



**Australian Government**

**Office of the Australian Information Commissioner**

## Acknowledgement of Continuing Obligations on Separation

Full Name in Block Letters	
I, <input type="text"/>	
Date of Birth	Place of Birth
Born on: <input type="text"/>	at: <input type="text"/>
Full Residential Address	
of: <input type="text"/>	

Undertake to, on separation from the Office of the Australian Information Commissioner

- preserve the confidentiality/ secrecy of information entrusted to me during my employment/engagement, and
- not disclose, publish or communicate such information to any person inside or outside my organisation/ company/ agency.

Further, I acknowledge that:

- any breach of this Undertaking may constitute the commission of an offence under
  - Division 91, Part 5.6 and Part 7.4 of the *Criminal Code 1995* (Cth), and/or
  - Section 29 of the *Australian Information Commissioner Act 2010* (Cth).

Signature		Date
<input type="text"/>		<input type="text"/>
Witness Signature	Witness Name and Address	
<input type="text"/>	<input type="text"/>	



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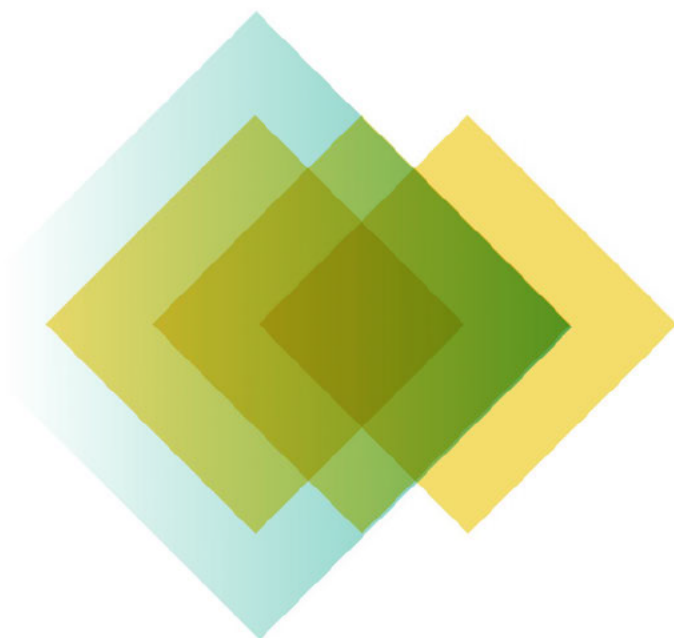
**Office of the Australian Information Commissioner**

## 14. Induction Checklist

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**Approved:** 8<sup>th</sup> January 2021



January 2021

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## Attachment: Agreement to comply with confidentiality and information security form

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# Acknowledgement and undertaking to comply with confidentiality/information security provisions - OAIC

I acknowledge that I have read and understood the following confidentiality and information security provisions:

- APS Values as set out in s 10 of the *Public Service Act 1999* (Cth)
- APS Code of Conduct as set out in s 13 of the *Public Service Act 1999* (Cth)
- Part 2 Public Service Regulations 1999 (Cth)
- Clause 12 of the OAIC Enterprise Agreement 2016-2019
- Sections 91.1, 122.1, 122.2, 122.3 and 122.4 of the *Criminal Code Act 1995* (Cth)
- Section 24 *Archives Act 1983* (Cth)
- *Freedom of Information Act 1982* (Cth)
- Section 29 *Australian Information Commissioner Act 2010* (Cth)
- *Privacy Act 1988* (Cth), including the Australian Privacy Principles, as set out in Schedule 1

I undertake to comply with the above confidentiality and information security provisions when acting in connection with my employment with the OAIC, and after the cessation of employment.

**I agree to comply with all applicable Australian law when acting in connection with my APS employment.**

**I also acknowledge that where my personal information is included in a document because of my usual duties or responsibilities as a public servant, it may be disclosed under the *Freedom of Information Act 1982* (Cth).**

\_\_\_\_\_  
(Signature of Employee)

\_\_\_\_\_  
(Full Name)

Date: \_\_\_\_/\_\_\_\_/\_\_\_\_

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**OFFICIAL: Sensitive****PLEASE RETAIN FOR YOUR INFORMATION**

## Confidentiality and Information Security Provisions

APS values and APS Code of Conduct s 10 and 13 Public Service Act 1999 (Cth)

The APS Values and Code of Conduct set out the standards and requirements expected from all APS employees. An APS employee, except in the course of his or her duties as an APS employee or with the Agency Head's express authority, must not give or disclose, directly or indirectly, any information about public business or anything of which the employee has official knowledge. Employees must comply with all Australian laws in carrying out their official duties and maintain appropriate confidentiality.

Matters concerning possible breaches of the Code of Conduct will be dealt with in accordance with procedures established by the Australian Information Commissioner pursuant to the provisions of the *Public Service Act 1999* (Cth), Australian Public Service Commissioner's Directions 2016 and the *Public Service Regulations 1999* (Cth) and principles governing the application of natural justice.

### **PUBLIC SERVICE REGULATIONS 1999 (Cth)**

#### **Duty not to disclose information – Regulation 2.1**

You must not disclose information which you obtain or generate in connection with your employment if it is reasonably foreseeable that the disclosure could be prejudicial to the effective working of government, including the formulation or implementation of policies or programs.

You must not disclose information which you obtain or generate in connection with your employment if the information:

- (a) was, or is to be, communicated in confidence within the government; or
- (b) was received in confidence by the government from someone outside the government

### **OAIC Enterprise Agreement 2016-2019**

Clause 12 of the OAIC Enterprise Agreement requires an OAIC employee to comply with the APS Code of Conduct, the APS Values and OAIC policies and guidelines

### **CRIMINAL CODE ACT 1995 (Cth)**

#### **Section 91.1**

Section 91.1 of the *Criminal Code Act 1995* (Cth) makes it an offence to engage in conduct that amounts to espionage. Such conduct includes communicating or making information available without authority for delivery to another country or foreign organisation.

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**OFFICIAL: Sensitive****Sections 122.1-122.4**

Sections 122.1 -122.4 of the *Criminal Code Act 1995* (Cth) provide offences relating to the disclosure of information by former and current Commonwealth officers. Commonwealth officers must not communicate or deal with information that is inherently harmful, and/or causes or is likely to cause harm to Australia's interests. Further, it is an offence for a current or former Commonwealth officer to disclose information obtained by reason of their engagement as a Commonwealth officer, if they are under a duty not to disclose the information by or under a law of the Commonwealth.

PENALTY: 3 to 7 years imprisonment

***Freedom of Information Act 1982* (Cth)**

The general principle underlying the *Freedom of Information Act 1982* (Cth) is that official information should be made available to individuals or the general public except where the disclosure would be detrimental to the protection of essential public interests or the private and business affairs of persons and organisations about whom the information was collected.

**Disclosure of public servants' personal information**

Although the *Freedom of Information Act 1982* (Cth) contains a conditional exemption to release of personal information (s 47F), documents held by agencies or ministers that include personal information about public servants will usually not be exempt. For example, a document may include a public servant's name, work email address, position or title, contact details, decisions or opinions.

Where public servants' personal information is included in a document because of their usual duties or responsibilities, it generally would not be unreasonable to disclose unless special circumstances existed. This is because the information would reveal only that the public servant was performing their public duties. Such information may often also be publicly available, such as on an agency website.

When considering whether it would be unreasonable to disclose the names of public servants, there is no basis under the *Freedom of Information Act 1982* (Cth) for agencies to start from the position that the classification level of a departmental officer determines whether their name would be unreasonable to disclose. In seeking to claim the exemption an agency needs to identify the special circumstances which exist rather than start from the assumption that such information is exempt.

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## ***Australian Information Commissioner Act 2010 (Cth)***

### **Unauthorised dealing with information - Section 29**

(1) A person commits an offence if:

- (a) the person makes a record of, discloses or otherwise uses information; and
- (b) the information was acquired by the person in the course of performing functions or exercising powers conferred for the purposes of an information commissioner function, a freedom of information function or a privacy function.

Penalty: Imprisonment for 2 years.

Note: Chapter 2 of the *Criminal Code Act 1995* (Cth) sets out the general principles of criminal responsibility.

(2) This section does not apply if:

- (a) the person records, discloses or otherwise uses the information in the course of performing the same functions or exercising the same powers as those in the course of which the information was acquired; or
- (b) the person acquires the information for any other lawful purpose; or
- (c) the person to whom the information relates consents to the recording, disclosure or use of the information.

Note: A defendant bears an evidential burden in relation to the matters in subsection (2) (see subsection 13.3(3) of the *Criminal Code Act 1995* (Cth)).

(3) A person to whom this section applies must not be required to do either of the following unless that disclosure or production is necessary for the purposes of this Act:

- (a) disclose to a court information that the person acquired in the course of performing functions or exercising powers under this Act for the purposes of another Act (or an instrument under another Act) that confers an information commissioner function, a freedom of information function or a privacy function;
- (b) produce all or part of a document that contains information of that kind to a court.

(4) For the purposes of subsection (3), **court** includes any tribunal, authority or person having power to require the production of documents or the answering of questions

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**OFFICIAL: Sensitive*****Privacy Act 1988 (Cth)***

The *Privacy Act 1988* (Cth) provides legislative standards for the handling of personal information by the Australian Government agencies and certain private sector organisations. Personal information is information or opinions that can identify a living person. The legislative standards relate to the collection, storage and security, use and disclosure of personal information, and provide individuals with a right of access to, and correction of, personal information held or used by agencies and certain private sector organisations, including contracted service providers when performing services under contract to the Australian government.

**The Australian Privacy Principles**

The Australian Privacy Principles (APPs) regulate the handling of personal information by Australian government agencies and some private sector organisations.

The 13 APPs are contained in schedule 1 of the *Privacy Act 1988* (Cth). The APPs cover the collection, use, disclosure and storage of personal information. They allow individuals to access their personal information and have it corrected if it is incorrect. There are also separate APPs that deal with the use and disclosure of personal information for the purpose of direct marketing (APP 7), cross-border disclosure of personal information (APP 8) and the adoption, use and disclosure of government related identifiers (APP 9) and (APP11) which outlines obligations when an individual requests to be given access to personal information held about them by the entity. This includes a requirement to provide access unless a specific exemption applies.

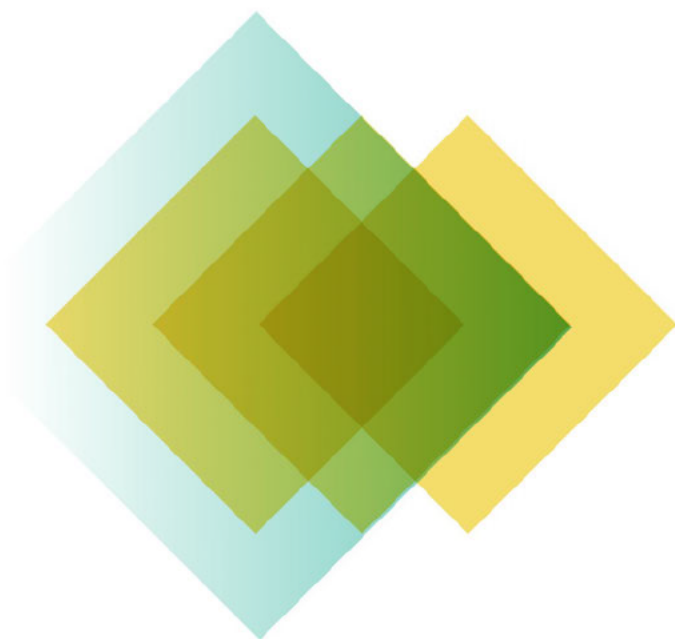
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**Office of the Australian Information Commissioner**

# Managing Conflicts of Interest



17 August 2021

OAIC

Version	Name	Changes	Date
1.0		Original	June 2017
1.1		Update Word template	January 2019
1.2	Mark Smolonogov	Updating Word template	May 2021
1.3	Bruce Cooper	Update and formatting Word template	August 2021

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## Purpose

This document outlines the Office of the Australian Information Commissioner's (OAIC's) policy on managing real or apparent conflicts of interest. Implementation of the policy will ensure that the integrity and reputation of the OAIC are not compromised.

## Introduction

As an independent regulatory agency, the integrity and reputation of the OAIC are critical.

Public confidence in the integrity of the OAIC is vital. That confidence may be jeopardised if the community perceives that employees are working to serve other agendas. Australian Public Service (APS) employees need to be aware that their private interests, both financial and personal, could conflict with their official duties and need to know what to do when a conflict arises.

At all times, employees must act in accordance with the APS Values and Code of Conduct.

## What is a conflict of interest?

An 'interest' in this context means anything that can have an impact on an individual or group. The term 'private interests' includes not only an employee's own personal, professional or business interests, but also the personal, professional or business interests of individuals or groups with whom they are closely associated. This can include relatives or friends.

Any situation or event where an employee's private interests could inappropriately influence them in the performance of their duties as a member of the APS and an officer of the OAIC, can present a conflict of interest. A perception of a conflict, even where none exists, can be just as damaging as a real conflict of interest.

A good test for identifying a conflict of interest is to consider whether a reasonably impartial person would think that an employee's personal, financial or other interests could conceivably conflict, or appear to conflict, with their official duties.

## Requirements

- All employees must be aware of and avoid or manage conflicts of interest.
- Employees must notify their supervisors about real or apparent conflicts of interest as soon as they become aware that a conflict may exist using the form set out at **Attachment A**.
- Having regard to seniority, responsibilities and the nature of work undertaken, and the potential for a heightened level of risk of conflict, the Australian Information Commissioner has determined that SES officers, the General Counsel, Principal Directors, and the Chief Financial Officer (or any staff acting in these roles) must make an annual declaration of interests using the form set out at **Attachment A**.
- The Australian Information Commissioner may ask other employees to complete a declaration of interests where their specific role or other circumstances make this appropriate.
- When an employee commences work on an assessment or significant investigation they will be required to complete a limited declaration in relation real or apparent conflicts arising related



to the specific matter in the form set out in **Attachment B**. The fact that the declaration has been made will be stored on the relevant matter Resolve file. The actual declaration will be stored on the employee's personnel file.

- As Agency Head, the Australian Information Commissioner will ensure that any conflict of interest is effectively managed.<sup>1</sup>

## Identifying a conflict

Any situation where an employee's private interests could be at odds with their duty as a member of the APS can present a conflict of interest. A conflict or a perception of a conflict could arise through:

- membership of, or relationship with, an organisation outside work
- investments and other sources of income
- paid, unpaid or voluntary outside employment (refer to the [OAIC Policy on outside employment](#)).

Employees should ask themselves whether their actions or decisions could give rise to a real or apparent conflict of interest, and if so, take action to manage that. While gifts can also give rise to a conflict the [OAIC Gift Policy](#) deals with these issues separately.

## Conflicts involving friends, family or colleagues

Employees may encounter situations where a conflict arises because of the activities or interests of others (such as family and friends). For instance, a friend may be a complainant, or a family member may work for, or invest in, a regulated organisation or agency. In deciding whether a conflict may exist, and how to manage it, consider:

- How well do you know the person concerned?
  - If the person is a family member or friend, a reasonable observer might consider that you may not act impartially and a conflict of interest may exist.
- What interest or involvement does the person concerned have in the entity?
  - The more significant the interest, or involvement, the more likely a reasonable person would consider that there could be a conflict of interest.
- How well do you know the organisation or agency?
  - You may have previously worked for an organisation that is involved in matters being dealt with in the OAIC, or you may have a partner working for such an organisation. You need to consider how close the connection is or was, and whether a reasonable person would consider that there could be a conflict of interest.

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<sup>1</sup> Commissioners are required, by s 22 of the Australian Information Commissioner Act 2010, to give written notice to the Minister of all interests, pecuniary or otherwise, that the Commissioner has or acquires that conflict or could conflict with the proper performance of their functions.

- How long ago was the connection?
  - If you worked for an organisation before recently joining the OAIC, and still meet regularly with friends from that organisation, there may be a possible conflict of interest. If you worked for an organisation many years ago and have had no ongoing connection with the organisation or its employees, then a conflict is less likely, but still possible.

## Conflicts involving outside employment

Outside employment may involve potential conflict of interest. Refer to the [Policy on outside employment](#).

## Managing a conflict

Where a conflict is identified, whether as part of an annual declaration, or not, employees should report any real or potential conflict of interest to the Deputy Commissioner through their supervisor and Assistant Commissioner as soon as they become aware of it.

The Deputy Commissioner will decide whether there is or could be a conflict of interest. The Deputy Commissioner may seek more information about the circumstances surrounding the conflict, including if necessary, after consulting the employee, from another person or organisation. If there is a real or perceived conflict, appropriate steps to manage that could include:

- changing the employee's duties, including in relation to certain parties
- asking the employee to divest the interest or cease the activity giving rise to the conflict
- allowing the employee to continue in their duties while the situation is monitored.

The Deputy Commissioner will keep the Australian Information Commissioner informed.

The declaration of the conflict, the fact that it has been considered by the Deputy Commissioner and any mitigations must be recorded on the employee's file in Content Manager.

## Declaration of interests

A declaration of interests provides an opportunity for employees to inform the Australian Information Commissioner of any personal or other interests, including the interests of immediate family members, which may give rise to a real or perceived conflict.

SES officers, General Counsel, Principal Directors, Chief Financial Officer and any staff acting in these roles must complete an annual declaration of interests form at **Attachment A**. Employees working on an assessment or significant investigation must complete the matter specific declaration using the form set out in **Attachment B**.

The declaration of interests must include any private interests or relationships which could or could be seen to influence the employee's decision making or otherwise affect the employee's responsibilities. The types of interests and relationships that may need to be disclosed include real estate investments, shareholdings, trusts or nominee companies, company directorships or partnerships, other significant sources of income, significant liabilities, gifts, private business, employment, and voluntary, social or personal relationships. Small shareholdings in listed

companies, personal loans or mortgages associated with home loans could give rise to a potential conflict and should be declared. However, absent specific circumstances, such interests would not normally be expected to require specific mitigation strategies.

## Declaration of consent – family member

If applicable, a declaration of consent by immediate family members to the release of personal financial and other interests must also be completed, should circumstances arise in which the employee considers that the personal financial and other interests of family member/s could influence or could be seen to influence the decisions they are making or the advice they are giving. The declaration of consent should also be provided.

## Consent not given or unable to be provided

In accordance with the [APSC's guidance](#) Values & Code of Conduct in Practice (2017):

- If a disclosure contains the personal information of a family member it will generally be necessary for the employee to obtain the family member's consent for the collection of this information, consistent with the requirements of the Australian Privacy Principles contained in the [Privacy Act 1988](#) (Privacy Act).
- If consent is not given, or is unable to be sought, then the employee should discuss with his or her agency head, in general terms, their understanding of the conflict of interest. The agency head can then decide what action may need to be taken.
- Where an employee is dissatisfied with a decision in relation to the treatment of conflict of interests, they should seek to resolve this informally through discussion with the relevant decision maker. If the matter is unable to be resolved informally, an employee may seek a review of action as provided for in section 33 of the *Public Service Act 1999*.

## Declaration of Interests Privacy Collection Notice – APP 5

Who is collecting your personal information?	<p>Your personal information is being collected by the Office of the Australian Information Commissioner (OAIC). Written declarations of interest will be stored on an employee's personnel file in Content Manager. Identified conflicts must be discussed with the employee's supervisor, relevant AC and the Deputy Commissioner.</p> <p>Process for collection:</p> <ol style="list-style-type: none"> <li>1. Completed forms should be saved by the employee to their personnel file in Content Manager. Noting that conflicts need to be discussed with managers (as above), the employee may limit access to the written declaration in Content Manager but the form must always be accessible to the Australian Information Commissioner.</li> </ol>
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	<p>2. The employee must advise the Head of People and Culture by email: (i) that the declaration has been completed and (ii) if any conflict of interest requires discussion with their supervisor.</p> <p>3. If discussion is required, the outcome must be recorded on the employee's personnel file in Content Manager and an email must be sent to the Head of People and Culture advising that the discussion has occurred and appropriate mitigations have been put in place. Documentation of the outcome on Content Manager must be accessible to the employee's supervisor and AC and both the Deputy and the Australian Information Commissioner.</p> <p>4. The Head of People and Culture will keep a record of what declarations have been made via an internal declaration of interests register, and where a potential conflict has been identified, the fact that mitigation strategies have been agreed and will report on these issues as required to the Australian Information Commissioner.</p>
Authority for collection of personal information	<p><i>Public Service Act 1999</i></p> <p><i>Public Governance, Performance and Accountability Act 2013</i></p>
Why is your personal information being collected?	The purpose of collecting your personal information is to document any real or apparent conflicts of interest, any mitigation strategies undertaken to manage conflicts and to record your acknowledgement of your obligations under the above legislation. This will assist the OAIC to manage any conflicts of interest if they were to arise.
What would happen if your personal information was not collected?	Declaring a material conflict of interest is a requirement under the above legislation.
To whom will your personal information be disclosed?	Your personal information will be available to be disclosed to the Australian Information Commissioner and you will need to discuss any real or potential conflicts with your supervisor, AC and the Deputy Commissioner and this may require disclosure of personal information.
Access to and correction of personal information and complaints	Please refer to the OAIC's privacy policy for information on how to access, complain or request an amendment of your personal information.

## References

- [APS Values and Code of Conduct in practice](#)
- [Australian Information Commissioner Act 2010](#)

# Attachment A

## Declaration of interests form

In accordance with section 13(7) of the *Public Service Act 1999*, an Australian Public Service (APS) employee must:

- take reasonable steps to avoid any conflict of interest (real or apparent) in connection with the employee's APS employment; and
- disclose details of any material personal interest of the employee in connection with the employee's APS employment.

To be 'material' a personal interest needs to be of a type that can give rise to a real or apparent conflict of interest.

Conflicts need to be reconsidered and declarations need to be revised and resubmitted whenever there is a change in personal circumstances and/or a change in work responsibilities that could involve a new real or apparent conflict of interest.

This declaration of financial and other personal interests is to be completed annually by:

- all SES staff members, including staff members acting as.
- all Principal Directors, General Counsel and Chief Financial Officer, including staff members acting in these roles.
- any other staff members to whom the Australian Information Commissioner considers this requirement should apply because of their responsibilities or the nature of their work.

This declaration is also to be completed on an ad hoc basis where conflicts exist for other employees.

## List of personal financial and other interests

Please list any private interests or relationships which could influence or could be seen to influence the decisions you are taking or the advice you are giving.

The types of interests and relationships that may need to be disclosed include real estate investments, shareholdings, trusts or nominee companies, company directorships or partnerships, other significant sources of income, significant liabilities, gifts, private business, employment, voluntary, social or personal relationships that could or could be seen to impact upon your responsibilities.

## Management of declarations of interest

1. Completed forms are to be saved by the employee to their personnel file in Content Manager. Noting that conflicts need to be discussed with managers, the employee may limit access to the declaration in Content Manager but the form must always be accessible to the Australian Information Commissioner.

2. The employee must advise the Head of People and Culture by email: (i) that the declaration has been completed and (ii) if any conflict of interest requires discussion with their supervisor.
3. If discussion is required, the outcome must be recorded on the employee's personnel file in Content Manager and an email must be sent to the Head of People and Culture advising that the discussion has occurred and confirming that appropriate mitigations have been put in place. Documentation of the outcome on Content Manager must be accessible to the employee's supervisor and AC and both the Deputy Commissioner and the Australian Information Commissioner.
4. The Head of People and Culture will keep a record of what declarations have been made via an internal declaration of interests register, and where a potential conflict has been identified, the fact that mitigation strategies have been agreed and will report on these issues as required to the Australian Information Commissioner.

## PART A: Employee acknowledgement of responsibilities

I declare that:

I am aware of my responsibilities under the APS Code of Conduct to behave honestly and with integrity, to disclose, and take reasonable steps to avoid, any conflict of interest (real or apparent) in connection with APS employment and not make improper use of:

- inside information, or
- my duties, status, power or authority, in order to gain, or seek to gain, a benefit or advantage for myself or for any other person.

I have read and understood:

- the APS—wide guidelines covering declarations of personal interests set out in APS Values and Code of Conduct in Practice
- the OAIC's Policy on managing conflicts of interest.

The attached list of my private interests and relationships has been prepared on the basis of:

- the particular roles and responsibilities of the OAIC
- my particular roles and responsibilities.

I undertake to immediately inform the Australian Information Commissioner if any changes to:

- my responsibilities or to the issues or subjects on which I am required to make decisions or give advice
- my personal circumstances

that could affect the contents of this declaration and to provide an amended declaration.

Subject to the consent of the relevant family member/s, I undertake to declare any private interests or relationships of my immediate family that I am aware of, should circumstances arise in which I

consider that they could or could be seen to influence the decisions I am taking or the advice I am giving.

I understand that such a declaration would require the consent of the family member/s to the collection by the OAIC of personal information. A declaration undertaken by that person is aware of the purpose for which the personal information has been collected, the legislative requirements permitting the collection and limited circumstances in which the personal information may be disclosed, and consents. If applicable, PART C and PART D should be completed.

I understand that the information I provide in this declaration will be held and accessed as noted above.

☐ I have no personal financial or other interests which may give rise to a real or perceived conflict of interest.

OR

☐ I have listed my personal financial or other interests which may give rise to a real or perceived conflict of interest below.

**Staff member's name:** Click here to enter text.

**Branch:** Click here to enter text.

**Position:** Click here to enter text.

Signature: \_\_\_\_\_

Date: Click here to enter a date.

## PART B: Employee declaration of material personal interests list (if applicable)

Click here to enter text.

**Staff member's name:** Click here to enter text.

**Branch:** Click here to enter text.

**Position:** Click here to enter text.

Signature: \_\_\_\_\_

Date: Click here to enter a date.

## PART C: Declaration of consent – family member (if applicable)

Click here to enter text.

**Family member's name:** Click here to enter text.

**Relationship to employee:** Click here to enter text.

Signature: \_\_\_\_\_

Date: Click here to enter a date.

## PART D: Declaration of material personal interests - family member (if applicable)

Click here to enter text.

**Family member's name:** Click here to enter text.

Signature: \_\_\_\_\_

Date: Click here to enter a date.



# Declaration of Interests Privacy Collection Notice – APP 5

Who is collecting your personal information?	<p>Your personal information is being collected by the Office of the Australian Information Commissioner (OAIC). Written declarations of interest will be stored on an employee's personnel file in Content Manager and on an internal declaration of interests register maintained by the Head of People and Culture. Identified conflicts must be discussed with the employee's supervisor, relevant Assistant Commissioner and the Deputy Commissioner.</p> <p>Process for collection:</p> <ol style="list-style-type: none"> <li>1. Completed forms should be saved by the employee to their personnel file in Content Manager. Noting that conflicts need to be discussed with managers (as above), the employee may limit access to the written declaration in Content Manager but the form must always be accessible to the Australian Information Commissioner.</li> <li>2. The employee must advise the Head of People and Culture by email: (i) that the declaration has been completed and (ii) if any conflict of interest requires discussion with their supervisor.</li> <li>3. If discussion is required, the outcome must be recorded on the employee's personnel file in Content Manager and an email must be sent to the Head of People and Culture advising that the discussion has occurred and that appropriate mitigations have been put in place.</li> <li>4. Documentation of the outcome on Content Manager must be accessible to the employee's supervisor and AC and both the Deputy and the Australian Information Commissioner.</li> <li>5. The Head of People and Culture will keep a record of what declarations have been made, and where a potential conflict has been identified, the fact that mitigation strategies have been agreed and will report on these issues as required to the Australian Information Commissioner.</li> </ol>
Authority for collection of personal information	<p><i>Public Service Act 1999</i></p> <p>Public Governance, Performance and Accountability Act 2013</p>

Why is your personal information being collected?	The purpose of collecting your personal information is to document any real or apparent conflicts of interest, any mitigation strategies undertaken to manage conflicts and to record your acknowledgement of your obligations under the above legislation. This will assist the OAIC to manage any conflicts of interest if they were to arise.
What would happen if your personal information was not collected?	Declaring a material conflict of interest is a requirement under the above legislation.
To whom will your personal information be disclosed?	Your personal information will be available to be disclosed to the Australian Information Commissioner and you will need to discuss any real or potential conflicts with your supervisor, AC and the Deputy Commissioner and this may require disclosure of personal information.
Access to and correction of personal information and complaints	Please refer to the OAIC's privacy policy for information on how to access, complain or request an amendment of your personal information.

## Attachment B

### OAIC Assessment declaration of interests form

Assessment/Investigation Target: Click here to enter text.

Staff member: Click here to enter text.

In accordance with section 13(7) of the *Public Service Act 1999*, an Australian Public Service (APS) employee must:

- take reasonable steps to avoid any conflict of interest (real or apparent) in connection with the employee's APS employment; and
- disclose details of any material personal interest of the employee in connection with the employee's APS employment.

To be 'material' a personal interest needs to be of a type that can give rise to a real or apparent conflict of interest.

Conflicts need to be reconsidered and declarations need to be revised and resubmitted whenever there is a change in personal circumstances and/or a change in work responsibilities that could involve a new real or apparent conflict of interest.

OAIC employees that are involved in assessments (those directly involved in assessment work and those that approve assessment work) must be aware of conflicts of interest and take steps to avoid conflicts.

Staff will need to declare any private interests or relationships which could influence or could be seen to influence the conduct of an assessment. Examples of the types of interests and relationships that may need to be disclosed include:

- investments or shareholdings with the target
- significant liabilities with the target
- gifts received from the target
- social or personal relationships with staff of the target that could or could be seen to impact upon your responsibilities.
- unsolicited offers of employment received from the assessment target and
- actively seeking employment with the target (or a direct competitor of the target) or being approached by a target (or a direct competitor of the target) with an offer of employment.

Staff who believe they have a real or apparent conflict must immediately advise their supervisor and the Head of People and Culture.

A record that a declaration has been made will be kept on the relevant Resolve record.

The declaration and where a real or apparent conflict has been identified, the fact that mitigation strategies have been agreed will be submitted to the Head of People and Culture and kept on the staff

member's Personnel file and on an internal declaration of interests register. The Head of People and Culture will report on these issues as required to the Australian Information Commissioner.

## Employee acknowledgement of responsibilities

I declare that:

I am aware of my responsibilities under the APS Code of Conduct to behave honestly and with integrity, to disclose, and take reasonable steps to avoid, any conflict of interest (real or apparent) in connection with APS employment and not make improper use of:

- inside information, or
- my duties, status, power or authority, in order to gain, or seek to gain, a benefit or advantage for myself or for any other person.

I have read and understood:

- the APS—wide guidelines covering declarations of personal interests set out in APS Values and Code of Conduct in Practice
- the OAIC's Policy on managing conflicts of interest.

The attached list (if applicable) of my private interests and relationships has been prepared on the basis of:

- the particular roles and responsibilities of the OAIC
- my particular roles and responsibilities.

I undertake to immediately inform the Australian Information Commissioner of any changes to my personal circumstances that could affect the contents of this declaration and to provide an amended declaration which could or could be seen to influence the decisions I am taking or the advice I am giving.

I understand that the information I provide in this declaration will be held and accessed as noted above.

☐ I have no personal financial or other interests which may give rise to a real or perceived conflict of interest.

OR

☐ I have listed my personal financial or other interests which may give rise to a real or perceived conflict of interest below.

**Staff member's name:** Click here to enter text.

**Branch:** Click here to enter text.

**Position:** Click here to enter text.

Signature: \_\_\_\_\_

Date: [Click here to enter a date.](#)

## Declaration of Interests Privacy Collection Notice – APP 5

<p>Who is collecting your personal information?</p>	<p>Your personal information is being collected by the Office of the Australian Information Commissioner (OAIC). Written declarations of interest will be stored on an employee's personnel file in Content Manager. Identified conflicts must be discussed with the employee's supervisor, relevant Assistant Commissioner and the Deputy Commissioner.</p> <p>Process for collection:</p> <ol style="list-style-type: none"> <li>1. Completed forms should be saved by the employee to their personnel file in Content Manager. Noting that conflicts need to be discussed with managers (as above), the employee may limit access to the written declaration in Content Manager but the form must always be accessible to the Australian Information Commissioner.</li> <li>2. The employee must advise the Head of People and Culture by email: (i) that the declaration has been completed and (ii) if any conflict of interest requires discussion with their supervisor.</li> <li>3. If discussion is required, the outcome must be recorded on the employee's personnel file in Content Manager and an email must be sent to the Head of People and Culture advising that the discussion has occurred and that appropriate mitigations have been put in place.</li> <li>4. Documentation of the outcome on Content Manager must be accessible to the employee's supervisor and AC and both the Deputy and the Australian Information Commissioner.</li> <li>5. The Head of People and Culture will keep a record of what declarations have been made, and where a potential conflict has been identified, the fact that mitigation strategies have been agreed and will report on these issues as required to the Australian Information Commissioner.</li> </ol>
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Authority for collection of personal information	<i>Public Service Act 1999</i> <i>Public Governance, Performance and Accountability Act 2013</i>
Why is your personal information being collected?	The purpose of collecting your personal information is to document any real or apparent conflicts of interest, any mitigation strategies undertaken to manage conflicts and to record your acknowledgement of your obligations under the above legislation. This will assist the OAIC to manage any conflicts of interest if they were to arise.
What would happen if your personal information was not collected?	Declaring a material conflict of interest is a requirement under the above legislation.
To whom will your personal information be disclosed?	Your personal information will be available to be disclosed to the Australian Information Commissioner and you will need to discuss any real or potential conflicts with your supervisor, AC and the Deputy Commissioner and this may require disclosure of personal information.
Access to and correction of personal information and complaints	Please refer to the OAIC's privacy policy for information on how to access, complain or request an amendment of your personal information.