



CFMEU MINING AND ENERGY DIVISION

Privacy Policy

1. Introduction and Privacy Notice

The CFMEU Mining & Energy Division (Union) represents workers in the coal mining, rail, coal ports, power generation, petrochemical industries and is an autonomous Division of the Construction, Forestry, Maritime, Mining and Energy Union.

The Union collects, holds, uses and discloses personal information in order to conduct its business of representing worker's rights, conditions of employment in the workplace and improving the lives of our Members and their families and communities. We may also collect information to inform you about or provide you with products and services. By using our information services, you agree that the Union may collect, use and disclose your personal information as set out in this privacy notice.

The Union operates in the industrial, safety, legal, political and social spheres.

The Union is committed to protecting your privacy and providing you with information and services relevant to you. The Union complies with the *Privacy Act 1988 (Cth)* and the Australian Privacy Principles and this Privacy Policy should be read in conjunction with them.

2. Applicability

In this Policy, the Union includes the National Office of the CFMEU Mining and Energy Division (M&E), the National Assistance Fund, the Mineworkers' Trust and the following Districts:

- Northern Mining and NSW Energy District (North);
- Queensland District;
- South West District;
- Tasmanian District;
- Victorian District; and
- Western Australian District.

This Policy also applies to personal information that is collected on our behalf by our service providers or any other third party, such as the Australian Council of Trade Unions (ACTU), about you.

This Policy applies to personal information the Union collects from you:

- via one of our website,
- via social media;
- via specific District and/or Lodge communications apps (such as the Gopha app used in the North)
- via telephone;
- via messaging services;
- via email;
- via fax;
- via your Lodge or site Delegates, including activists and workmates;
- in person; and/or
- in writing.

The above is referred to in this Privacy Policy as our *"information services"*.

3. Exclusions

Nil

4. Actions and Responsibilities

The Union will appoint a Privacy Officer and the Privacy Officer will be responsible for:

- receiving inquiries;
- any requests for access to and correction of personal information held by the Union;
- dealing with complaints relating to personal information held by the Union; or
- dealing with complaints about a breach of the Australian Privacy Principles.

The Privacy Officer will deal with requests and complaints in accordance with this policy and will report any matters to the General Secretary and/or the Central Executive and the relevant District Secretary or District Executive.

5. Union Website(s)

The Union websites collect two types of information. The first type is anonymous information. The web server makes a record of your visit and logs the following information for statistical purposes:

- the user's server address;
- the user's top level domain name (e.g. .com, .gov, .net, .au, 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 internet service provider's logs.

The second type of information that Union websites collect is personal information. Personal information is requested in order to provide personalised and enhanced services that are not available to anonymous users.

A cookie is a piece of data stored on the user's computer tied to information about the user. Cookies may be used on the Union's websites. You can change your web browser settings to reject cookies or to prompt you each time a website wishes to add a cookie to your browser. Some functionality on the Union's websites may be affected if you reject cookies.

Our websites may contain links to other websites and social media pages including Facebook, Twitter and LinkedIn. We are not responsible for the privacy policies of the entities responsible for those websites and we recommend that you review the privacy policies applicable to any other websites you visit.

6. The kinds of personal information the Union may collect

From time to time you may voluntarily supply your personal information to the Union. The Union will record your e-mail address and any other personal information you choose to include and reveal to us, if you send us an email, a message, subscribe to an email newsletter, or complete a form if this information is requested.

When you provide your personal information, it allows us, for example, to assist you with industrial relations and employment queries, inform you about industrial, social, community, and political campaigns, and finalise your application for membership. You may supply personal information to the Union by, for example, responding to a survey, filling in a meeting attendance sheet, taking part in a competition, completing a membership form, discussing your issues with a Union Official or Delegate,

or signing up to a campaign. The Union only collects personal information that is necessary for the Union to perform its functions and/or activities.

If you send a request to join or for more information about joining the Union, your contact details are forwarded to the appropriate District and may be used to follow up or process your membership application, post you a membership kit or to contact you regarding your membership enquiry.

Depending upon the circumstances you may provide to the Union and the Union may collect, information such as, but not limited to:

- your name;
- your contact details (address, phone numbers, email address);
- your next of kin or person to whom a Union benefit may be paid;
- your social media details (e.g. blogs, twitter, Facebook, LinkedIn);
- your gender;
- your marital status and spouse/dependent child details;
- your employment details, including but not limited to your employers name, mine or work site, your employment history, work classification and crew/panel;
- your educational qualifications; and
- your inquiry or complaint details.

Some personal information is considered sensitive information and includes:

- your political opinions;
- your political party membership (if any);
- your Union membership (if any), including your history with the Union;
- your racial or ethnic origin;
- your sexual orientation;
- your date of birth;
- your bank account and credit card details;
- any disabilities, illnesses or injuries you may have or had; and/or
- any other health information.

We will collect sensitive information where we have received it directly from you and such information will be collected, used, disclosed and stored by the Union in accordance with this Policy, and provided that the collection is reasonably necessary for us to pursue one or more of our functions or activities.

Where you provide information to the Union in relation to a job application the personal information you provide will only be collected, held, used and disclosed for the purposes of considering your potential employment with the Union. Where you provide the details of referees, you confirm that you have informed the referees that you are providing their contact information to the Union and they have consented to the Union contacting them and discussing the personal information you have provided in relation to the job application.

We will not collect personal information directly from you unless:

- you have consented to the Union's collection of your personal information from third parties. For example, from the Australian Council of Trade Unions (ACTU), one of our partners or sponsors, or your representatives; or
- when we are legally required to do so; or
- it is unreasonable or impractical to do so.

Where we have collected personal information about you either directly or by other means, as set out above, we will notify you at the time, or as soon as practicable, to ensure that you are aware of such collection and its purpose, if we have not already received your consent.

You can choose to interact with us anonymously or by using a pseudonym where it is lawful and practicable. For example, you may wish to participate in a blog or enquire about a particular campaign anonymously or under a pseudonym. Your decision to interact anonymously or by using a pseudonym may affect the level of services we can offer you. For example, we may not be able to assist you with a specific industrial enquiry or investigate a privacy complaint on an anonymous or pseudonymous basis. We will inform you if this is the case and let you know the options available to you.

If we receive unsolicited personal information about or relating to you and we determine that such information could have been collected in the same manner if we had solicited the information, then we will treat it in the same way as solicited personal information and in accordance with the Australian Privacy Principles. Otherwise if we determine that such information could not have been collected in the same manner as solicited personal information, and that information is not contained in a Commonwealth record, we will, if it is lawful and reasonable to do so, destroy the information or de-identify the information.

7. The purposes for which personal information is collected, held, used and disclosed

The Union collects, holds, uses and discloses your personal information to:

- assist you with industrial relations and employment queries, including but not limited to those relating to workers' compensation, long service leave, superannuation, unfair dismissal, enterprise agreement campaigns or industrial disputes;
- inform you about industrial, social, community and political campaigns;
- inform you about your rights at work;
- inform you about changes to legislation;
- refer you to a legal practitioner, financial advisor or other professional service or provider;
- to assist you to comply with industry specific medical or health service requirements (e.g. periodic medicals)
- improve our service delivery;
- manage the Union's our relationship with you;
- conduct surveys and research;
- provide educational services and professional development;
- conduct Union elections;
- assist you with claiming Union benefits (e.g. funeral fund claims), if eligible;
- promote and market Union events, products or services;
- enable our partners and sponsors to promote and market their events, products or services to you;
- subscribe you to the Union's email newsletter(s); and/or
- enable our third party service providers to do or assist with the above.

8. Using your information for direct marketing

You consent to our use and disclosure of your personal information for the purposes of direct marketing which may include providing you with information about events, products or services of the Union or third parties such as partners and sponsors, which may be of interest to you, now and in the future.

If you do not want us to use your personal information for direct marketing purposes, you may elect not to receive direct marketing at the time of providing your personal information. You can opt out

when you are contacted, or you can contact us using the contact details set out below, if you do not want to receive marketing information.

9. Unsubscribing and opting out

If you no longer wish to receive direct marketing or other communications, you may request at any time to cancel your consent to such communications as follows:

- If subscribing to an email newsletter you may "*unsubscribe*" at any time from the newsletter mailing list;
- The Union may, from time to time, send you text messages about issues of importance such as events or campaigns. You may "*opt out*" by texting STOP in reply to a text message from the Union, or by contacting the Union office;
- You may contact us in person, by telephone, mail or email, directed to our Privacy Officer.

10. Disclosure of your personal information

The Union may disclose your personal information, in connection with or to further the purposes outlined above, to:

- internally with and between Districts, other Branches and other Divisions of the CFMMEU, including the National Office of the CFMMEU;
- your elected Lodge Officers and Union Delegates on site;
- members of your Lodge;
- your superannuation fund;
- Mine Super Services Pty Ltd;
- Mine Superannuation Fund;
- the Black Coal Mining Industry (Long Service Leave Funding) Corporation;
- your worker's compensation insurer or the Union's recommended worker's compensation lawyers (e.g. in NSW Slater & Gordon Lawyers);
- if applicable, your industry's specific medical or health service provider;
- funeral directors, where benefits are payable (e.g. Smyths Funeral Services);
- your doctors and/or treating specialists;
- your employer;
- the ACTU;
- other Australian trade unions;
- affiliated trades halls and labour councils;
- political parties and in some instances candidates;
- government bodies or agencies (including the Fair Work Commission, the Fair Work Ombudsman, the Australian Tax Office, an anti-discrimination body, a work or occupational health and safety regulator);
- organisations to whom we outsource functions (including information technology providers, print service providers, mail houses);
- retired mineworker associations;
- otherwise as you have consented; and/or
- otherwise as required by law.

If any of these organisations are located outside Australia, you expressly consent to us disclosing your personal information to those organisations.

We take reasonable steps to ensure that each organisation that we disclose your personal information to is committed to protecting your privacy and complies with the Australian Privacy Principles, or is subject to a law or scheme that is at least substantially similar to the way in which the Australian Privacy Principles protect information.

By providing your personal information to the Union, you consent to us transferring your personal information to such other organisations.

11. How the Union holds personal information

Wherever reasonably practicable the Union holds electronic personal information on data servers that are owned and controlled by the Union or the CFMMEU or the ACTU in Australia. The data servers are password protected and login secured. However, by providing personal information to the Union you consent to your information being stored and processed on a data server or data servers (such as cloud services) owned by a third party or third parties that may be located outside of Australia.

The Union will take reasonable steps to ensure that any third party providers comply with the Australian Privacy Principles, or are subject to a law or scheme that is at least substantially similar to the way in which the Australian Privacy Principles protect information.

Wherever reasonably practicable the Union holds physical personal information in access controlled premises.

When the Union no longer requires your personal information for a specific purpose and we are not required to keep it to comply with any laws, we will take such steps as are reasonable in the circumstances to destroy your personal information or to ensure that the information is de-identified.

12. Government Identifiers

We will not adopt as our own identifier a government related identifier of an individual, such as a tax file number or Medicare card number and will only use or disclose a government related identifier where the use or disclosure is:

- reasonably necessary for the Union to verify your identity for the purposes of our activities or functions;
- reasonably necessary for the Union to fulfil its obligations to an agency or a State or Territory authority;
- required or authorised by or under an Australian law; or
- reasonably necessary for one or more enforcement related activities conducted by, or on behalf of, an enforcement body.

13. How you may seek access and/or correction to personal information held by the Union

You have the right to request access to your personal information and request that it be updated or corrected. In most cases you can gain access to your personal information that the Union holds. To request access to, correction of, or updating of any personal information held about you, please write to our Privacy Officer at the following address:

By Post:

The Privacy Officer
CFMMEU Mining & Energy Division
Nymboida House
Level 11, 215-217 Clarence Street
(PO Box Q1641)
SYDNEY NSW 1230

By Email: privacyofficer@cfmmeu.com.au

General enquiries can be made via telephone by calling the following number:

By Phone: 02 9267 1035

The Union requires that you provide proof of identity in order to seek access to your personal information. The Union may refuse to provide access if permitted to do so by law or under the Australian Privacy Principles. The Union will seek to provide you with access to your personal information within thirty (30) days of receipt of a valid request and may charge you a reasonable fee for doing so.

You may contact the Union to let us know if any of your personal information has changed by contacting your relevant District. You may also provide this information to your Lodge or site Delegate, including activists or from you via a workmate to your Lodge or site Delegate, including activists.

The Union may also take steps to update your personal information by reference to publicly available sources such as telephone directories or electoral rolls.

14. How you may complain about a breach of the Australian Privacy Principles

To make a complaint about an alleged breach of the Australian Privacy Principles please write to or email the Privacy Officer at the following addresses:

By Post:

The Privacy Officer
CFMMEU Mining & Energy Division
Nymboida House
Level 11, 215-217 Clarence Street
(PO Box Q1641)
SYDNEY NSW 1230

By Email: privacyofficer@cfmeu.com.au

All complaints must be written. Please provide all details about your complaint as well as any supporting documentation to the Privacy Officer.

15. How the Union will deal with complaints

The Union will seek to deal with privacy complaints as follows:

- complaints will be treated seriously;
- complaints will be dealt with promptly;
- complaints will be dealt with confidentially;
- complaints will be investigated by the Privacy Officer;
- the findings will be reported to the General Secretary and to the relevant Committee(s) of Management; and
- the outcome of an investigation will be provided to the complainant where the complainant has provided proof of identity.

The Union will seek to respond within thirty (30) days of receipt of a valid complaint.

16. Variations to the Policy

This Policy may be varied from time to time and an updated version will be posted on the Union's website. Please check our website regularly to ensure that you have the most recent version of the Policy.

17. **Next Review Date:** June 2024

Record of Policy Review and Amendments			
Date	Reference	Nature of Review/Amendment	Approved By
2 September 2020	Approval	Updated Policy using a new format	Central Executive