

LeavePlus Privacy Policy

CoINVEST Limited trading as LeavePlus (**LeavePlus, we, us or our**) is a public company with responsibility for administering the portable long service leave scheme for the construction industry in Victoria (**Scheme**) in accordance with the *Construction Industry Long Service Leave Act 1997* (Vic) (**CILSL Act**). LeavePlus is also the trustee of the Construction Industry Portable Long Service Leave Fund (**Fund**) into which long service leave charges are paid by employers and from which benefits are paid to workers in accordance with the Scheme. This privacy policy also applies to LeavePlus in its capacity as the trustee of the Fund.

We are committed to handling your personal information in accordance with applicable privacy laws. This privacy policy sets out how we manage your personal information, including any sensitive information.

What are the kinds of personal information that LeavePlus collects and holds?

Personal information about members

LeavePlus keeps records on individuals and organisations in the construction industry in Victoria.

In relation to individual members, the personal information that we collect includes:

- full name and date of birth;
- primary and postal address;
- contact details (e.g. mobile number and email address);
- preferred language;
- LeavePlus member number;
- role classification (e.g. carpenter, plasterer, shopfitter);
- employment classification (e.g. apprentice, tradesperson, subcontractor, Director, or Principal);
- name and address of current and previous employers;
- record of employment history, including dates commenced and ceased work;
- period of service, including the number of working days, unpaid sick leave and WorkCover days;
- reasons for any absence or interruption (e.g. illness);
- medical certificates - to validate a break in service, recognise service during a period on WorkCover or validate entitlement to payment on terminal illness;
- invoices – to validate a break in service for a Working Subcontractor;
- name and contact details of the member's 'Authorised Contact' or 'Power Of Attorney' (POA);
- accrued long service leave;
- long service leave benefit payments made by LeavePlus;
- amount of ordinary pay paid by employers;

- whether the member is a Non-Voting Person; and
- Director ID (in the case of company directors).

We also collect the following additional personal information in respect of members making a claim for payment of a long service leave benefit:

- executor, personal representative or presumed beneficiary details for a death benefit;
- Tax File Number;
- Bank account details (to make a benefit payment); and
- Individual Payment Summaries and Superannuation Statements from Working Directors.

LeavePlus collects only limited sensitive information about individuals, such as health information about a member where it is required to substantiate the recognition of service whilst on WorkCover or to substantiate a break in work from the construction industry due to injury or illness.

We collect personal information primarily about our members but we also collect personal information about people who are not LeavePlus members, such as a person authorised by the member to act on behalf of that member.

Personal information about employees and applicants

If you are an employee of ours, if you have an individual contracting relationship with us or if you apply for a job with us, we collect a range of personal information about you to administer your employment or contracting engagement and to consider your application (as applicable). The personal information we collect may include:

- your name, address and contact details;
- details of your qualifications and employment history (including references from any referees you provide);
- details of your citizenship status, residency or visa status (including your right to work in Australia);
- details of any background checks that we may require (including the results of any national police checks).

If you are or become an employee or contractor of ours, we may also collect additional types of personal information about you as part of our employment or contracting relationship with you, including:

- your tax file number, bank account number, superannuation fund and union membership details (if applicable);
- information about your emergency contact person (including their name, contact details and relationship to you); and
- outcomes of performance reviews and other details necessary to manage and administer our employment or contracting relationship with you.

How does LeavePlus collect and hold personal information?

Collecting personal information about members

Some of the information we collect may be provided by an individual member but also from employer members. Employers who are active in the construction industry in Victoria are required to provide this information to LeavePlus under the CILSL Act. Employers are also required to register with LeavePlus by providing their business details, such as name, address and contact details. LeavePlus may also collect the personal information of individuals who are authorised to manage the employer's account on behalf of the employer, including name and contact details. LeavePlus also retains details of financial transactions between the employer and LeavePlus.

LeavePlus keeps these records so that it can calculate an individual member's eligibility and entitlement to payment of a long service leave benefit.

LeavePlus does not collect personal information about casual visitors to its website. Information on visits by registered members is kept so our service to members can be improved.

If you are joining as an individual member, we will collect personal information directly from you, when you join, via application or claim forms, over the telephone, via our website, or in person if you visit LeavePlus.

We may also collect personal information from you in person at your workplace (as LeavePlus employees conduct site visits to service the needs of individual members and employer members).

When you change employers, the employer is obliged to inform us of the personal details of any new worker members they employ and to inform us of the date when you ceased employment or changed your status from being an Apprentice to a Tradesperson. Employers may advise by phone or email or, usually, with a quarterly "return form which they are obliged to send to us to determine the long service leave charges payable by them for the quarter. LeavePlus believes that collection of worker member information via employers is the most practical and least intrusive method available.

Collecting personal information about employees and applicants

We generally collect personal information about you directly from you.

In some cases, we may collect personal information about you from our other employees and contractors and from third parties such as recruiters, your referees, previous employers or contracting organisations and other third parties.

How we hold personal information – security

LeavePlus maintains a high level of security on its information base. Information is stored in the form of data and images, and held in electronic format.

Access to the information is tightly controlled. Only authorised staff can access information, with the authorisation controlled by password and by restricting access only to the information staff need to perform their specific job.

Staff must pass through two levels of security – network and database levels – to see information.

With LeavePlus' online member portal, members can view their details online. Security precautions are in place to ensure members can only view their own information, and unauthorised people cannot access the database at all. Members will be required to enter a password to access the system, which will only bring up their own record. Once in the system, they will not be able to access anyone else's information. Unauthorised access to the database will be prevented by the use of firewalls.

Unsolicited personal information

Sometimes personal information is provided to LeavePlus by members without us requesting it.

We will only retain that information if it is reasonably necessary in order for us to administer the Scheme or the Fund as required under the CILSL Act.

Unsolicited information that is not necessary will be deleted if it is in an electronic format or, if it is in hardcopy, placed in secure document pouches or bins for certified destruction by our 3rd party contractor.

Examples of information that is not necessary include details of medical conditions or treatment not relevant to determining a worker member's service in the industry or details of family law matters not relevant to long service leave benefit payments.

Examples of necessary information include an employment contract, payslips, tax returns or evidence of a medical condition that prevented a worker carrying out construction work.

Where unsolicited personal information is a mix of what is necessary and what is not, LeavePlus will take reasonable steps to delete, destroy or de-identify those parts that are not necessary for administration of the Scheme or the Fund as required under the CILSL Act.

What are the purposes for which LeavePlus collects, holds, uses and discloses personal information?

Personal information about members

LeavePlus collects information about members for the purpose of discharging its duty as Trustee of the Fund and the administrator of the Scheme prescribed under CILSL and its subordinate Rules contained in the Trust Deed relating to the Fund.

In brief, we collect and hold personal information about members to:

- enable benefit payments;
- assist in the collection of employer contributions into the Fund;
- communicate with members about their long service leave benefits; and
- undertake market research and analysis, including in relation to our services.

The purpose of the Scheme is to ensure workers who work in the construction industry are able to take long service leave after seven years of recognised service in the construction industry, regardless of how many employers they have in this period. To this end, LeavePlus keeps records on workers and their employers, as well as records of working sub-contractors who make voluntary contributions to their own long service leave. Records kept on workers include the details of service accrued in the construction industry, so LeavePlus can calculate their entitlement to long service leave. LeavePlus records details on employers so it can obtain information from the employer about their workers' service in the industry, and verify that workers were actually employed by the company or business in question.

If you are a LeavePlus member (or become a LeavePlus member) we collect, hold and use your personal information to register you, to properly accrue service towards your long service leave entitlement and ultimately to pay the appropriate long service leave benefit. Wage information is collected from employers to calculate the long service leave charges payable by employers into the fund which are used to pay the benefits to workers. In certain circumstances, we may collect some of your personal information from an interstate long service leave body.

Your personal information also enables us to inform you about the important aspects of your membership and to inform you of changes to your membership or services we offer. If you indicate a preference for communication in a language other than English, we will endeavour to use that where practical.

We collect, hold and use your tax file number (TFN) and bank account details only where you apply for long service leave. We collect this only from you, via a Claim Form, not from your employer. If you do not provide us with your TFN, you may pay more tax than you would otherwise have to.

If you are a nominated 'Power Of Attorney' (POA) or 'Authorised Contact' of a LeavePlus member we will collect, hold and use your personal information to confirm your authority to act for that member.

A death certificate will be required in order to substantiate the payment of a death benefit and the details of the executor, personal representative or presumed beneficiary will be required in order to make a payment in these circumstances. Medical certificates will be required to validate entitlement to payment in lieu on terminal illness.

Medical certificates will be required to substantiate breaks from work or time on WorkCover in order to determine whether your work in the construction industry is 'continuous'.

Individual Payment Summaries and Superannuation Statements are used to substantiate wage information from Working Directors.

Working Subcontractor invoices are used to validate service gaps.

Worker records are kept for a minimum of 100 years. LeavePlus considers that this is reasonably necessary on the basis that workers often return to the industry after leaving for a period, and may add to their previous entitlement. Employer records are also kept for a minimum of 100 years because workers need to be matched to their employer to be entitled to long service leave. Information is not collected on individuals, businesses or companies once they are outside the construction industry.

Personal information about employees and applicants

We collect a range of personal information about our employees and contractors (and anyone who applies for a job or contracting role with us) to administer your employment or contracting engagement, to pay you and to consider your application (as applicable).

Disclosure of personal information

We may disclose your personal information to these third parties:

- mailing-house partners to assist in providing administration and distribution services on behalf of LeavePlus, such as apparel fulfilment and correspondence about the Scheme;
- translation service providers (where you have indicated a preferred language other than English);
- debt recovery service providers to assist in recovering any outstanding long service leave charges from employers;
- marketing communication platform providers to assist in direct communication services with LeavePlus members;
- market research and marketing or promotional service providers who are engaged to conduct services on behalf of LeavePlus;
- auditors, actuaries and legal advisors;
- Regulators, (such as the ATO), tribunals and courts, where required or authorised by law. (LeavePlus removes PAYG tax from claims paid to members, which necessitates disclosures to the ATO);
- Interstate long service leave bodies as follows:
 - in the event of a claim for a long service leave benefit by a member which involves payment from or to an interstate long service leave body, information is disclosed to that body. This is necessary for the payment of benefits to that member; or
 - on request by an interstate long service leave body, any information that would assist that interstate long service leave body to administer the long service leave scheme applicable to that state.

Information is provided to interstate bodies on request. Other state bodies do not have direct access into LeavePlus' records or systems.

- principal contractors and other third-parties for the purposes of evaluating employers' compliance with the Scheme under the CILSL Act via compliance reports upon request. These compliance reports disclose employers' and workers' information including:
 - workers' LeavePlus member numbers and names;
 - employers' LeavePlus member numbers and names;
 - employers' compliance status and invoice status for the last four quarterly returns;
 - the number of workers who accrued service during those quarterly returns; and
 - the number of days reported by employers for certain workers on those returns.

Including these details improves the effectiveness of our compliance checks and ensures we can be confident that all covered workers' service is being reported correctly by their employer. No

contact information or personal financial details will be disclosed in any compliance reports, and all third parties must first complete LeavePlus' thorough privacy training before being authorised for use. Workers can opt to have their name and member number suppressed in third-party compliance reports upon request.

Aggregated information that does not identify or include personal details of any individual, company or business may be released by LeavePlus. An example of this is the total of workers or employers in the construction industry, which is set out in LeavePlus' annual report.

Is LeavePlus likely to disclose personal information to overseas recipients?

No, it is unlikely that LeavePlus will disclose personal information to overseas recipients. LeavePlus does not currently engage any third-party service providers who are overseas and would provide services requiring personal information.

Direct Marketing

As part of administering the Scheme and the Fund in accordance with the CILSL Act, LeavePlus uses personal information to communicate with employers, workers and working sub-contractors for the purpose of fulfilling that function.

This includes advising workers and working sub-contractors of their legislative entitlements, continuous service in the industry, the accrued benefits available to them and information on how they can claim those benefits.

For employers, LeavePlus uses personal information to provide educational material about their obligations under the CILSL Act and how to fulfil them.

LeavePlus is also required by law to provide each worker, working sub-contractor and employer with notice of the annual meeting of beneficiaries and contributors.

How may an individual access personal information and seek the correction of such information?

LeavePlus requires the information to be accurate in order to carry out its business. LeavePlus aims for the highest degree of accuracy possible within the practical limitations of gathering and updating information. LeavePlus generates a Statement of Service for workers each year. These contain nearly all the details kept on LeavePlus' database about the member who receives the information. Members can also access the relevant information kept about them using LeavePlus' online facilities.

Individuals have a right under the *Privacy Act 1988* (Cth) to request access to any personal information that LeavePlus holds about them. Individuals can make an access request at any time by contacting LeavePlus using the contact details set out below. We will respond to your request within a reasonable time. We do not charge a fee for simply making an access request. However, we may charge you a reasonable fee to cover our administrative and other reasonable costs in providing access to your personal information to you.

Where we hold personal information about you that you are entitled to access, we will provide you with access to your personal information. We may do this by posting or emailing a copy of your personal information to you. We will endeavour to accommodate any other method of providing access that you request.

There may be some circumstances where we cannot provide you with access to, or a copy of, some (or all) of the personal information that we hold about you. The Privacy Act sets out the basis on which we can do this. For example, we may need to refuse access if granting access would interfere with the privacy of others or if it would result in a breach of confidentiality. If we refuse to provide you with access to any of the personal information about you that you have sought access to, we will give you written reasons for any refusal and set out any mechanisms available to you to complain about our refusal of your request.

LeavePlus always seeks to update its information when it is established that it is not accurate. If you consider that any of personal information that we hold about you is inaccurate, out-of-date, incomplete, irrelevant or misleading, then you may request that we correct it. We will consider if the information

requires correction or updating and respond to your request within a reasonable. In the event of any disagreement about whether your personal information requires correction, LeavePlus will advise you of the reasons for not revising the information held about you and set out any mechanisms available to you to complain about our refusal of your request.

How to contact LeavePlus

Members may contact us by any of the following methods:

- Emailing LeavePlus at info@leaveplus.com.au
- Calling LeavePlus' Member Services centre on 1300 264 683
- Writing to LeavePlus at GPO Box 4368, Melbourne, Vic, 3002

If you are an employee or contractor of ours, you can also contact your People & Culture business partner or contract manager (as applicable).

How can an individual complain about a breach of the Australian Privacy Principles and how will LeavePlus deal with such a complaint?

If you believe that LeavePlus has breached privacy requirements in relation to your personal or sensitive information you can complain in writing via the above email or mail channels.

LeavePlus will investigate your complaint. We will endeavour to provide a written response to your complaint within 30 days of receipt. However, where a matter requires detailed investigation a response could take longer than 30 days. We will advise you if this is the case.

If you are not satisfied with LeavePlus' internal complaints process or have not received a response within 30 days, you can complain to the Office of the Australian Information Commissioner (**OAIC**). The OAIC is only permitted to deal with complaints that have been raised with the LeavePlus internal complaints process.

Complaints can be raised with the OAIC in writing via mail, or via the Privacy Compliant form located at the Commissioners' website.

Office of the Australian Information Commissioner GPO Box 5218

Sydney NSW 2001

Tel: 1300 363 992 (local call cost in Australia)

Email: enquiries@oaic.gov.au

Changes to our privacy policy

We may make changes to this privacy policy from time to time, including to reflect any new or different collections, uses or disclosures of personal information. If we make any changes to our privacy policy, we will post an updated version of this privacy policy on our website. The updated privacy policy will be effective from the date of posting.

This privacy policy was last updated on 20 August 2024 (v 3.0)