

Privacy

Claims administration

✓ Authority and consent on claims

✓ Communication with stakeholders

Quality assurance

✓ File and diary maintenance

✓ Receiving and actioning requests for claim file

✓ Suspensions, ceases and refusal to deal

✓ Compliance and fraud

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Introduction

Comcare takes its privacy obligations very seriously and is committed to meeting the highest standards when collecting, storing, using and disclosing personal information. In claims management this includes:

- telling employees why their personal information is being collected and whether it can be given to anyone else
- enabling employees to see what personal information is held by Comcare and have it corrected
- storing personal information securely
- enabling employees to make a complaint if they believe their privacy has been infringed.

For further guidance see Comcare's [Privacy Policy](#) and [Privacy at Comcare](#) which includes how the Australian Privacy Principles are applied in Comcare and undertake relevant Corporate Fundamentals training on privacy.

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What privacy legislation and rules apply to Comcare?

Comcare is required to comply with the *Privacy Act 1988* (Privacy Act) when handling personal information and must have a clearly expressed and up-to-date privacy policy.

Comcare's activities are governed by:

- the *Privacy Act 1988* including the Australian Privacy Principles (APP)
- the *Privacy (Australian Government Agencies – Governance) APP Code 2017*.

Comcare implements practices, procedures and systems relating to its functions and activities to ensure that it complies with the Australian privacy legislation. This includes:

- ensuring all Comcare staff understand and comply with Comcare's privacy obligations and the privacy policy
- responding promptly and transparently to privacy complaints
- conducting audits and quality inspections of data systems and information processes
- maintaining an effective working relationship with the Office of the Australian Information Commissioner (OAIC).

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What is personal information and sensitive information?

Personal information

The [Privacy Act](#) defines personal information as '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.

Some common examples of personal information are:

- names, addresses, phone numbers or email addresses
- medical certificates, clinical notes or medical reports
- pay slips or bank statements
- witness statements.

Sensitive information

Certain information Comcare collects is 'sensitive information' as defined in the Privacy Act. Sensitive information may include:

- an individual's health information, including medical information contained in workers' compensation or asbestos-related claim records
- membership of a trade union
- sexual orientation or practices
- racial or ethnic origin records.

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What is personal information used for?

Comcare may collect, hold, use and disclose personal information for the purposes of performing claims functions and exercising powers given under the SRC Act or the *Asbestos-related Claims (Management of Commonwealth Liabilities) Act 2005* (ARC Act). This includes disclosing personal information to third parties who assist Comcare in performing these functions and exercising these powers.

Comcare only collects personal information if it is reasonably necessary for, or directly related to, Comcare's functions or activities.

For details on collecting information for purposes not directly connected with workers compensation, see Comcare's [Privacy Policy](#).

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How can an employee access or correct their personal information?

Employees can ask to access, amend or annotate the personal information Comcare holds on their file, under the Privacy Act. Comcare aims to respond to such requests within 30 days. To do this:

- employees can email the [Privacy team](#) to action such requests
- the employee can write to the Privacy Officer:

Privacy Officer
Comcare GPO Box 9905
CANBERRA ACT 2601

The Freedom of Information Act also supports personal information being amended if it is incorrect, incomplete, out of date or misleading. Employees can email the [FOI team](#).

Employees can also request any document held by Comcare that relates to their worker's compensation claim under Section 59 of the SRC Act. For further guidance refer to the [Employee request for claim file](#) page.

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What is a privacy breach?

A privacy incident can occur when personal information has been improperly disclosed or accessed. Common privacy incidents include, but are not limited to:

- when information is sent to a similar, but incorrect, email address
- when correspondence is incorrectly addressed or placed in an incorrect envelope
- when information about one person is placed on the claim file of another person
- staff inappropriately accessing information without a business need to do so.

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How do I report a privacy breach?

You must advise your Director immediately if you identify a privacy incident, including a suspected or potential incident. The relevant team should then immediately complete a [Privacy Incident report form](#) and email it to the [Privacy team](#); copying in your Director.

Note: If a document is identified as being on the wrong claim file and is removed and placed on the correct file, a Privacy Incident Report is not required to be completed. However, a Privacy Incident Report must be completed if the document has incorrectly been provided to an external party.

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What happens if an employee refuses to let Comcare collect personal information?

If an employee claims compensation and chooses not to provide Comcare with personal information required for their claim, or they withdraw written consent for Comcare to use their personal information, Comcare may not be able to process an employee's claim until they provide the requested information or consent.

If an employee makes a claim for compensation and does not provide consent for Comcare to collect personal information from their treatment providers, Comcare may exercise its power to require a medical examination.

If an employee does not want information about themselves to be collected, used or disclosed for managing their claim, the employee may withdraw their claim.

As always, empathy and sound judgment must be displayed when dealing with an employee who has privacy concerns about their claim.

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How does Comcare manage the disclosure of claim information when an employee changes employers?

When an employee moves from one agency to another, a couple of scenarios might arise:

- inactive claim – an employee may have had a claim in the past. Comcare does not ordinarily disclose to the new employing agency information about that claim without the consent of the employee
- reopened claim – an employee may have had an inactive claim in the past that becomes active. Comcare does not ordinarily disclose to the new employing agency information about that claim without the consent of the employee
- active claim with, or without, a current rehabilitation program – if an employer makes a request to confirm whether they are the rehabilitation authority for a particular employee, Comcare is authorised to disclose to the employer that they are the employee's rehabilitation authority. The employer may request a copy of information on an employee's claim file under section 59 of the SRC Act.

The liable employer will often request the employee's authority to contact the new rehabilitation authority, so that there can be an appropriate handover of rehabilitation activities and case management support to the employee. Comcare supports the appropriate handover of such information to assist with rehabilitation.

In general, Comcare does not proactively alert or advise employing agencies of any claims (historical or otherwise), nor disclose any information about these claims without clear, documented consent by these employees to do so.

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