

1. To assess your availability and eligibility for a particular employment position, having regard to your experience, education, qualifications and overall suitability.
2. To process personal and financial information to enable payments to be made to you by your employer and via Super Clearing House and third-party payroll arrangements.
3. In respect to health information, to enable us to make an assessment as to how your health might impact on your ability to perform certain tasks as an employee.
4. In case of referees, to enable us to obtain information from them as to your ability to perform as an employee and to assess any security or other issues or risks in respect of the people including children with whom you might come into contact during the course of your employment.
5. To provide suitable information to possible employers for the purposes of endeavouring to match you to a particular position, arrange training, marketing and staff management.

Personal Information is also collected by us if any of the following actions, requests or documents occur or that you will be asked to supply:

- (a) Confirmation of Nursing Certification/Registration
- (b) Change of Job Role (i.e. upskilling)
- (c) Update of your personal detail
- (d) Update of your Employee Profile
- (e) Incident reporting
- (f) Fulfilment of healthcare client incident investigation

**SCHEDULE 2**  
**COMPLAINTS HANDLING POLICY**

**GENERAL:**

If you have a complaint, then we handle it in the following manner:

- 1.1 You must make the complaint to us in writing by contacting us as outlined in Section 1.3 below.
- 1.2 We will then review your complaint.
- 1.3 We will respond to your complaint within a reasonable time, and in any event within seven (7) business days of receiving your complaint. We will do so by providing a response to you in writing within that time frame.
- 1.4 We will inform you:
  - (a) Whether we accept your complaint; and
  - (b) Whether we need further information from you before we can further consider your complaint or reject your complaint.
- 1.5 If we need further information from You, we will then require you to provide it within a reasonable time, not in excess of five (5) business days.
- 1.6 We will then further review your complaint and provide you with a response within a reasonable time frame, and in any event within seven (7) business days of receiving the further information.
- 1.7 If we then accept your complaint, we will take action within a reasonable time to provide you with information as to how we will deal with your complaint, and the next steps designed to resolve it.
- 1.8 If we reject your complaint and you are not satisfied with our response you may at any time refer your complaint to the Office of the Australian Information Commissioner ('OAIC').