

CLAYTON UTZ

Western Australian Department of the Premier
and Cabinet: Office of e-Government

Proposed Western Australian Government
Number

PRIVACY IMPACT ASSESSMENT

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Executive Summary

Clayton Utz was engaged by the Western Australian Department of the Premier and Cabinet: Office of e-Government ("OeG") to undertake a Privacy Impact Assessment ("PIA") of its proposal to allocate a Western Australian Government Number ("WAGN") to individuals with an employment-type relationship with the WA Government (the "WAGN Proposal").

The Business Requirements document and other documentation provided to Clayton Utz for the purpose of this PIA describe the WAGN as follows:

- An eight (8) digit employee number;
- Unique across the whole of the WA Government;
- Having no meaning in its own right (meaningless number randomly allocated);
- Relating to an individual;
- Persistent (ie. as a general rule it remains with that individual for their entire career with the WA Government, regardless of breaks in service).

The WAGN Proposal itself forms a key component of the WA Identity and Access Management Framework and is a key part of the implementation of the Identity and Access Management Framework and Action Plan. At this stage, technological specifications have been developed, and OeG is working on policy development. It is OeG's stated intention that this PIA will be a key reference document as it prepares its policy documentation.

The PIA is primarily concerned with:

- (a) The collection, use and disclosure of personal information (potentially including the WAGN) by the WAGN System and/or the WAGN Business Administrator to allocate and administer WAGNs. Those collections, uses and disclosures must however, be considered in the context of Agency Human Resources and Evidence of Identity ("EOI") processes, of which the WAGN allocation and confirmation process will form a part;
- (b) Targeted, non-incident uses and disclosures of the WAGN by agencies eg. as an identifier required for access to resources (such as IT systems); and
- (c) New opportunities to match, analyse or manipulate personal information within and across agencies using the WAGN as a new, unique, persistent, whole-of-government identifier.

A key aspect of this PIA has been to consider the effect of the recently introduced *Information Privacy Bill 2007* (WA) on the WAGN Proposal, including a consideration of whether a Privacy Code or Code of Conduct should be developed to protect the privacy of individuals to whom a WAGN is allocated. Our analysis of the impact of the Bill also includes an analysis of the Information Privacy Principles ("IPPs") it contains.

In order to assess the privacy impacts of the WAGN Proposal, stakeholder consultation was undertaken with a number of WA Government Agencies, including Office of Shared Services ("OSS") cluster Agencies, those Agencies that remain outside of the OSS cluster (such as Police, Education and Health). This enabled stakeholder views in relation to both privacy-enhancing aspects of the WAGN Proposal and potential privacy risks to be taken into account. It also informed the PIA process as to existing Agency practices, and potential or proposed uses of the WAGN in the context of those practices.

Our assessment of the privacy impacts of the WAGN Proposal suggests that, in many respects, the introduction of the WAGN will not lead to a change in the types of personal information collected by WA Government Agencies about employees, nor will it change the manner in which such information is collected. In many respects, the WAGN Proposal and proposed business rules have been developed in a manner which can be considered to respect the privacy of individual WA Government employees. By way of example:

- the WAGN will not be allocated to individual employees on the basis of their Agency of employment, seniority, length of service or any other attribute;
- it is not intended that the WAGN will be a secret number, which may render it less attractive to those who may wish to acquire and use it for an illegitimate purpose (irrespective of whether that purpose may lead to a privacy breach);
- the ability to interrogate the WAGN System will be restricted to the WAGN Business Administrator function; and
- the WAGN System will only provide one of a limited number of responses to the HRMS of a particular Agency, and will not disclose personal information about individual to Agency HR Representatives.

That is not to say that we consider there are no potential privacy risks associated with the WAGN Proposal. The introduction of the WAGN will result in the transfer of personal information from the OSS and Agency Human Resource Management Systems ("HRMSs") to the WAGN System, the creation of a new repository of information about WA Government employees, and increased potential to match data across WA Government Agencies.

There is also the potential that the WAGN will be attractive to private sector entities (although, given the current limited content of the WAGN system, we have had difficulty envisaging a scenario where a private sector organisation would be highly motivated to collect, use or adopt the WAGNs for its own purposes). Potential for "scope creep" in relation to the information stored in the WAGN System, and the potential uses of that information also exists, and must be appropriately managed.

In order to address the key privacy issues presented by the WAGN Proposal and so as to protect the privacy of individual WA Government employees to whom a WAGN is allocated, we recommend the following action be taken by WA Government (to be co-ordinated as necessary by the OeG):

Recommendation One: Implementation of the WAGN Proposal as described by OeG and the Business Requirements Documents

When implementing the WAGN Proposal and allocating WAGNs to WA Government employees, OeG, the WA Government and Agencies more generally should adopt and implement the privacy sensitive mechanisms set out in the Business Requirements Documentation and the Business Rules described to Clayton Utz during the course of consultation. This includes the implementation of business rules ensuring that physical and technological access to the WAGN System is restricted, flows of personal information to and from the WAGN System only take place as described in Section 4 of this Report (which reflects the Business Requirements Documents and OeG's description of the WAGN Proposal) and uses and disclosures of the WAGN are in accordance with recognised privacy requirements, such as the Information Privacy Principles.

Recommendation Two: Further Privacy Impact Assessments as necessary

We recommend that OeG consider a PIA at any extension or change of scope, or, if changes to the collection, use and disclosure of personal information (potentially including the WAGN

itself) associated with the WAGN or the WAGN System are proposed in the future. If this raises privacy concerns, OeG should undertake a further PIA. Such a PIA would form a key component of the formal privacy review process we propose as part of our recommended WAGN Code of Conduct (see below).

Recommendation Three: Development of a WAGN Code of Conduct

Some formal, binding rules concerning the operation of the WAGN System and the collection, use and disclosure of the WAGN by WA Government Agencies and contractors should be implemented, potentially in the form of a WAGN Code of Conduct endorsed by Cabinet. Currently, some privacy enhancing features of the WAGN are incorporated in OeG's proposed Business Rules in the Oracle build, but the relevant privacy and management rules need to be given an enduring authority across the WA Government.

As stated at Section 2.3 of this Report, a Privacy Code developed under Part 4 of the Privacy Bill is not a suitable vehicle because it can only be made and applied in circumstances where an agency is not in a position to comply with the IPPs. A Code of Conduct can also cover issues other than those covered in the IPPs.

In particular, we consider that a WAGN Code of Conduct should be developed to incorporate the following matters:

- Relevant Business Rules concerning the operation and use of the WAGN System by the WAGN System Manager and Agencies;
- A formal privacy review process to consider the privacy impact of any proposed change to the scope of the content of WAGN System records. Such a process would necessarily involve consultation with a range of WA Government stakeholders, perhaps via a committee of representatives from WA Government Agencies and employees;
- Guidelines or binding rules as to whether and how Agencies may use and disclose WAGNs as part or all of an authentication credential which must be presented to access resources;
- Data-Matching Guidelines to regulate use of the WAGN (by linking WAGNs to information contained in Agency HRMSs) by Agencies and whole of WA Government for the purpose of linking records, building profiles, data-matching records or providing reports across agencies or the whole of the WA Government;
- Any rules considered appropriate regarding prohibiting or permitting disclosure of WAGNs by Agencies or employees to private sector organisations (see below);
- A requirement that each Agency (or a central Agency) operate a Complaints Management Process for complaints regarding allocation, use or disclosure of a WAGN (see below);

Consideration should also be given to what the incentives for compliance with the Code of Conduct should be (eg. should there be penalties or compensation arrangements in the event of non-compliance by either an Agency or the WAGN System Manager?).

Recommendation Four: Technological limitations on access to the WAGN System

In line with the Business Requirements documentation and OeG's proposed system design, the WAGN System Manager should place technical / access limitations on the various roles that have both physical and systems access to the WAGN System. These should include limiting the access that external service providers may have to the WAGN System and its contents (for

example, restrictions and privacy obligations should be included in Service Level Agreements and contracts with service providers).

Recommendation Five: Consider restriction of private sector collection and/or use of the WAGN

Consideration needs to be given to whether any regulation (and if so what) is required in relation to the private sector adopting, requiring, using and disclosing WAGNs (including on any expansion of the content of WAGN System records). As the WAGN is not intended to be a secret number, it would not be necessary for such regulation to incorporate prohibitions that are as extensive as those which apply to TFNs. The WAGN Code of Conduct could place some prohibitions or restrictions on Agencies and employees disclosing their WAGNs to private sector entities. Direct regulation of the private sector's activities in collecting, requesting or requiring WAGNs would require legislation. We note that IPP 6(4) prohibits a public organisation (but not a private sector organisation) from requiring an individual to provide an identifier in order to obtain a service, unless the provision is required or authorised by law or is in connection with the purpose for which the identifier was assigned.

Recommendation Six: Transfer of responsibility for the WAGN System to an independent / unrelated Agency

We have been informed that the WAGN System component of the OSS Oracle ERP has been designed in such a way as to enable it to be extracted from the OSS systems and placed in a separate location. While it is proposed that OSS will initially take on the role of WSM, we recommend that consideration be given to moving responsibility for the WAGN System to a separate independent or unrelated WA Government Agency once rollout of the WAGN moves beyond the OSS Cluster Agencies to Agencies more generally.

Recommendation Seven: Development of a WAGN Complaints Management Process

While the IPPs set out processes and procedures for complaints to be made to and investigated by the Privacy and Information Commissioner, we recommend that a Complaints Management Process be developed to deal with complaints either before they are referred to the Commissioner, or in circumstances where the Commissioner declines to deal with a complaint because the complainant has not yet made a complaint to the relevant respondent (which in the case of the WAGN would most likely be either the WSM or the relevant Agency). The WAGN complaints management process would clearly need to be cognisant of timeframes for making complaints to the Commissioner, the Commissioner's powers in respect of complaints and the circumstances in which the Commissioner may refer a complaint back to an Agency for resolution.

1. Introduction and Scope

Clayton Utz was engaged by the Western Australian Department of the Premier and Cabinet: Office of e-Government ("OeG") to undertake a Privacy Impact Assessment ("PIA") of its proposal to allocate a Western Australian Government Number ("WAGN") to individuals with an employment-type relationship with the WA Government (the "WAGN Proposal").

The WAGN Proposal involves the random allocation of a sequentially generated, meaningless eight digit number to all employees of the WA Government. The WAGN Proposal itself forms a key component of the WA Identity and Access Management Framework and is a key part of the implementation of the Identity and Access Management Framework and Action Plan.

As recommended by the Office of the Privacy Commissioner in its Privacy Impact Assessment Guide ("PIA Guide")¹, OeG undertook a preliminary assessment of the potential impacts of the WAGN Proposal and determined that a PIA was necessary.

It is not envisaged that the PIA and this Report will encompass all consideration of privacy issues by OeG and the WA Government more generally in respect of the WAGN Proposal. It may be that privacy issues arise during the course of WAGN testing, or following implementation (particularly as the Office of Shared Services ("OSS") and individual Agencies consider how the WAGN may be used in the future). Consequently, it should be recognised that it may be necessary for further PIAs to be undertaken as the WAGN Proposal progresses to implementation and rollout. As the PIA Guide itself states,

"Given the importance of a PIA in the evolution of a project involving personal information, the PIA document itself will also usually tend to be an evolving or living document. As the project develops and the issues become clearer, a PIA document can be updated and supplemented, leading to the completion of a more comprehensive and useful PIA. Projects which are more significant in scope may even require more than one PIA throughout their development."

A Glossary of terms used throughout this PIA can be found at page 40 of this Report.

1.1 What is a Privacy Impact Assessment ("PIA")?

Over recent years, the PIA technique has been developed and implemented in a number of jurisdictions.² This PIA has been undertaken in accordance with the Privacy Impact Assessment Guide issued by the OPC in August 2006 ("the OPC Guide").³

A PIA is not only an assessment of the extent to which a proposed initiative is in compliance with existing privacy law and policy. It is a systematic analysis of the impact of the initiative on the privacy of individuals, or identified groups of individuals. As the OPC Guide states, a PIA is a tool that "provides agencies with the opportunity to consider the values the community places on privacy - trust, respect, individual autonomy and accountability - and to reflect those values in the project by meeting the community's privacy protection expectations."⁴

¹ Office of the Federal Privacy Commissioner, *Privacy Impact Assessment Guide*, August 2006, available at: <http://www.privacy.gov.au/publications/PIA06.pdf>.

² For example, PIAs are mandatory for US Federal agencies and in some Canadian jurisdictions, and are recommended by Privacy Commissioners in Australia, New Zealand and Hong Kong.

³ Office of the Federal Privacy Commissioner, *Privacy Impact Assessment Guide*, August 2006, available at: <http://www.privacy.gov.au/publications/PIA06.pdf>.

⁴ *Ibid*, page 6.

This PIA Report describes the WAGN Proposal developed by OeG, and identifies and analyses the potential privacy impacts and risks associated with its implementation. Where appropriate, the PIA report will suggest risk mitigation techniques and strategies, in the form of recommendations aimed at minimising the risk of privacy intrusion that may come about as a consequence of rollout of the WAGN Proposal, and maximising any identified privacy-enhancing potential.

As the OPC Guide itself states, the *Privacy Act 1988* (Cth) does not refer to PIAs, nor does it require Agencies to undertake a PIA in relation to a particular initiative. Similarly, the *Information Privacy Bill 2007* (WA) does not require a PIA to be undertaken. However, the benefits of a PIA can be many, particularly where it is undertaken during the formative stages of an initiative. For example, a PIA is a useful tool for ensuring that:

- An initiative, if implemented, complies with privacy minimums set out in the applicable privacy law;
- Community values in relation to privacy, including trust, respect, individual autonomy and accountability are reflected in the initiative (ie. ensuring that the initiative meets community expectations in relation to privacy protection);
- Privacy issues are considered as a part of the risk management process undertaken in relation to the initiative;
- Viable privacy solutions complement the initiative, and help to progress the overall goals of the initiative;
- Potential privacy impacts, such as function creep or those arising from the implementation of new technology or legislation have been considered and analysed;
- Individuals who may be impacted by the initiative feel satisfied that their opinions or concerns regarding privacy have been heard and considered;
- Individuals who may be impacted by the initiative understand the importance of privacy and are aware that privacy issues have been considered as a key component of the initiative.⁵

Clayton Utz PIA team

The Clayton Utz team for this PIA was led by Mark Sneddon, Partner and included Peter Harman and Mark Holmes.

1.2 Statement of Objectives

The PIA has five key objectives⁶:

(a) **Objective 1 - Describe the Proposal**

The PIA will describe, at a high level, the WAGN Proposal and its implementation plan including the functionality of the WAGN System, the role of the WAGN Business Administrator, the processes for allocation of a WAGN to an individual

⁵ These benefits are identified by the Office of the Federal Privacy Commissioner, *ibid*, pages 5-7.

⁶ These are adaptations of the objectives set out by the Office of the Federal Privacy Commissioner, *ibid*, pages 13 - 17.

WA Government employee and the processes around Exception Reports arising from the allocation or attempted allocation of a WAGN.

The PIA will also describe, at a high level, the current processes for the collection of personal information about WA Government employees, allocation and use of employee identifiers within WA Government Agencies at present and mechanisms in place in relation to the disclosure, storage, security and quality of personal information (including Evidence of Identity ("EOI") processes in place in Agencies) relevant to the WAGN Proposal, and how the WAGN may impact on each of these.

(b) Objective 2 - Map the Personal Information flows

The PIA will describe and map the potential flows of personal information relevant to the WAGN Proposal, and outline, where possible, the business processes, rights of access and use, storage and quality of data related to those flows of personal information. This will also include a consideration of the impact of the WAGN on identity management within the WA Government.

Mapping of the personal information flows will be based on technical specification and other documentation provided by OeG, information obtained via consultation with OeG and other WA Government Agencies and other anecdotal evidence and commentary provided throughout the stakeholder consultation process.

In particular, the PIA will address:

- The types of personal information to be collected and associated with a WAGN in the WAGN System, how such information will be collected, and what notice should be provided to WA Government employees (or prospective employees) and others who receive a WAGN at the time their personal information is collected;
- Proposed uses of the WAGN and personal information collected during the WAGN allocation process, including how individuals will be made aware of those proposed uses of their information, as well as consideration of the process for extending or limiting the potential uses of the WAGN and personal information collected during the WAGN allocation process;
- Any existing and potential uses of personal information or the WAGN for data-matching purposes;
- The anticipated disclosures of the WAGN or personal information collected when the WAGN is allocated, the level of privacy protection for that information, and the extent to which individual WA Government employees will be able to make decisions in respect of such disclosures;
- The relationship between EOI processes undertaken by WA Government Agencies in respect of new or existing employees and the reliability of information contained in the WAGN System.

(c) Objective 3 - Identification of Privacy Impacts and Risks

The PIA will identify actual and potential privacy impacts, and specific risks associated with the collection, use and disclosure of personal information related to the allocation and use of the WAGN.

(d) Objective 4 - Analysis of Privacy Impacts

The PIA will analyse the actual and potential privacy risks identified. In doing so it will consider which particular privacy impacts are serious and which are less so, whether the privacy impacts may be avoided, or are necessary, and how the privacy impacts of the WAGN may impact upon the strategic objectives of the WA Government in introducing the WAGN (and other associated Shared Services Reform initiatives, such as centralisation of certain HR functions within the WA Government). This will include an analysis of:

- How the identified privacy risks and impacts will affect the choices that individual WA Government employees will have in relation to the use of their personal information; and
- What potential there is for the collection or storage of additional information about individual WA Government employees in the WAGN System or for the WAGN System to be used for any additional purpose.

(e) Objective 5 - Recommendations

The PIA will make recommendations for the minimisation or mitigation of privacy risks identified. This will involve recommendations aimed at ensuring that:

- An appropriate balance is achieved between the goals of the WA Government (and Agencies) and the privacy interests of individual employees of the WA Government;
- As far as possible, privacy enhancing mechanisms are built into the implementation of the WAGN Proposal (eg. ensuring that privacy protection is a key element of system design in respect of the WAGN System);
- Any negative impact(s) on privacy arising as a consequence of the implementation of the WAGN Proposal are proportionate to the benefits to be gained from implementation;
- The WAGN Proposal (and HR processes associated with the allocation of the WAGN) is flexible so as to protect the privacy and choices of as many individuals as possible;
- The privacy impacts of the WAGN Proposal are reviewed and considered following its implementation, so as to ensure that any resulting negative privacy impacts can be addressed;
- Relevant legislation (or any other privacy regulating mechanism, such as an Approved Privacy Code or a Code of Conduct) provides adequate protection for individual employees to whom a WAGN is allocated.

1.3 Scope of the PIA and limitations

Clayton Utz has been engaged by OeG to undertake a PIA of the WAGN Proposal. The task is to consider the privacy implications of the allocation and use of a sequentially generated but randomly allocated number to each WA Government employee.

At this stage of the development of the WAGN Proposal, technological specifications have been developed, and OeG is working on policy development. OeG (and likely WA Government Agencies more generally) are looking to the PIA process and this Report to inform the WAGN policy development process. In particular, OeG has requested that Clayton Utz consider and make recommendations in relation to privacy enhancing mechanisms that may be incorporated in WAGN policies and procedures, as well as technological (including access management) restrictions that may be placed on access to the database which holds the WAGN and associated information about employees ("WAGN System"), WAGN System interrogation processes and data quality / verification procedures.

The PIA is not intended to consider the privacy impact of the WA Government's Shared Services Reforms in general or in relation to HR information in particular. Nor is it intended to consider collection, use and disclosure of personal information which would occur in the absence of the WAGN (eg. all the usual flows of personal information involved in creating, updating and managing an HR record) in the context of an Agency's Human Resource Management System ("HRMS") or the Office of Shared Services ("OSS") HRMS. For example, the PIA is not concerned with "incidental" uses and disclosures of the WAGN where part or all of an HR record (which includes the WAGN) is used or disclosed in the ordinary course of administration but there is no targeted use or disclosure of the WAGN such as to link or match data or as an identifier to access resources. The PIA is primarily concerned with:

- (a) The collection, use and disclosure of personal information (potentially including the WAGN) by the WAGN System and/or the WAGN Business Administrator to allocate and administer WAGNs. Those collections, uses and disclosures must however, be considered in the context of Agency HR and EOI processes, of which the WAGN allocation and confirmation process will form a part;
- (b) Targeted, non-incidental uses and disclosures of the WAGN by agencies eg. as an identifier required for access to resources (such as IT systems); and
- (c) New opportunities to match, analyse or manipulate personal information within and across agencies using the WAGN as a new, unique, persistent, whole-of-government identifier.

A key aspect of this PIA is to consider the effect of the recently introduced *Information Privacy Bill 2007* (WA) on the WAGN Proposal, including a consideration of whether a Privacy Code or Code of Conduct should be developed to protect the privacy of individuals to whom a WAGN is allocated.

2. Legislative framework

2.1 Information Privacy Bill 2007 (WA)

The Information Privacy Bill ("Privacy Bill") was introduced into the Western Australian Legislative Assembly on 28 March 2007. During his Introduction and Second Reading speech, the Western Australian Attorney General stated that:

*"The bill has five major planks: first, to regulate the handling of personal information by the state public sector; second, to regulate the handling of health information by the state public and private sectors; third, to create a right of access to, and amendment of, personal health records held by the private sector; fourth, to establish an accessible framework for the resolution of complaints about handling of personal and health information; and, fifth, to facilitate the exchange of personal and health information held by the public sector when it is in the public interest to do so."*⁷

The Privacy Bill regulates the conduct of Public Organisations in respect of both personal information and health information. Public Organisations are set out in Schedule 1 to the Privacy Bill and include WA Government organisations such as courts, departments of public service, certain government entities as set out in the *Public Sector Management Act 1994* (WA)⁸, the WA Police Force, local and regional local governments and bodies or offices established for a public purpose or established by the Governor or a Minister.

As stated above, this PIA is concerned with the impacts of the WAGN Proposal in the context of personal information about WA Government employees. In that regard, it should be noted that the Privacy Bill does not contain an exemption in relation to personal information contained in employee records. That is to say, the provisions of the Privacy Bill are intended to apply to personal information contained in employee records in the same way that those would apply to personal information collected, used and disclosed by a WA Government Agency about members of the WA public more generally.

Consistent with existing federal and State-based privacy legislation, clause 6(1) of the Privacy Bill defines personal information as:

"...information or an opinion, whether true or not, and whether recorded in a material form or not, about an individual, whether living or dead -

- (a) whose identity is apparent or can reasonably be ascertained from the information or opinion; or*
- (b) who can be identified by reference to an identifier or an identifying particular such as a fingerprint, retina print or body sample."*

The Privacy Bill establishes the role and functions of the Privacy and Information Commissioner ("Commissioner"), sets out a complaints process (including requiring Public Organisations to have in place internal complaints procedures), regulates the exchange of information between WA Government Agencies, sets out principles regulating the collection, use and disclosure of personal information and health information by Public Organisations and establishes a regime for the development and approval of Codes of Practice.

⁷ A copy of the Attorney General's Second Reading Speech is available at:

[http://www.parliament.wa.gov.au/hansard/hans35.nsf/\(Lookup+by+Page\)/2007280307824?opendocument](http://www.parliament.wa.gov.au/hansard/hans35.nsf/(Lookup+by+Page)/2007280307824?opendocument).

⁸ These entities are listed in Schedule 2 to the *Public Sector Management Act 1994* (WA) and include entities such as various Authorities, TAFEs, Commissions and public Trusts.

As the Privacy Bill has only recently been introduced, this section of the Report comprises a description of the provisions of the Bill that are most likely to affect the WAGN Proposal, or impose obligations on WA Government Agencies following the rollout of the WAGN.

2.2 Information Privacy Principles

Many of the key privacy obligations of WA Government Agencies are set out in the Information Privacy Principles ("IPPs") contained in Schedule 3 to the Privacy Bill, which "...draw heavily on the National Privacy Principles contained in the Commonwealth Privacy Act 1988 and on the Information Privacy Principles in the Victorian Information Privacy Act 2000."⁹

Clause 17 of the Privacy Bill requires Public Organisations to comply with the IPPs and a failure to comply with an obligation set out in the IPPs constitutes an interference with privacy under clause 68(a) of the Bill.

The IPPs are summarised in the table below.¹⁰ Note that this is a broad summary only and the detailed provisions of the IPPs should be considered when making any assessment of privacy impact.

Information Privacy Principle	Summary
IPP 1 - Collection	<p>A Public Organisation must not collect personal information unless the information is necessary for one or more of its functions or activities. Such collection must be, where possible, directly from the individual to whom the information relates, and must be undertaken only by lawful and fair means and not in an unreasonably intrusive way.</p> <p>At or before the time personal information is collected, the individual must be informed of:</p> <ul style="list-style-type: none"> (a) the identity and contact details of the organisation; (b) the fact that a person may gain access to their information; (c) the purposes for which the information is collected; (d) to whom the organisation usually discloses information of that kind; (e) any law requiring the information to be collected; (f) the main consequences of failing to provide the information.

⁹ A copy of the Attorney General's Second Reading Speech is available at: [http://www.parliament.wa.gov.au/hansard/hans35.nsf/\(Lookup+by+Page\)/2007280307824?opendocument](http://www.parliament.wa.gov.au/hansard/hans35.nsf/(Lookup+by+Page)/2007280307824?opendocument).

¹⁰ This is not intended to be an exhaustive list of the obligations set out in the IPPs, but a useful summary of the key aspects of each IPP relevant to this PIA process, and the conduct of WA Government Agencies in the context of the WAGN Proposal.

Information Privacy Principle	Summary
IPP 2 - Use and disclosure	<p>A Public Organisation that holds personal information about an individual must not use or disclose that personal information for a purpose other than the purpose for which it was collected unless one of a number of exceptions applies. Exceptions include circumstances where -</p> <ul style="list-style-type: none"> (a) the purpose is a related purpose, and the individual would reasonably expect the organisation to use or disclose their personal information for that other purpose; (b) the individual has consented; (c) the use or disclosure is required by law, relates to a function of a law enforcement agency or the reporting of actual or suspected unlawful activity; or (d) the use or disclosure is necessary to protect the health, safety or welfare of an individual or the public generally; (e) a disclosure is for the purpose of research into an Aboriginal person's family history, an application under Part 3 of the <i>Native Title Act 1993</i> (Cth), to the Parliamentary Commissioner, Coroner or from one public health agency to another. <p>Where a Public Organisation uses or discloses personal information for a purpose other than the purpose for which it was collected, it must make a record of the use or disclosure.</p>
IPP 3 - Data quality	<p>A Public Organisation must take reasonable steps to ensure that the personal information that it collects, uses or discloses is accurate, complete and up to date.</p>
IPP 4 - Data security	<p>A Public Organisation must take reasonable steps to protect the personal information it holds from misuse and loss, and from unauthorised access, modification or disclosure. Where personal information is no longer needed, it must be destroyed or permanently de-identified (subject to the <i>State Records Act 2000</i> (WA)).</p>
IPP 5 - Openness	<p>A Public Organisation must document clearly expressed policies on its management of personal information, and make that document available to anyone who asks for it. On request a Public Organisation must take reasonable steps to let a person know, generally, what sort of personal information it holds, for what purposes and how it handles that information.</p>

Information Privacy Principle	Summary
IPP 6 - Identifiers	<p>A Public Organisation must not assign identifiers to individuals unless it is necessary to enable the organisation to carry out any of its functions efficiently.</p> <p>A Public Organisation must not adopt as its own an identifier assigned by another organisation unless:</p> <ul style="list-style-type: none"> (a) it is necessary to enable the organisation to carry out any of its functions efficiently; or (b) the individual consents to the adoption of the same identifier. <p>A Public Organisation must not use or disclose an identifier assigned to an individual by another Public Organisation unless:</p> <ul style="list-style-type: none"> (a) the use or disclosure is necessary to enable the organisation to carry out its functions efficiently; (b) the use or disclosure is necessary for the organisation to fulfil its obligations to the other organisation; (c) the use or disclosure is required by law, relates to a function of a law enforcement agency or the reporting of actual or suspected unlawful activity; or (d) the individual consents to the use or disclosure. <p>A Public Organisation is prohibited from requiring an individual to provide an identifier in order to obtain a service unless the provision of the identifier is required or authorised by law or the provision is in connection with the purpose (or a directly related purpose) for which the identifier was assigned.</p>
IPP 7 - Anonymity	Where it is lawful and practicable, individuals must have the option of not identifying themselves when dealing with a Public Organisation.

Information Privacy Principle	Summary
IPP 8 - Transborder data flows	<p>A Public Organisation is prohibited from disclosing personal information about an individual to a person (other than the individual) outside WA, unless an exception applies. Exceptions include circumstances where:</p> <ul style="list-style-type: none"> (a) the disclosure is required or authorised by or under law; (b) the organisation believes that the information is relevant to the functions or activities of the person receiving the information, and the person is subject to a law, administrative scheme or contract requiring them to comply within information handling principles that are substantially similar to the IPPs; (c) the individual consents to the disclosure; or (d) the disclosure is pursuant to a contract between the individual and the organisation, or between the organisation and a third party for the individual's benefit.

Table 2.2A - Summary of IPPs

2.3 Codes of Practice

Under Part 4 of the Privacy Bill, an Information Privacy Code of Practice ("Privacy Code") may be either prepared by a Public Organisation and submitted to the Commissioner for approval, or prepared by the Commissioner and submitted to the Minister for approval.¹¹ Under clause 57 of the Privacy Bill, a Privacy Code is a code of practice that modifies the application or operation of any one or more of the IPPs. The Privacy Code may apply in relation to one or more of:

- (a) Any specified personal information or class of personal information;
- (b) Any specified activity or class of activity; or
- (c) Any specified Public Organisation or class of Public Organisation;

but may only apply to a Public Organisation if the organisation has agreed to be bound by the provisions of the Privacy Code.

A Privacy Code may apply for a specified period of time, but must not modify the application of an IPP in relation to a Public Organisation unless:

- (a) The organisation is not otherwise reasonably capable of complying with the IPP; and
- (b) The application or operation of the IPP is modified only to the extent reasonably necessary to enable the organisation to comply with the IPP.

¹¹ A Public Organisation may also develop or be subject to a Health Information Privacy Code, which is outside the scope of this PIA. Under clause 56 of the Privacy Bill, a Privacy Code of Practice would be submitted to the Minister responsible for the Act, whereas a Health Privacy Code of Practice would be submitted to the Minister administering the *Health Act 1911* (WA) for approval.

These provisions do not appear to permit a Privacy Code which adds privacy obligations to the existing IPPs in relation to WAGNs (such as data-matching requirements). They appear to permit modifications of the IPPs by a Code only where a Public Organisation was not otherwise capable of complying with the IPPs. An approved Privacy Code must be published in the Gazette, as must notices about any approval of an amendment to, replacement or revocation of an approved Privacy Code. Under clause 65, where a Public Organisation is bound by a Privacy Code, it must not do any thing, or engage in any practice, that contravenes the Privacy Code.

Under clause 66, the Commissioner must maintain a register of approved Privacy Codes, and must make the register available for inspection and allow copies of the register to be made.

2.4 Complaints

Under Part 5 of the Privacy Bill, a complaint may be made to the Commissioner about an alleged interference with privacy, access decision, amendment decision or contravention of a conciliation requirement by an individual within 6 months of the occurrence of that event¹². Under clause 72 of the Privacy Bill, the complaint must, amongst other things, be in writing and give particulars of the basis for the complaint.

The Privacy Bill encourages individuals to attempt to resolve privacy issues with the relevant Public Organisation prior to making a complaint to the Commissioner. Under clauses 73 and 74, the Commissioner may decide not to deal with a complaint or may refer the complaint to the relevant Public Organisation in circumstances where, amongst other things, the complainant has not made a complaint to the relevant Public Organisation or the Commissioner considers that the Public Organisation has dealt adequately with the complaint, is dealing adequately with the complaint, or has not had an opportunity to deal with the complaint.¹³

A complaint may be dealt with via conciliation proceedings under clause 78 of the Privacy Bill. Clause 79 provides that in order to deal with a complaint, the Commissioner may obtain information from such persons and sources, and make such investigations and inquiries as the Commissioner thinks fit. Conciliation proceedings are required to be undertaken with as little formality and technicality, and as much expedition, as the requirements of the Privacy Bill and a proper consideration of the matters permit. The Commissioner is not bound by the rules of evidence. Records of conciliation proceedings must be maintained under clause 80 of the Privacy Bill.

Where a complaint cannot be resolved by the Commissioner, the complainant may require the Commissioner to refer the matter to the State Administrative Tribunal ("SAT") under clause 85 of the Privacy Bill, subject to the Tribunal's jurisdiction under the *State Administrative Tribunal Act 2004* (WA). The SAT may make binding orders in respect of the resolution of a complaint.

2.5 Authorised Exchange of information between Agencies

Part 6 of the Privacy Bill overrides prohibitions on the disclosure of personal and health information by public organisations, whether those prohibitions result from other statutes, the common law, or ethical or professional obligations, provided the disclosure meets certain criteria (such as where the disclosure is for the purpose for which the information was collected, or falls within certain specified exceptions to IPP 2).

¹² The 6 month time limit may be extended by the Commissioner under clause 72(5) of the Privacy Bill.

¹³ Where the commissioner decides not to deal with a complaint in such circumstances, the complainant may require the Commissioner to refer the complaint to the State Administrative Tribunal under clause 75.

As stated in the Explanatory Memorandum to the Privacy Bill, these exceptions include disclosure:¹⁴

- To lessen or prevent a serious threat to an individual's life, to an individual's or public health, or to an individual's or public safety or to an individual's or public welfare;
- To safeguard or promote the wellbeing of a child or group of children;
- For law enforcement;
- For the performance of the licensing functions of a licensing agency; and
- For the purposes of health research in the public interest.

Consequently, such disclosure may be authorised under Part 6 notwithstanding provisions in other statutes. Disclosures of personal information may also be made to a person or body other than an agency with the approval of the Commissioner under clause 103(1). That disclosure must, however, be in accordance with the disclosure principles set out in the IPPs.

2.6 Access and amendment rights: the *Freedom of Information Act 1992* (WA)

The rights to access and request amendment of the personal information held by a Public Organisation are set out in the *Freedom of Information Act 1992* (WA) ("FOI Act"), and the Privacy Bill does not affect or supplement that Act.¹⁵

(a) Accessing personal information

Under sub-section 10(1) of the FOI Act, a person has a right to be given access to the documents of a WA Agency (other than an exempt agency) subject to and in accordance with the Act.

Sub-section 10(2) of the FOI Act, subject to the Act:

"a person's right to be given access is not to be affected by:

(a) any reasons the person gives for wishing to obtain access; or

(b) the agency's belief as to what are the person's reasons for wishing to obtain access"

(b) Agency obligations where an access request is received

Under sub-section 13(1) of the FOI Act, an agency must deal with an access application as soon as is practicable and, in any event, before the end of the permitted period.¹⁶ An Agency must provide the applicant with written notice of the decision to give or refuse access as requested in an application, and where

¹⁴ Explanatory Memorandum, Information Privacy Bill 2007 (WA), 17.

¹⁵ See clause 12 of the Privacy Bill. This is in contrast to the Federal and other State/Territory privacy regimes where a right to access and correct personal information held by an organisation (generally both public and private) is also set out in the relevant privacy legislation. It should be noted that the rights to access and request correction of health information are set out in the Health Privacy Principles contained in Part 3 of the Privacy Bill.

¹⁶ Under sub-section 13(3) of the FOI Act, the permitted period for the purposes of section 13 is 45 days after the access application is received or such other period as is agreed between the agency and the applicant or allowed by the Information Commissioner.

access is granted, section 16 provides that an individual may be charged for the time spent obtaining the documents and costs incurred in providing copies of them to the applicant.

An application may be refused in certain circumstances, such as where the document is an exempt document¹⁷, where a document is not a document of the Agency or where a person has made a donation to an art gallery, museum, library or similar institution and has imposed limitations on access to information about them.

Under section 21 of the FOI Act, an Agency must consider the nature of the information in relation to which a request has been made when making a decision as to whether access should be granted. Section 21 provides that:

"if the applicant has requested access to a document containing personal information about the applicant, the fact that the matter is personal information about the applicant must be considered as a factor in favour of disclosure for the purpose of making a decision as to -

- (a) whether it is in the public interest for the matter to be disclosed; or*
- (b) the effect that the disclosure of the matter might have."*

(c) Corrections to personal information held by an Agency or in the WAGN System

Under section 29 of the FOI Act, where an agency provides an applicant access to personal information about them, it must take reasonable steps to satisfy itself of the identity of the applicant, and ensure that only the applicant, or that person's agent nominated in writing receives the document to which access has been provided.

Section 45 of the FOI Act provides that an individual has a right to apply for personal information about them to be amended if it is inaccurate, incomplete, out-of-date or misleading.¹⁸ Such an application must be in writing and provide details of the matters in relation to which the applicant believes that the information about them is inaccurate, incomplete, out-of-date or misleading.

Where it decides to amend information about an individual, an Agency may do so by undertaking one or more of the following courses of action:

- (a) Altering information;
- (b) Striking out or deleting information;
- (c) Inserting information; or
- (d) Inserting a note in relation to the information, giving details of the basis upon which it is asserted that the information is inaccurate, incomplete, out-of-date or misleading.

¹⁷ Schedule 1 to the FOI Act includes a detailed list of matter that is exempt. Subject to exemptions, matter is exempt matter if it would reveal personal information about an individual (whether living or dead) other than the applicant.

¹⁸ Under Sub-sections 46(1)(e) and (2), a person who makes such an application must give details of the amendment that they wish to have made, and state whether they wish the changes to be made by way of altering information, striking out or deleting information, inserting information or inserting a note in relation to certain information (or in two or more of those ways).

An Agency must not obliterate or remove information or destroy a document containing information that is inaccurate, incomplete, out-of-date or misleading without certification by the Commissioner.

3. History and function of the WAGN

3.1 Background and history of the WAGN Proposal

In 2003, a functional review was undertaken by the WA Government. An outcome of the functional review was the Western Australian Government Reform Agenda ("Reform Agenda"), the broad objectives of which are the streamlining and integration of services both internal and external to Government. The Reform Agenda led to Shared Corporate Services Reform, aimed at consolidating certain duplicated systems and functions (in particular Human Resources ("HR") and Finance) across the various sectors of the WA Government.

In October 2004, the e-Government Sub-Committee endorsed the recommendation that the Office of e-Government ("OeG") develop an Identity and Access Management Strategy for the WA Government. This recommendation came about as a result of a position paper prepared by OeG and the newly-created Office of Shared Services ("OSS") entitled "The Foundations of whole-of-government Identity and Access Management for the [WA Government]".

The WAGN was borne out of work done by the OeG for the OSS on a unique identifier system as a part of a "whole-of-WA Government" Identity and Access Management Framework.¹⁹ The Shared Services Model provides an integrated framework for whole-of-government to leverage economies of scale through shared technology, information and processing. During the course of discussions with Clayton Utz, OeG stated that in the medium and long term, it is anticipated that the Model will provide the following benefits to the WA Government and WA Government Agencies ("Agencies"):

- Increased efficiencies, creating significant cost savings;
- Increased effectiveness, creating better service for agencies and allowing agencies to focus on their core business;
- Increased opportunities for continuous improvement; and
- Overall value for money.

The WAGN initiative came about shortly after OSS had contracted Oracle to build the new OSS Shared Services Enterprise Resource Planning ("ERP") System for Agencies that are to be rolled into OSS (notably this excludes Health, Education, Police and the Office of the Auditor General). As a consequence, most parts of the technological infrastructure for the WAGN System have been developed.

The identified benefits of the WAGN Proposal are stated as follows:

- *Over time to provide a means of tracking employee movement across the whole of the State Government;*
- *Provide the foundations to enable tighter security and identity management of employees;*
- *Provide the foundations of better service to be deployed;*
- *Provide the foundations for future authentication use against systems, services and information;*

¹⁹ Copies of the Identity and Access Management Framework and Identity and Access Management Action Plan are available at: <http://www.egov.dpc.wa.gov.au/index.cfm?event=projectsIdentity>.

- *Provide an integrating identifier for employee data that allows relationships to be established between and across individual operating domains such as individual agencies, in order to create a single employee business identity.*²⁰

It is intended that the WAGN will assist with functions such as whole-of-sector workforce planning and reporting. While certain WA Government entities are excluded from the initial scope of the proposed WAGN rollout, it is intended that the WAGN will eventually be issued to all WA Government employees. For example, non-OSS Agencies such as Health, Education, Police and the Office of the Auditor General are not in-scope for the initial rollout of the WAGN. However, it is intended that employees of those agencies will have WAGNs assigned to them in due course.

OeG has also advised Clayton Utz that while WAGNs will initially only be allocated to employees who are paid via WA Government payroll services (eg. not external contractors and others who are paid via Accounts Payable under a Contract of Service), it is intended that contractors who are paid via payroll services and volunteers will eventually also receive WAGNs. OeG anticipates that it will take some years for a WAGN to be issued to each WA Government employee. It may be longer before the WAGN can be rolled out to volunteers and contractors who are not paid via the Agency payroll systems.

With a view to maximising the number of WA Government employees who may receive a WAGN, the WAGN System has been built so as to enable the WAGN administration component to eventually be moved from the OSS to a central point within the WA Government. However, non-OSS agencies could still access the WAGN System while it resides at OSS. At present, non-OSS Agencies will access the WAGN System utilising a Virtual Private Network ("VPN").

It is envisaged that policy and authentication processes will eventually be built around the WAGN (eg. the WAGN will form part of two-factor authentication for systems access):

*"Initially the WAGN will be used as a mechanism for effectively managing the entitlements, career progression, job mobility and access to information of those working within the public sector, delivering significant benefits and reducing inefficiencies and duplication of efforts."*²¹

Whilst OSS will be responsible for the maintenance of the WAGN System, OeG is responsible for, and will continue to develop and disseminate policy directions for the WAGN. Consequently, OeG will continue to play an important role in ensuring that the privacy of WA Government employees is not compromised as a consequence of the introduction, initial and potential future uses of the WAGN.

3.2 What is the WAGN and what personal information is associated with it?

Initially, OeG investigated whether the Government Employee Superannuation Board ("GESB") identifier could be adopted as the unique whole-of-government identifier for WA Government employees. This proposal was found to be unfeasible. Consequently, the WAGN will be a unique, newly-generated identifier. The Business Requirements document and other documentation provided to Clayton Utz for the purpose of this PIA describe the WAGN as follows:

- An eight (8) digit employee number;

²⁰ Office of Shared Services WAGN Business Requirements, Oracle Consulting, (Version 1.1, last updated 24 November 2006), page 1.

²¹ Document entitled WAGN and the Information Privacy Bill 2006.

- Unique across the whole of the WA Government;
- Having no meaning in its own right (meaningless number randomly allocated);
- Relating to an individual;
- Persistent (ie. as a general rule it remains with that individual for their entire career with the WA Government, regardless of breaks in service).

OeG has advised Clayton Utz that the WAGN has intentionally been developed so as to have a minimal impact on the privacy of individual WA Government employees. For example, the Business Requirements document prepared in accordance with OeG's instructions provides that "WAGN numbers will be allocated in a non-sequential, random order, in order to obfuscate allocation order or historical significance."²² The WAGN will be stored in a database, referred to as the WAGN System.

The WAGN System will associate an individual WA Government employee's first, middle and surname, date of birth and gender with that person's WAGN. Agencies will be able to determine what personal information is associated with the WAGN in their own HR records and systems. At a minimum, an individual's electronic HR record contained in a particular Agency's HR Management System ("HRMS") will contain the same information about the individual as is stored in the WAGN System. The process flow of information between Agency HRMSs and the WAGN System is set out in detail at Section 4 of this Report.

It is envisaged that the potential uses of the WAGN will become more apparent over time, and individual WA Government Agencies will be in a position to have considerable control over the uses to which the WAGN is put. In that regard, the OeG Identity and Access Management website states that:

"The WAGN, when rolled out across the WA Government, will enable Agencies to adopt it as the consistent whole-of-government identifier for all employees accessing systems. Agencies will be encouraged increasingly to use the WAGN as their primary employee identifier so as to maximise the benefits that the WAGN can facilitate in terms of employee mobility, identity management, inter-Agency information sharing and whole-of-government directory infrastructure. It may also be used in local applications such as proximity cards and computer log-on processes."²³

3.3 Relationship between the WAGN and existing employee identifiers

A key aspect of this PIA is to consider the relationship between existing WA Government Agency employee identifiers and the WAGN. During the course of stakeholder consultation, WA Government Agencies provided us with details of the generation and allocation process for existing employee identifiers (stakeholder consultation processes and comments from stakeholders are summarised at Section 6 of this Report).

As a general observation, it does not appear that individual Agencies intend to replace Agency-allocated employee identifiers with the WAGN initially. The WAGN will co-exist in the employee's HR file and other records together with the current employee identifiers so that the WAGN is linked to current identifiers. The Agencies with whom Clayton Utz consulted suggested that the WAGN may, however, replace Agency-allocated identifiers over time. For

²² Office of Shared Services WAGN Business Requirements, Oracle Consulting, (Version 1.1, last updated 24 November 2006), page 3.

²³ OeG Identity and Access Management website, available at: <http://www.egov.dpc.wa.gov.au/index.cfm?event=projectsIdentity>.

non-OSS Agencies in particular, the adoption of the WAGN as a primary identifier may require amendments to be made to payroll systems, employee self-service applications and/or Agency-based asset management applications.

It appears that the majority of Agencies intend to run the WAGN concurrently with existing employee identifiers, at least initially.

3.4 Justification for introduction of the WAGN

As a component of the WA Government's Shared Services Reform initiative, key drivers for the development and implementation of the WAGN Proposal have been the potential for increased efficiency and improved whole-of-sector planning. Anecdotal evidence provided during the course of stakeholder consultation suggested that it is extremely difficult for the WA Government to prepare accurate estimates of its workforce.

In addition, it is envisaged that the WAGN System "... will provide a mechanism for effective and efficient management of entitlements, career progression, job mobility and access to information of those working within the [WA Government]."²⁴

3.5 Similar whole-of-sector identifiers

The WAGN Proposal is not the first initiative to allocate a whole-of-sector identifier to employees. Other jurisdictions have adopted a similar approach in order to realise efficiencies and better manage resources across the sector.

For example, the Australian Government Service Number ("AGSN"), allocated to both Commonwealth and ACT Government employees is assigned by the Australian Government Employees Superannuation Trust ("AGEST") to individuals primarily for the purpose of making superannuation payments to them. The AGSN is also used for the purpose of identifying employees who contact AGEST regarding their superannuation. The AGSN is retained by the employee across all Commonwealth Government Agencies and is maintained irrespective of breaks in service.

²⁴ WAGN Generator Business Requirements document, page 4.

4. Personal information and the WAGN System

4.1 Allocation of the WAGN & key functions of the WAGN System

During the course of discussions with OeG, the WAGN allocation process and key functions of the WAGN System were described to Clayton Utz. This Section of the Report summarises those discussions, and refers, where possible, to Business Requirements documentation relating to those matters.

Only minimal personal information will be stored in the WAGN System itself. Consequently, the communications link between the WAGN System and Shared Services Cluster ("SSC") HRMS s will be of critical importance, in respect of non-OSS Agencies.

*"Access to the WAGN [System] will be restricted to access via Web Services (HTTPS) over a Wide Area Network. In order to allow other Government Agencies to connect to the WAGN [System] there will need to be provision for a private network or Virtual Private Network Gateway into the network hosting the WAGN server(s). In other words, a secure connection between agency and environment where the WAGN [System] operate[s]."*²⁵ *

It is proposed that the WAGN System will work in collaboration with HRMSs to manage the numbering system, and to physically assign a WAGN to an employee record. The Business Requirements documentation provides that the purpose of the WAGN System is not to store vast amounts of Human Resources data, but to hold 'minimal details' that will be used to match HRMS records to a WAGN.²⁶

It is a requirement under IPP 5 that a Public Organisation take reasonable steps to protect the personal information it holds from misuse and loss, and from unauthorised access, modification or disclosure. This PIA cannot assess the adequacy of the technological security mechanisms to be implemented by OSS in respect of access to the WAGN System. We are assured by OeG that OSS subjects its systems to a high level of IT security, which is commensurate with and reflective of the types of information it holds (including both financial administration information relating to WA Government Agencies and personal information in the form of HR records). This is reflected in the Business Requirements documentation, which provides that:

*"All of the data in the WAGN [System] including Audit and Log data will be labelled with the 'highly sensitive' label tag. This will ensure the highest level of security for the WAGN [System] data."*²⁷

It is intended that as Agencies roll in to OSS, their existing employees will be allocated WAGNs via a "bulk upload process" whereby a WAGN is allocated to each current employee. This process will involve the population of the WAGN System with personal information about all existing employees, and association of each record with a randomly allocated WAGN.

With respect to new recruits and transferring employees, the introduction of the WAGN is not anticipated to change the EOI processes presently undertaken by WA Government Agencies.

²⁵ Office of Shared Services WAGN Business Requirements, Oracle Consulting, (Version 1.1, last updated 24 November 2006), page 7.

²⁶ Office of Shared Services WAGN Business Requirements, Oracle Consulting, (Version 1.1, last updated 24 November 2006), page 1

²⁷ Office of Shared Services WAGN Business Requirements, Oracle Consulting, (Version 1.1, last updated 24 November 2006), page 7.

* This extract refers specifically to when the WAGN System is hosted at OSS.

OeG expects that each Agency will need to be satisfied that a particular individual is who they say they are, and that necessary checks have been undertaken and, where necessary, documentation inspected and /or retained for verification purposes.

It is anticipated that existing HR functions (including existing recruitment and EOI processes) will continue to be undertaken at Agency level. The WAGN allocation process is not intended to create additional work for Agency HR staff, and WAGNs will be allocated in real time, in accordance with the process set out in the diagram below.

WAGN allocation process

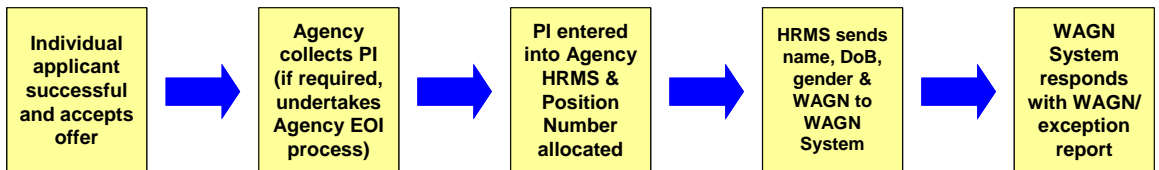


Figure 4.1A - WAGN allocation process

It should be noted that a similar flow of information will occur in instances where an individual leaves the WA Government for some reason (eg. termination, retirement, resignation etc.). The personal information relating to an individual and contained in the WAGN System will not be modified, however the record will be marked with a status of "R - Reserve" in the WAGN System. The updating of the record in the WAGN System will be based on the information contained in the relevant Agency's HRMS. Information flows are set out in more detail at Section 4.4, below.

As described above, at the time that a person is assigned to a position (ie. a Position Number is associated with a particular individual), the individual's name, date of birth and gender will be sent from the HRMS²⁸ to the WAGN System. The WAGN System will then take one of the following courses of action:

WAGN System contents		WAGN System response to HRMS
1	No record in the WAGN System with the same (or substantially the same) Individual Attributes.	WAGN System returns to HRMS a newly allocated WAGN. Individual Attributes are stored in the WAGN System. WAGN field in HRMS will be populated with individual's WAGN; in the case of OSS SSC HRMS, the National Identifier field will be populated with the WAGN
2	No WAGN supplied by HRMS, only one record exists in the WAGN System with an exact match of Individual Attributes (eg. the name, date of birth and gender related to only one record in the WAGN System each match those provided by the Agency/OSS HRMS).	WAGN System generates an exception report, which the WAGN Business Administrator will investigate. The WAGN Business Administrator then contacts Agency HR to clarify.

²⁸ HRMS refers to both agency HRMS and Shared Services Cluster (SSC) HRMS

WAGN System contents		WAGN System response to HRMS
3	WAGN supplied by HRMS, one record exists in the WAGN System with an exact match of Individual Attributes as those held under the WAGN in the WAGN System.	WAGN confirmed into National Identifier Field.
4	One or more records exist in the WAGN System with the same (or substantially the same) Individual Attributes.	WAGN System generates an exception report which the WAGN Business Administrator will investigate. WAGN Business Administrator then contacts Agency HR to clarify.

Table 4.1A - Potential requests to and responses from the WAGN System

For security purposes, the WAGN System will be designed in such a way as to ensure that only the WAGN Business Administrator will be able to interrogate the WAGN System on the basis of an individual's WAGN (ie. this is the person's WAGN, who are they?). However, details of an individual employee's WAGN will flow from an Agency HRMS to the WAGN System in circumstances where the Agency's HRMS requests that the WAGN System confirm a WAGN that has been entered into the HRMS at the time that an employee is allocated to a Position Number.

The WAGN System will return a WAGN (either a new WAGN for new requests or an existing WAGN for confirmation) to the HRMS by populating the WAGN field in the HRMS.

The WAGN Business Requirements document states that when a request is made on the WAGN System "...a corresponding Agency Code will need to be sent, to facilitate a matching notification being sent to an authorised user. For the majority of Agencies that make use of the WAGN this will be a single code they will send, but for Clustered Agencies such as OSS, this will be different depending on the employee's agency."²⁹

Where information entered into a HRMS and sent to the WAGN System for issue of a WAGN is the same (or substantially the same) as a record already contained in the WAGN System³⁰, an Exception will be generated for the WAGN Business Administrator, a function that is currently performed by OSS.

The WAGN Business Administrator will deal with the Exception in consultation with Agency HR. This may involve the WAGN Business Administrator asking the Agency HR representative to confirm that the details entered into the HRMS are correct, or to request that the individual whose Individual Attributes have been entered into the HRMS provide the answer to their secret question. Where a duplicate entry is found, the WAGN Business Administrator is able to merge two separate records to remove the duplication. The duplicated record will be marked with a status of "R - Reserve" in the WAGN System.

In circumstances where the Agency HR representative confirms that the details entered into the HRMS relate to a second individual presenting with the same Individual Attributes, one option may be that the second individual is asked to nominate a secret question and answer so that

²⁹ Office of Shared Services WAGN Business Requirements, Oracle Consulting, (Version 1.1, last updated 24 November 2006), page 7.

³⁰ The probability matching logic within the WAGN Server is currently set at a 25 probability score. This will be tested during User Acceptance Testing to determine whether the figure requires modification. See "WAGN Business Process and Policy Discussion Paper, page 6.

they may be differentiated from the first individual. They will then be randomly assigned a WAGN.

The WAGN System will maintain records of all access and amendments made to records held in the WAGN System. "All requests made on the WAGN [System] will be audited in an audit table held within the WAGN [System]. This table will record the change that has occurred to a WAGN and a date that the change took effect. Together with previous records relating to a WAGN, they will form a history of change for the WAGN. As with all data structures within the WAGN [System], Label Security has been utilised to secure viewing and manipulation of the data."³¹

4.2 Personal information to be held in the WAGN System and access to it

The WAGN System has intentionally been designed to hold small amounts of personal information about individual WA Government employees. The WAGN System will contain the first, middle and last name of the individual, their date of birth and gender. We refer to the personal information stored in the WAGN System as "WAGN System Information".

Where an attempt is made to add a person with the same, or substantially the same, Individual Attributes as an existing individual whose details are contained in the WAGN System (eg. same first, middle and surname, date of birth and gender), it may also store a secret question and answer (in a free-text field) to differentiate between the first and any subsequent WA Government employee with the same (or substantially the same) Individual Attributes.

Data field(s) in WAGN System	Description of field contents
WAGN	Sequentially generated, randomly allocated, meaningless eight digit identifier
First Name, Middle Name, Surname	First, middle and surname of individual WA Government employee
Date of birth	Individual's date of birth
Gender	Individual's gender
Secret Question	An individual employee may nominate a secret question that may be asked of them in the event that a person with the same Individual Attributes exists in the WAGN System
Answer to Secret Question	If an individual employee nominates or selects a secret question, that individual must also provide the answer to the secret question, so that it can be used to confirm that a particular set of Individual Attributes contained in the WAGN System relates to them

Table 4.2A - Personal information stored in the WAGN System

Depending on the HRMS adopted by a particular Agency, an employee will be able to see their WAGN via the Agency's online Employee Self Service function. Managers will also be able to view their employee's WAGN, in addition to the other information available to them via the HRMS. Agency HR representatives and Agency technical support staff will also have access to the WAGN and associated personal information via the Agency HRMS. Access to the WAGN System itself will not be available to employees undertaking any of these roles.

³¹ Office of Shared Services WAGN Business Requirements, Oracle Consulting, (Version 1.1, last updated 24 November 2006), page 7.

Access to the WAGN System will be restricted to the following roles within OSS:

- The WAGN Business Administrator (a summary of the functions performed by the WAGN Business Administrator can be found at Annexure B);
- The WAGN Auditor, who will be responsible for system access monitoring, data checks (eg. to identify duplications and inconsistencies in data), service level agreement monitoring and reporting (log files, allocation statistics, request statistics etc.);
- Technical support, who will be responsible for application maintenance (eg. trouble shooting, change management, software upgrades etc.), database administration including backup and recovery and server administration. Clayton Utz is informed by OeG that technical support staff will have access to the IT system, but not to the data/personal information contained in the WAGN System itself.

During the course of our discussions with OeG, we were advised that it is intended that the WAGN System will be subject to the highest level of security available in the OSS Oracle ERP system. The WAGN Business Requirements document states that:

"In order to restrict access to confidential employee details held within the WAGN System, Oracle Label Security will be employed to allow only privileged users to have access to the data while also restricting access to non-privileged users. Oracle Label Security controls access to the contents of a row by comparing that row's label with a user's label and privileges"³²

Business Rules for the WAGN System are as described in the Business Requirements documentation as follows:

- The ability to allocate a completely random and unique WAGN identifier, hence not providing inherent meaning in the WAGN or its sequence of allocation;
- Be able to perform a probability match for provided employee details to the set of allocated WAGNs;
- Be able to merge and reserve/revoke a WAGN;
- Provide an Audit Trail of activity against a WAGN identifier;
- Securely lock-down the data held within the WAGN [System] data store and any communications to and from it; and
- Provide screens to manage the [System] and its operations.³³

4.3 Stakeholder comments regarding potential additional WAGN System Information

During the course of stakeholder consultation (see Section 6 of this Report), a number of stakeholders made suggestions as to additional information about individuals that may be

³² Office of Shared Services WAGN Business Requirements, Oracle Consulting, (Version 1.1, last updated 24 November 2006), page 7.

³³ Office of Shared Services WAGN Business Requirements, Oracle Consulting, (Version 1.1, last updated 24 November 2006), page 6, as revised and amended by OeG during the course of consultation in order to accurately reflect the functionality of the WAGN System, and to reflect terminology that will be used in order to describe functions in future policy.

stored in the WAGN System. We mention the additional information here, for the sake of completeness. Stakeholders suggested that the WAGN System could usefully include the following types of information in the future:

- Details of the level of EOI undertaken in relation to a particular person (particularly useful for Agencies such as Health or Education, where police and working with children/elderly checks are performed on employees and the fact that such a check has been performed must be recorded). This may be in the form of the level of EOI documentation provided and verified for the purposes of such a check based on a pre-agreed set of EOI levels (eg. 50 points, 100 points, 100 points and police check);
- Details of an individual's employment history in the WA Government (it should be noted, however, that some Agencies did not agree with this proposal as it was considered undesirable for a particular individual's employment history to be known, particularly where such a person subsequently became a part of a covert police operation, for example); or
- An indicator as to whether an individual is a 'current'/'active' or 'inactive' WA Government employee.
- A secret question and answer to differentiate individuals with the same or similar attributes. OeG has advised Clayton Utz that some individuals (those presenting with the same or substantially the same Individual Attributes) will be asked to nominate a secret question and answer. At this stage it is not intended that WA Government employees to whom a WAGN is allocated via the bulk upload process will be asked to nominate a secret question and answer, unless an Exception is generated in relation to that individual (because similar Individual Attributes already exist in the system). However, this will be reviewed during testing and after implementation.

4.4 Flows of personal information to and from the WAGN System

As described above, personal information (the name, date of birth and gender of an individual, as well as that person's WAGN where one has been previously assigned and is known to either the individual or the Agency HR representative) will be sent from the HRMS to the WAGN System at the time that an individual is assigned to a position (eg. when a Position Number is allocated). The WAGN System will store the information it receives if that information does not already appear in a record contained in the System, and will either return a WAGN to the HRMS by populating the National Identifier field, or generate an Exception for actioning by the WAGN Business Administrator.

The flows of personal information into and out of the WAGN System are summarised in the diagram below.

WAGN information flows

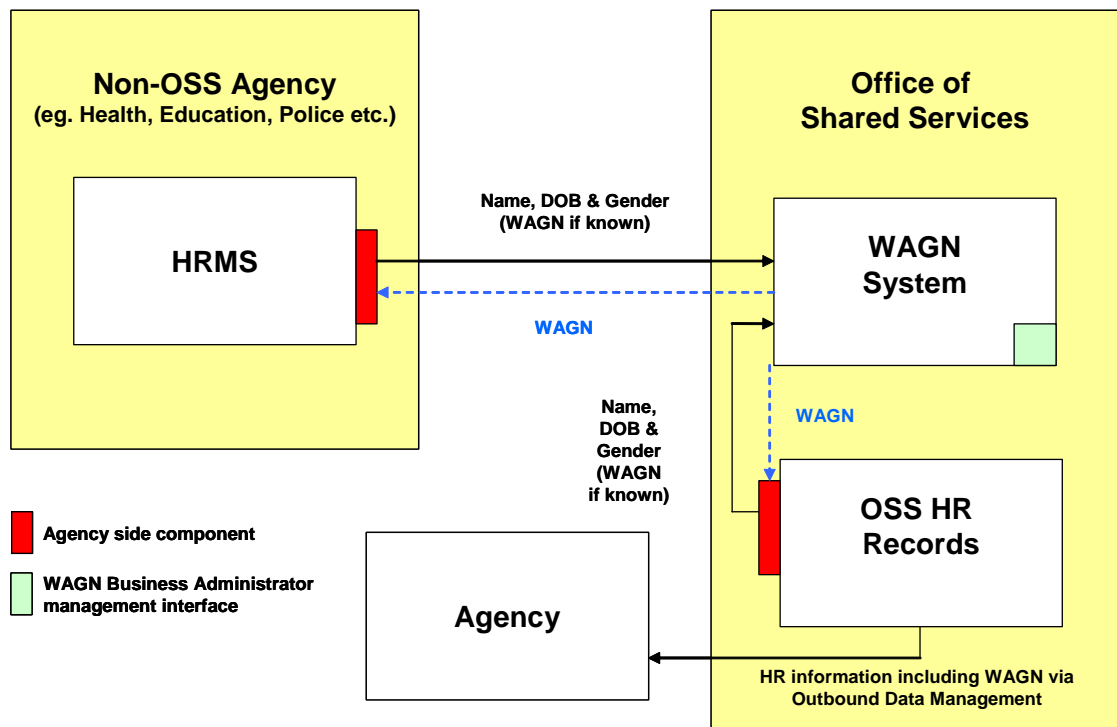


Figure 4.4A - Flows of WAGN and personal information

4.5 Updating, retaining and destroying WAGN System Information

Where an individual's Individual Attributes change (for example, where an individual's name changes), Agency HR may place a change request with the WAGN Business Administrator, once an Agency HR representative has satisfied themselves of the need for a change to be made.

Similar to any personal information about WA Government employees stored in an Agency's HR system, WAGN System Information must be retained in accordance with the State Records Office of Western Australia - General Disposal Authority for Human Resource Management Records ("Disposal Authority").

The Disposal Authority was initially prepared pursuant to the *Library Board of Western Australia Act 1951* (WA), but that Act was repealed and the Disposal Authority now falls within the ambit of the *State Records Act 2000* (WA). The general requirement for the retention of HR records is 71 years after the employee's date of birth, or 6 years after retirement, whichever is later, or 6 years after death.³⁴

Where an individual is no longer an employee of the WA Government, their WAGN and WAGN System Information will remain in the WAGN System until it can be destroyed in accordance with the Disposal Authority. A WAGN that has been allocated to an individual who is no longer a WA Government Employee will be marked with "A – Allocated".

³⁴ See para 5.11.3 of the General Disposal Authority for Human Resource Management Records available at: <http://www.sro.wa.gov.au/pdfs/GDA-HR.pdf>.

5. Potential uses and disclosures of the WAGN

There are a number of potential uses and disclosures of the WAGN that are apparent from the Business Requirements documentation, arose during the course of stakeholder consultation or became apparent from discussions between OeG and Clayton Utz.

5.1 Potential uses and disclosures within an employer Agency as an identifier for employees (including for access to resources)

- (a) Use as a general employee identifier

Clearly, the WAGN provides the potential for the abolition of existing employee identifiers and for their replacement with a single identifier. At this stage, OeG has indicated that while a WAGN will eventually be issued to all WA Government employees, Agencies will be left to decide if, and when, the WAGN will be adopted in place of existing employee identifiers, such as staff numbers or payroll numbers.

During the course of stakeholder consultation, it was noted that while each Agency has adopted at least one identifier for employees, several Agencies are presently in the process of rationalising many identifiers and identification systems with a view to better managing resources across the Agency. The potential to use the WAGN as a single employee identifier was also considered to be of particular value to Agencies with employees and resources spread across wide geographical areas, or with significant numbers of duplicate HR records.

- (b) Use for de-duplication of existing HR records

As noted above, a number of Agencies are, at present, in the process of rationalising HR databases and employee identifiers. For example, one agency noted that it had 7 separate databases containing employee records relating to employees performing approximately 65,000 roles, and a different identifier system for each database.

Such Agencies could see potential to use the WAGN as part of the process of de-duplicating existing employee records, reducing the total number of HR records retained, and ensuring that all information relating to a particular employee could be easily located and accessed as necessary, was accurate, complete and up-to-date.

- (c) Use for access to systems, buildings and services

The WAGN may also be used as an identifier for the purposes of providing access to Agency systems, buildings and services. Stakeholders noted that currently, WA Government employees may use any combination of a number of identifiers to access various Agency systems and facilities (for example, an employee may use one identifier combining initial and surname (in conjunction with a password) for access to an Agency LAN, their payroll number for access to Finance systems, and a PIN code or pass for physical access to buildings, remote access to systems, etc.).

Use of the WAGN to facilitate access to resources would provide greater consistency for users of those resources, enable Agencies to better manage access requirements and to monitor entitlement to use facilities. In addition, it was noted during the course of stakeholder consultation that use of the WAGN as an identifier for systems access may also lead to efficiencies in the creation and maintenance of staff directories and the like.

- (d) Uniform and timely de-provisioning of access to systems, buildings and services

During the course of stakeholder discussions it was also noted that, just as the WAGN may be a useful tool for granting individual WA Government employees access to Agency systems, buildings and services, adopting a consistent and unique identifier may also assist agencies to de-provision employees who are dismissed or leave their employment.

As stated above, employees may presently use any combination of a number of identifiers to access various Agency systems. In the event that a single, unique identifier was used to access each of these (whether alone or in combination with a password or PIN), Agencies could cancel or suspend access to each of these far quicker, providing a disgruntled dismissed employee a far smaller window of opportunity to engage in malicious conduct following dismissal. The same principle would apply if the WAGN was linked to the various identifiers utilised by a particular Agency employee.

5.2 Potential uses and disclosures for data-matching and linking by Agencies and OSS (outside of the WAGN System)

- (a) Use for providing whole-of-sector employee reporting

Once issued to all WA Government employees, the WAGN may also facilitate the compilation of whole-of-sector reports of employee numbers, placement of workforce and movements within the sector.

Much of the reporting utility of the WAGN is, however, dependent upon what, if any, information is stored in the WAGN System in addition to an individual WA Government employee's WAGN, name, date of birth and gender. For example, unless the WAGN System contained an accurate current/active or inactive flag, it would not be possible to determine the current size or composition of the WA Government workforce from the WAGN System alone. The WAGN System could be utilised to determine the total number of unique employees historically employed across the sector and the average age or gender distribution of that historical workforce.

Further, the WAGN could potentially be utilised to interrogate the various Agencies' HRMSs, so as to determine the number and placement of unique WAGNs representing individuals who are currently employed. This would appear to provide more useful information about the nature of the WA Government workforce than the contents of the WAGN System in isolation.

As has been stated previously in this Report, OeG intends that the WAGNs eventually be issued to contractors and volunteers (including board members, volunteer personnel etc.). It should be noted that the more types of persons to whom WAGNs are issued across the WA Government, the less helpful the WAGN will be in determining the number and placement of each type of individual (eg. employees, contractors, volunteers) unless the type of relationship is also noted in the WAGN System.

- (b) Disclosure for employee "tracking" purposes

The allocation of WAGNs to all WA Government employees presents an unprecedented opportunity for one or more Agencies to track the movement of a particular employee across Agencies throughout that individual's career with the WA Government.

Given the limited amount of information to be stored in the WAGN System, the potential for such tracking to occur arises primarily via the use of combined Agency HRMSs, rather than via the WAGN System. For example, following the rollout of the WAGN, it will be possible for an individual or Agency to query all HRMSs using an individual's WAGN, so as to establish if and if so, for how long, the individual associated with that WAGN was employed by a particular Agency.

Presently, such an interrogation of the HRMS of each Agency could only be conducted using some other attribute or combination of attributes, such as the individual's name, or name and address, because of the fact that each Agency has adopted its own process for the generation and allocation of employee identifiers.

The allocation of a common and unique identifier for use by all Agencies provides far greater scope for a "profile" of a particular WA Government employee to be established. However, it should be noted that such an activity could only be undertaken by an individual with access to all Agency HRMSs (or a clustered HRMS in the case of OSS Agencies), or an individual who has the cooperation of all or a large number of Agency HR representatives.

The WAGN could also be used in combination with Agency HRMSs for the purpose of verifying an individual employee's length of service with the WA Government.

- (c) Use for combining HR records in relation to particular WA Government employees

Similar to the fact that it will enable tracking of employees across Agencies, the WAGN will also create opportunities for a single HR record to be compiled about an individual, irrespective of the Agency/ies for which the individual has worked.

From information provided during the course of stakeholder consultation, it appears it is common (and expected) practice for an individual's HR record to follow them when transferring from one Agency to another. However, it is possible that the WAGN could be utilised as a tool for linking the HR records of a particular WA Government employee across several Agencies. This is potentially even more likely in the event that the individual moves across several Agencies that are a part of the OSS cluster.

5.3 Potential uses and disclosures of the WAGN outside of the WA Government

During the course of discussions with OeG and stakeholders, few examples of potential private sector uses of the WAGN were identified. For example, it was considered unlikely that the local dry cleaners or coffee shop would require a WA Government employee to provide their name and WAGN in order to verify entitlement to a discount, or to establish and maintain an account for monthly payment.

The only identified circumstance in which a private sector organisation may wish to use and adopt the WAGN as an identifier was where the organisation was not a contractor to a Public Organisation (if it was the IPPs would apply to it), but most or a large proportion of the organisation's customer base comprised WA Government employees to whom a WAGN had been allocated.

It was also mentioned during the course of stakeholder consultation that, depending on the robustness of the WAGN allocation process (and its link to verification of identity), in some circumstances private sector organisations may find the WAGN to be a reliable confirmation of the fact that an individual has been identified by an Agency or Agencies for which that individual has worked.

6. Opinions of stakeholders

6.1 The role and importance of consultation in the PIA process

"As a PIA also involves consideration of community attitudes and expectations in relation to privacy, and because potentially affected individuals are likely to be key stakeholders, public consultation will also often be important, particularly where large quantities of personal information are being handled or where information of a particular sensitivity is involved. A PIA which incorporates public consultation can help to engender broad community awareness and confidence in the project."³⁵

All PIA models and guides emphasise the importance of consultation as an integral part of an effective PIA process. Stakeholder consultation can assist to:

- Assess the level of stakeholder awareness in relation to a particular initiative;
- Increase awareness of and support for an initiative which may have an impact on privacy (either positive or negative);
- Ensure affected individuals are well informed as to the likely treatment of their personal information should an initiative be implemented, and reduce the potential for misconceptions about potential privacy impacts of an initiative;
- Identify privacy issues that may arise as a consequence of the particular activities undertaken by a stakeholder in relation to personal information;
- Gauge levels of comfort with and support for an initiative;
- Identify possible solutions to aspects of an initiative that may have a negative effect on the privacy of individuals.

6.2 Stakeholder consultation undertaken

Stakeholder consultation has comprised an important part of this PIA process, as is reflected in this PIA Report. So as to seek the views of WA Government Agencies that may be impacted by the WAGN Proposal, Clayton Utz met with representatives of the following WA Government Agencies at a Stakeholder Consultation Forum ("Stakeholder Forum") held in Perth on 26 April 2007:

- Office of Shared Services ("OSS");
- Landgate;
- Government Employee Superannuation Board ("GESB");
- Department of Consumer and Employment Protection ("DOCEP");
- Department of Education and Training ("DET");
- Department of the Attorney General ("DOTAG");
- Department of Industry and Resources ("DOIR");
- Department of Planning and Infrastructure ("DPI");

³⁵ Office of the Federal Privacy Commissioner, *Privacy Impact Assessment Guide*, August 2006, page 9.

- Department of Health ("Health").

During the course of the Stakeholder Forum, participants were asked to describe, at a high level:

- The demographics of the Agency they were representing;
- The EOI process in place within the Agency (including any particular checks that must be undertaken prior to commencement of employment such as police checks, integrity checks or working with children / elderly checks);
- Any particular difficulties encountered in identifying employees or potential employees;
- How personal information is collected and stored (including whether such information is stored in hard copy or electronically);
- The likely level of acceptance for / opposition to the WAGN Proposal within the Agency;
- Whether existing employee identifiers would likely be retained by the Agency following implementation of the WAGN;
- Any actual or potential uses of the WAGN following its implementation; and
- How complaints about the treatment of personal information would be dealt with at an Agency level.

Separate consultation interviews were undertaken with HR (including HR technology) representatives of WA Police and DOTAG on 26 April 2007, and written comments were received from the Department for Community Development on 1 May 2007. Written comments were also received from the Department for Child Protection.

In mid-May 2007, OeG coordinated a stakeholder consultation process in relation to the initial draft of this Report. General stakeholder comments were provided to Clayton Utz in a consolidated form, and more detailed responses were forwarded to Clayton Utz for review and adoption in the final Report as appropriate.

Annexure D comprises a table summarising the responses of Agencies to a set of structured questions regarding existing practices and the potential impact of the WAGN on WA Government Agencies.

6.3 The context - Agency profiles and existing practices

The WA Government Agencies consulted by Clayton Utz ranged in size from less than 1,000 employees and contractors to more than 41,000 employees acting in over 65,000 positions or job roles. Some Agencies were concentrated mainly around the metropolitan Perth area, while others were spread throughout the State (including sparsely inhabited regional areas) or had offices in overseas locations.

Each WA Government Agency consulted by Clayton Utz reported that it presently collected personal information about employees (in many, but not all instances, following the completion of some form of EOI check), and allocated one or more identifiers to each individual in order to hire employees, pay them, grant access to systems and buildings and to report on the demographics and size of the Agency workforce in general.

In some instances, personal information for EOI purposes is collected incidentally. For example, in one Agency, it was not uncommon for individuals / managers to provide copies of EOI documents with an application for a police check. The application only requires the person witnessing it to verify that identity documents have been seen. Where copies of EOI documentation were received, the Agency would store these on the individual's hard copy file.

As a general rule, Agencies were supportive of the WAGN initiative, although most Agencies indicated that it would be some time before a decision could be made as to whether the WAGN could be adopted as an employee identifier in place of all existing employee identifiers. Some Agencies suggested that further consideration could be given to adoption of the WAGN as a single identifier once the affect of the Shared Corporate Services Reform was known. This was particularly the case of Agencies that will eventually roll into OSS. Other Agencies recognised that initiatives were already underway to rationalise multiple employee identifier systems (such as in Health).

Police stated that while the WAGN may be a feasible replacement for its employee payroll number, it is unlikely that the WAGN would be adopted in place of the Police Department ("PD") number assigned to police officers.

6.4 Agency perspectives on potential privacy impacts of the WAGN

Key observations made and issues raised by Agencies during the course of consultation included the following:

- Awareness of the WAGN Proposal and its potential impacts was limited to those within Agency HR, or senior management. Consequently, it was somewhat difficult to determine whether the WAGN Proposal gave rise to privacy concerns in the wider employee population;
- The WAGN may be able to be used for purposes other than merely as an identifier, provided that it was assigned following the completion of a reliable process to verify the identity of WA Government employees to whom a WAGN had been issued;
- Agencies were generally unwilling to rely on an EOI process performed by another Agency. Even if the WAGN System specified the (agreed) level of EOI that had been undertaken, Agencies would most likely undertake their own EOI process prior to allocating a WAGN to an individual employee;
- The WAGN should be prevented, as far as possible, from being used by the private sector as an identifier (it was noted that this was outside of the scope of the Privacy Bill);
- Integrity and security of the WAGN system and security of the link between it and Agency HRMS are of paramount importance. Individual employees must be assured that their personal information is safe;
- Policies and procedures around collection, use and disclosure of personal information relating to the WAGN must be developed in consultation with Agencies, and must be widely communicated so that Agencies are aware of their privacy obligations;
- Agencies expressed a desire for the WAGN system to be managed by an independent Agency following the issue of WAGNs to all WA Government employees.

7. Potential privacy impacts of the WAGN proposal

7.1 The WAGN System and associated information flows

We have designated the public organisation which manages the WAGN system as the WAGN System Manager ("WSM"). Initially the WSM is likely to be OSS but that may change in the future.

We have assumed that the WSM is a "public organisation" for the purposes of the Privacy Bill (this includes a contractor to a Schedule 1 public sector body).

(a) Collection and Data Quality

The WSM collects personal information about an employee from a HRMS as described in Section 4 of this Report.

The WSM will need to comply with IPP 1 by taking reasonable steps to ensure that the individual about whom the WSM has collected personal information is aware of the matters set out in IPP 1(4). The WSM may well do this by arrangement with the HR areas in OSS and other participating Agencies so that HR has the responsibility of disclosing those matters as well as OSS's and the Agency's own IPP 1 disclosure matters.

It will be important in this disclosure for the WSM to make sure the individual is aware of the purposes for which the information is collected (and these may need more policy definition before they are formulated) and the types of individuals or organisations to which the WSM will disclose the personal information.

The WSM will need to have clearly expressed policies on its management of personal information available to anyone who asks for it, to comply with IPP 5.

Under IPP 3 the WSM must take reasonable steps to ensure that the personal information it collects, uses or discloses is accurate, complete and up-to-date. As regards collection, the WSM is almost entirely dependent on the supplying HRMS for the quality of the information provided, subject only to the WSM's check for duplicates and taking of steps to avoid the creation or perpetuation of more than one WAGN record for the same individual.

The WSM will have ongoing data quality obligations which will require the proper handling of new and updated information received by it from HRMSs of OSS and participating Agencies.

If more fields are added to the WAGN record (such as whether the individual is currently employed in the WA Government or not or the level of EOI conducted by the Agency supplying the data to the WSM), the practical implications of the data quality obligation on the WSM expand.

As discussed earlier in this Report, it is the hiring Agency which conducts evidence of identity checks to whatever standard the Agency deems suitable and which retains, to the extent the Agency policy requires, the evidence of those checks (such as hard copies or images of identity documents sighted). There has been some discussion as to whether the EOI records are stored with the hiring Agency or with OSS if OSS is providing the HRMS for the Agency. In either case, the EOI records are not part of the WAGN System and a consideration of the privacy issues surrounding the collection, storage, use and disclosure of EOI records is out of scope for this PIA on the WAGN Proposal.

(b) Disclosure and Data Quality

Under IPP 2, the WSM may disclose the information in the WAGN System for the purpose for which it was collected and otherwise only as permitted by the terms of IPP 2. It seems likely that almost every disclosure by the WSM of WAGN System data will be for the primary purpose for which it was collected which, without positing a final formulation ahead of policy development, is likely to be to allocate and maintain a record for use by government of a unique identifier for each WA Government employee. This would enable the WSM to disclose data from the WAGN System to any WA Government Agency requesting that data for purposes within the scope of the policies applicable to the use of the WAGN at the time.

The data quality obligation on disclosure would be discharged by the WSM in the same way as discussed above for collection and holding. The WSM would be responsible to faithfully transcribe the personal information provided by Agencies and OSS including updates and make reasonable efforts to ensure there are no multiple WAGNs for the same individual. In addition, data quality is protected by implementing reasonable data security measures (see below).

We have assumed that the WSM will not disclose information from the WAGN System to the private sector. If this is incorrect, then the WSM's collection disclosure to individuals would need to change.

(c) Data Security

Under IPP 4(1) a public organisation must take reasonable steps to protect the personal information it holds from misuse and loss and from unauthorised access, modification or disclosure. The security of the WAGN System and the proposed policies on access to it are set out in Section 4.2 of this Report. We cannot assess the adequacy of the IT and data security available in the Oracle ERP system but the proposed policy and assurances from OSS that the WAGN Business Requirements have been met provides confidence that reasonable steps have been taken to protect the data security of the personal information in the WAGN System.

The role of the WAGN Business Administrator, the integrity of that person and the authentication systems and access logs that ensure that only that person can alter the WAGN System in the ordinary course, will be crucial to ensuring data security.

One outstanding question is how the various security and access policies will be mandated and policed. At this stage they are either set out as Business Rules in the Business Requirements documentation or designed into the architecture of the System. We consider that some of these policies about collection, use, disclosure, data quality and data security relating to the WAGN System should be formalised in a Code of Conduct which is made widely available. We discuss that proposal further below.

IPP 4(2) provides that a public organisation must take reasonable steps to destroy or permanently de-identify personal information if it is no longer needed for any purpose. If the WAGN Record is an HRM Record then the relevant Disposal Authority discussed at Section 4.5 applies. But it may be that the WAGN System might also be used for research and management in relation to WA Government employment and that historical data, including that of deceased individuals, may be needed for some time after death. Policies will need to be developed to determine when WAGN System records are no longer needed for any purpose.

(d) The WAGN as an Identifier and IPP 6 Issues

The WSM is likely to be affected only by IPP 6(1) which provides that a public organisation must not assign identifiers to individuals unless the assignment of identifiers is necessary to enable the organisation to carry out any of its functions efficiently. Clearly, the raison d'être of the WSM maintaining the WAGN System is to assign WAGNs to individuals and hence IPP 6(1) would be satisfied.

(e) Summary

The core operations of the WAGN System looked at in isolation from wider use of the WAGN in the WA Government, do not appear to raise significant privacy issues other than the security of the data in the WAGN System and its protection from unauthorised access and misuse. This outcome is a consequence of the design of the WAGN as a System of minimum personal information and because the most significant collections, uses and disclosures of the WAGN from a privacy point of view will occur in the WA Government outside the WSM.

7.2 Collection, use and disclosure of WAGN Personal Information by individual Agencies and OSS

(a) For HR purposes

A core purpose of the WAGN is for use by HR systems and management in individual Agencies to provide a unique persistent identifier for each WA Government employee. The inclusion of the WAGN in an employee's HR record of an Agency, either in addition to or in substitution for existing Agency assigned identifiers, is, of itself, unlikely to raise significant privacy issues, provided that the Agency handles the personal information in their HR records in accordance with the IPPs, including those relating to data quality and data security, use and disclosure.

(b) For identity and access management to Agency resources

An Agency may choose to use the WAGN as one element of its identity and access management regime for access to Agency resources and facilities. As one stakeholder noted, because the current WAGN System data is very limited (not even indicating whether the individual is a current WA Government employee), it is highly unlikely that the WAGN would be the sole element of any authentication method for access to resources. Such a proposed use of the WAGN would be no different than the use of current employee identifiers assigned by Agencies. The only point of caution is that because the WAGN is not a secret number, the more it is used across the WA Government and the greater the variety of purposes for which it is used, the easier it will be to collect and to use that for identity fraud purposes. This reinforces the stakeholders' comments that it is unlikely that a WAGN will be the sole element of any authentication or access regime.

(c) For other purposes

An Agency may use an employee identifier like the WAGN for a range of purposes. We note here that IPP 6(4) provides that a public organisation must not require an individual to provide an identifier in order to obtain a service unless the provision of the identifier is required or authorised by law or the provision is in connection with the purpose (or a directly related purpose) for which the identifier was assigned.

Where an Agency requires an individual to provide a WAGN to obtain a service which is only made available to employees and the WAGN is used to verify that the

person is a current employee by reference to the Agency's HR records, then it is unlikely that IPP 6(4) will present an obstacle because the provision of the WAGN to the Agency is in connection with the purpose of identifying the person as a WA Government employee which is the purpose for which the WAGN was assigned.

It may be that there are other purposes for which an Agency would require an employee to provide a WAGN (including an employee of another Agency). If these purposes are not related to using the WAGN to prove that the individual is a current employee of the WA Government and the WAGN has to be produced in order to provide a service from the Agency, then there may be an issue of compliance with IPP 6(4). Thus IPP 6(4) puts some limits on requiring the provision of a WAGN by an individual as a condition of obtaining a service from an Agency but should not stop such requirements where the provision of the service requires evidence that the individual is or has been a WA Government employee and the WAGN is used to verify that condition.

7.3 Cross-Agency and Whole of Government Uses of WAGNs

We have discussed in Section 5.2 some potential uses and disclosures of WAGNs and associated information for data - matching and linking of records by Agencies and OSS and whole-of-sector employee reporting.

The Federal Privacy Commissioner has stated:

"Data-matching involves bringing together data from different sources and comparing it. Much of the data-matching done by agencies subject to the Privacy Act aims to identify people for further action or investigation. For example, records from different departments are often compared to identify people who are being paid benefits to which they are not entitled or people who are not paying the right amount of tax. Data-matching poses a particular threat to personal privacy because it involves analysing information about large numbers of people without prior cause for suspicion."

Much of the data-matching, linking and reporting utility of the WAGN is dependent upon what information is stored in each WAGN record. Accordingly, the privacy impact of the uses of the WAGN for whole of Government reporting or data-matching and linking by Agencies will depend on the richness of the information contained in the WAGN System. The WAGN System has been deliberately designed to have minimum personal information in the WAGN Records. This minimises the privacy impact of uses of the WAGN as a linking identifier and for research and reporting but it also limits the utility of the WAGN for that purpose.

It is likely that there will be proposals to expand the information contained in the WAGN Record to increase the utility of the WAGN. This phenomenon is sometimes known as "function creep" and we use that term in a neutral and not a pejorative sense. For each proposed addition to the WAGN System there will be a range of potential new uses of the WAGN and the WAGN Record for data-matching, linking and reporting and there will be corresponding new privacy implications.

We make two recommendations to manage these anticipated future developments.

1. Privacy reviews for changes to the WAGN record

Proposals to expand the content of the WAGN System Records should be subject to a privacy review before being approved. The privacy review should report on the potential uses and disclosures of the enhanced information and on any potential new or enhanced uses of the WAGN (given the additional information associated with it) for data-matching or linking or reporting across Agencies or for whole of Government. This privacy review

process could be built into the WAGN Code of Conduct which we discuss below.

2. Consideration of Data-Matching Guidelines

We recommend that OeG consider proposing the development of Data-Matching Guidelines in relation to the WAGN. The Australian Government has developed Data-Matching Guidelines in the context of data-matching client information. One set of guidelines relating to data-matching on tax file numbers is mandatory because of the secrecy of the TFN and the sensitivity and tax records to which it can be matched. (Guidelines can be found at Annexure A of this Report).

The other Australian Government Set of Guidelines issued by the Privacy Commissioner is a voluntary set of guidelines not relating to TFN matching. These voluntary guidelines may contain some useful principles which could be adopted in the WAGN Code of Conduct in relation to proposals for data-matching or linking or interrogation of individual Agencies' HRMS databases using the WAGN for the purpose of building up profiles or tracking individuals or for whole of sector reporting.

7.4 Uses of the WAGN and associated personal information outside the WA Government

(a) Uses and Disclosures to Other Governments

We imagine that when WA Government employees are seconded or transferred to other governments for a period that their HR file and WAGN may be transferred also. We cannot foresee any significant privacy issues with such transfer of employee information and the WAGN but OeG and other stakeholders may wish to consider this further.

(b) Use and Disclosure of the WAGN and Associated Personal Information in the Private Sector

We understand that OeG intends that private sector organisations will have no access to the WAGN System and should not have access to information from HRMSs of individual Agencies or OSS. We note however that there is nothing in the Information Privacy Bill to prevent this beyond the standard restrictions on disclosure in IPP 2.

IPP 6 relating to identifiers does not put any restrictions on the private sector as opposed to a public organisation. National Privacy Principle 7 in the Federal *Privacy Act 1988* does impose restrictions on the private sector in relation to the adoption or use of identifiers assigned by Australian Government and ACT Government Agencies but not in relation to identifiers assigned by a State Government. Accordingly there are no privacy law statutory restrictions in relation to private sector adoption or use of the WAGN. For example, there is nothing to stop a private sector organisation requiring an individual to provide a WAGN in order to obtain a service although this may be prohibited to a public organisation under IPP 6(4).

The WAGN Code of Conduct could be used to prohibit public organisations (including contractors to the WA Government) from disclosing WAGNs and associated information to private sector organisations (this may be achieved already by existing statutory secrecy provisions). Probably there is a capacity to prohibit WA Government employees from disclosing their WAGNs to private sector organisations although we have not investigated this. But there is no law at the moment to prevent private sector organisations from collecting, adopting and using

WAGNs or requiring their provision by individual employees as a condition of the provision of a service or a discount by the private sector organisation.

It is not clear to us whether this lack of controls over private sector in respect of use of the WAGN and associated personal information is a problem. Given the current minimal content of the WAGN System, we have had difficulty in envisaging a scenario where a private sector organisation would be highly motivated to collect, use or adopt WAGNs for its own purposes.

Private sector organisations may find the WAGN to be a useful confirmation of the fact that an individual is or has been employed by the WA Government and (depending on the content of the WAGN System) is or has been identified by an Agency or Agencies.

Also, if the personal information in the WAGN System Records was expanded, a greater incentive for a private sector organisation might be created. We consider this as a matter which OeG and stakeholders should discuss further with a view to determining whether some controls should be put on the disclosure of WAGNs and WAGN related information to private sector organisations or whether the Information Privacy Bill ought to be altered to prevent private sector use of State Government allocated identifiers in circumstances similar to those set out in IPP 6.

8. Privacy benefits, and mechanisms to protect or enhance privacy

We consider that the WAGN System design has been undertaken with a clear intention to protect the privacy of the individual WA Government employees to whom a WAGN is to be issued. In particular, we note that the following features of the WAGN Proposal have a potentially positive effect on the privacy of WA Government employees to whom a WAGN is allocated:

1. The WAGN does not of itself reveal anything about an individual WA Government employee.

As described at Section 3.2 of this Report, OeG advises us that the WAGN itself has intentionally been developed so as to have a minimal impact on the privacy of WA Government Employees. Under the WAGN Proposal, the WAGN is to be allocated to WA Government Employees in a non-sequential, random order, so as to obfuscate allocation order or historical significance.

Consequently, the WAGN itself will not reveal information about matters such as:

- the WA Government Agency for which an individual works or has worked;
- the approximate time at which an individual was allocated a WAGN;
- how long an individual has been an employee of the WA Government; or
- the seniority of a particular individual.

2. It is not intended that the WAGN be a secret number.

Documentation provided to Clayton Utz during the course of this consultation, information obtained via consultation with OeG and other stakeholders regarding potential uses of the WAGN and OeG's website, make it clear that the WAGN is not intended to be a secret number.

This characteristic should render the WAGN less attractive to those who may wish to acquire and use it for an illegitimate purpose (irrespective of whether that purpose may lead to a privacy breach). (However, we note that the potential for illegitimate use of a WAGN (and hence its attractiveness) depends on how agencies use it in practice. eg. for access to resources.)

3. Minimal personal information will be stored in the WAGN System, and the WAGN System will not contain any information that is not presently stored in Agency HRMSs.

Implementation of the WAGN Proposal will not lead to the collection of new types of personal information that are not presently collected by WA Government Agencies. Many WA Government Agencies presently collect name, date of birth and gender information about employees as a matter of course. As described in Section 4 of this report, it may be that additional information (in the form of a secret question and answer) will be collected from individual WA Government employees in circumstances where two (or more) individuals present with the same, or substantially the same, individual attributes.

Following implementation of the WAGN Proposal, the information that is collected by Agency HR representatives will be stored in the relevant Agency's HRMS, and will flow from the Agency HRMS or the OSS HRMS to the WAGN System as described in Figure

4.4A. It is not proposed that there will be any separate personal information collection activity engaged in by the WAGN Business Administrator, except where the WAGN Business Administrator is notified (via an Exception Report) that an individual has presented with the same, or substantially the same Individual Attributes as a person who has already been allocated a WAGN. In those circumstances, the WAGN Business Administrator will contact the relevant Agency's HR Representative to ask that the individual nominate a secret question and answer.

4. The ability to interrogate the WAGN System will be restricted to the WAGN Business Administrator Function.

OeG has advised Clayton Utz that the ability to search the WAGN System will be confined to the WAGN Business Administrator role. The search function will primarily be used in circumstances where the WAGN Business Administrator has been notified of an attempt to allocate a WAGN to a person who has the same, or substantially the same Individual Attributes contained in a record in the WAGN System.

The WAGN Proposal as described in the Business Requirements Documentation does not include functionality for searching to be undertaken by Agency HR Representatives or other roles within particular Agencies. In fact, following implementation of the WAGN Proposal as described by OeG and the Business Requirements Documentation, there will be little human interaction with the WAGN System at all.

Restricting the ability to interrogate the WAGN System to the Business Administrator role enhances the privacy of WA Government employees to whom a WAGN is issued. By way of example, such a restriction will severely limit the number of persons who can interrogate the WAGN System to obtain details of the WAGN allocated to a particular person, or details of the person to whom a particular WAGN has been allocated.

5. The WAGN System will only provide one of a limited number of responses to the HRMS of the relevant WA Government employee's Agency, and will not disclose information to Agency HR Representatives.

As described in Section 4 of this Report (in particular Table 4.1A), the WAGN System will respond to requests from Agency and OSS HRMSs in one of three ways (allocating a new WAGN to an individual, confirming the WAGN entered into the HRMS by populating the National Identifier Field in the HRMS, generating an Exception report for actioning by the WAGN Business Administrator).

Where an exception report is generated, it is not proposed that the WAGN Business Administrator will provide details of each potential match to the relevant Agency HR Representative. What is proposed is that the WAGN Business Administrator will contact the relevant HR Representative to seek additional information about the individual to whom a WAGN is to be allocated, or in relation to whom a WAGN confirmation has been sought.

In most circumstances, the exception will be dealt with by the WAGN Administrator either asking the individual WA Government Employee to nominate a secret question and answer, or asking them to provide the answer to a question already stored in the WAGN System. This approach to system design and the relevant business rules should ensure that there is no unnecessary disclosure of personal information by the WAGN System or the WAGN Business Administrator.

9. PIA consultants' overall view and summary of recommendations

9.1 Consultants' Overall view

The WAGN Proposal as designed appears to present no major privacy issues that have not been anticipated in the design. The protection of the privacy of WA Government employees should continue to be a key element of system design and implementation.

In our view, the four key privacy issues to be managed are:

1. Data security of the WAGN System but this has been taken into account in the design;
2. Future changes to the content of the WAGN System record making it a richer and more useful record and the privacy implications thereof;
3. Present and future uses of the WAGN to:
 - (a) link records, build profiles, data-match records and provide reports across agencies or the whole of the sector; and
 - (b) as part or all of an authentication credential which must be presented to access resources within government;
4. Whether private sector use of the WAGN needs to be regulated.

Assuming that the Information Privacy Bill is enacted and our recommendations are implemented, we consider that the privacy issues raised by the WAGN proposal are manageable without detracting from the desired utility of the WAGN as a unique, persistent, whole of WA Government employee identifier.

9.2 Recommendations to protect privacy

In order to address the key privacy issues presented by the WAGN Proposal and so as to protect the privacy of individual WA Government employees to whom a WAGN is allocated, we recommend the following action be taken by WA Government (to be co-ordinated as necessary by the OeG):

Recommendation One: Implementation of the WAGN Proposal as described by OeG and the Business Requirements Documents

When implementing the WAGN Proposal and allocating WAGNs to WA Government employees, OeG, the WA Government and Agencies more generally should adopt and implement the privacy sensitive mechanisms set out in the Business Requirements Documentation and the Business Rules described to Clayton Utz during the course of consultation. This includes the implementation of business rules ensuring that physical and technological access to the WAGN System is restricted, flows of personal information to and from the WAGN System only take place as described in Section 4 of this Report (which reflects the Business Requirements Documents and OeG's description of the WAGN Proposal) and uses and disclosures of the WAGN are in accordance with recognised privacy requirements, such as the Information Privacy Principles.

Recommendation Two: Further Privacy Impact Assessments as necessary

We recommend that OeG consider a PIA at any extension or change of scope, or, if changes to the collection, use and disclosure of personal information (potentially including the WAGN itself) associated with the WAGN or the WAGN System are proposed in the future. If this

raises privacy concerns, OeG should undertake a further PIA. Such a PIA would form a key component of the formal privacy review process we propose as part of our recommended WAGN Code of Conduct (see below).

Recommendation Three: Development of a WAGN Code of Conduct

Some formal, binding rules concerning the operation of the WAGN System and the collection, use and disclosure of the WAGN by WA Government Agencies and contractors should be implemented, potentially in the form of a WAGN Code of Conduct endorsed by Cabinet. Currently, some privacy enhancing features of the WAGN are incorporated in OeG's proposed Business Rules in the Oracle build, but the relevant privacy and management rules need to be given an enduring authority across the WA Government.

As stated at Section 2.3 of this Report, a Privacy Code developed under Part 4 of the Privacy Bill is not a suitable vehicle because it can only be made and applied in circumstances where an agency is not in a position to comply with the IPPs. A Code of Conduct can also cover issues other than those covered in the IPPs.

In particular, we consider that a WAGN Code of Conduct should be developed to incorporate the following matters:

- Relevant Business Rules concerning the operation and use of the WAGN System by the WAGN System Manager and Agencies;
- A formal privacy review process to consider the privacy impact of any proposed change to the scope of the content of WAGN System records. Such a process would necessarily involve consultation with a range of WA Government stakeholders, perhaps via a committee of representatives from WA Government Agencies and employees;
- Guidelines or binding rules as to whether and how Agencies may use and disclose WAGNs as part or all of an authentication credential which must be presented to access resources;
- Data-Matching Guidelines to regulate use of the WAGN (by linking WAGNs to information contained in Agency HRMSs) by Agencies and whole of WA Government for the purpose of linking records, building profiles, data-matching records or providing reports across agencies or the whole of the WA Government;
- Any rules considered appropriate regarding prohibiting or permitting disclosure of WAGNs by Agencies or employees to private sector organisations (see below);
- A requirement that each Agency (or a central Agency) operate a Complaints Management Process for complaints regarding allocation, use or disclosure of a WAGN (see below);

Consideration should also be given to what the incentives for compliance with the Code of Conduct should be (eg. should there be penalties or compensation arrangements in the event of non-compliance by either an Agency or the WAGN System Manager?).

Recommendation Four: Technological limitations on access to the WAGN System

In line with the Business Requirements documentation and OeG's proposed system design, the WAGN System Manager should place technical / access limitations on the various roles that have both physical and systems access to the WAGN System. These should include limiting the access that external service providers may have to the WAGN System and its contents (for

example, restrictions and privacy obligations should be included in Service Level Agreements and contracts with service providers).

Recommendation Five: Consider restriction of private sector collection and/or use of the WAGN

Consideration needs to be given to whether any regulation (and if so what) is required in relation to the private sector adopting, requiring, using and disclosing WAGNs (including on any expansion of the content of WAGN System records). As the WAGN is not intended to be a secret number, it would not be necessary for such regulation to incorporate prohibitions that are as extensive as those which apply to TFNs. The WAGN Code of Conduct could place some prohibitions or restrictions on Agencies and employees disclosing their WAGNs to private sector entities. Direct regulation of the private sector's activities in collecting, requesting or requiring WAGNs would require legislation. We note that IPP 6(4) prohibits a public organisation (but not a private sector organisation) from requiring an individual to provide an identifier in order to obtain a service, unless the provision is required or authorised by law or is in connection with the purpose for which the identifier was assigned.

Recommendation Six: Transfer of responsibility for the WAGN System to an independent / unrelated Agency

We have been informed that the WAGN System component of the OSS Oracle ERP has been designed in such a way as to enable it to be extracted from the OSS systems and placed in a separate location. While it is proposed that OSS will initially take on the role of WSM, we recommend that consideration be given to moving responsibility for the WAGN System to a separate independent or unrelated WA Government Agency once rollout of the WAGN moves beyond the OSS Cluster Agencies to Agencies more generally.

Recommendation Seven: Development of a WAGN Complaints Management Process

While the IPPs set out processes and procedures for complaints to be made to and investigated by the Privacy and Information Commissioner, we recommend that a Complaints Management Process be developed to deal with complaints either before they are referred to the Commissioner, or in circumstances where the Commissioner declines to deal with a complaint because the complainant has not yet made a complaint to the relevant respondent (which in the case of the WAGN would most likely be either the WSM or the relevant Agency). The WAGN complaints management process would clearly need to be cognisant of timeframes for making complaints to the Commissioner, the Commissioner's powers in respect of complaints and the circumstances in which the Commissioner may refer a complaint back to an Agency for resolution.

Glossary

Agency	means a WA Government Agency.
Agency HR	means an Agency's HR branch or HR personnel
Cluster Agency	means Agencies that will or have rolled in to the OSS HR and Finance functions.
EOI	means Evidence of Identity. Proof (e.g. in the form of documents) usually produced at the time of Registration (i.e. when authentication credentials are issued) used to substantiate the identity of the presenting party. ³⁶
ERP	means Enterprise Resource Planning.
Exception Report	means a report generated by the WAGN System where there is a match (or high probability of a match) between the Individual Attributes of an individual and an existing record in the WAGN System.
HR	means Human Resources.
HRMS	means Human Resources Management System (Agency/OSS Cluster level system).
IAM	means Identity and Access Management.
Individual	means a person who is Western Australian Government employee.
OeG	means the Office of e-Government (WA Department of Premier & Cabinet).
OSS	means the Office of Shared Services.
Individual Attributes	means an individual's first name, middle name and last name, date of birth and gender.
WAGN	means the Western Australian Government Number.
WAGN Business Administrator	means the role within the WAGN System Manager that has access to and responsibility for the operational aspects of the WAGN System (for example, this role will action Exception Reports generated by the WAGN System).
WA Government	means Western Australian Government.
WAGN System	means the computing unit (both hardware and software components) which allocates a WAGN and stores it against an individual.
WAGN System Information	means the information relating to individuals stored in the WAGN System and associated with each individual's WAGN.
WAGN System Manager	means the WA Government entity responsible for the WAGN System and the issue of WAGNs to individual employees. Initially this will be OSS, but may be a separate entity in the future.

³⁶ This definition is taken from the OeG Identity and Access Management Framework document, available at: http://www.egov.dpc.wa.gov.au/documents/idam_framework_final.pdf.

WAGN Server means the database server that processes WAGN System queries.

WAGN DBT means the design, build and test of the WAGN application.

Annexure A - Tax File Number ("TFN") protection in Australia

Collection, use and disclosure of TFNs under the *Taxation Administration Act 1953 (Cth)*

Section 8WA(1) of the *Tax Administration Act* deals with mandatory requests for provision of a TFN. It provides that a person "must not require or request another person to quote the other person's tax file number." The penalty for a breach of section 8WA(1) is a \$10,000 fine, 2 years imprisonment, or both.

Under sub-sections 8WA(1AA) and (1A), the above prohibition does not apply in specific circumstances, such as where:

- provision is made by or under a taxation law or legislation; or
- a person requires or requests the number to be quoted in connection with that person exercising powers or performing functions under, or in relation to, or complying with an obligation imposed by, a taxation law or a law of the Commonwealth specified in the *Income Tax Assessment Act 1936 (Cth)*³⁷; or
- a person is acting on the other person's behalf in the conduct of their affairs; or
- the request is made so that the number can be included in an application for the registration of an entity under the *A New Tax System (Australian Business Number) Act 1999 (Cth)*.

Importantly, a Defendant bears the evidential burden in relation to the matters in the above sections (i.e. the Defendant must prove that the request for an individual's TFN was authorised under the relevant legislation).

The above provisions do not prevent a person from requesting the production of a document, or a copy of a document, on which another person's TFN is recorded if the other person is not prevented from removing the TFN from the document (Section 8WA (2)).

Section 8WA(3) provides that a person who makes to another person a statement that the other person could reasonably understand to mean that the other person is required or requested to quote the other person's TFN shall be taken to require or request the other person to quote the number.

Section 8WB of the *Tax Administration Act* deals with unauthorised recording, use and disclosure of TFNs. Section 8WB(1) provides that:

"A person must not:

- (a) record another person's tax file number or maintain such a record; or
- (b) use another person's tax file number in a manner connecting it with the other person's identity; or
- (c) divulge or communicate another person's tax file number to a third person."

The penalty for a breach of section 8WB(1) is also \$10,000 or imprisonment for 2 years, or both.

Under section 8WB(1A), the general prohibitions in section 8WB(1) do not apply in circumstances where the recording, use or disclosure is required or permitted by, or reasonably

³⁷ Such as legislation relating to the administration of the HECS scheme by educational institutions, child support assessment, social security, veterans' entitlements, and superannuation legislation.

necessary to comply with certain Commonwealth legislation, or where a person is acting on the other person's behalf in the conduct of their affairs.

Collection, use and disclosure of TFNs under the TFN Guidelines

The TFN Guidelines are issued under section 17 of the *Privacy Act 1988* (Cth) to protect the privacy of natural persons by regulating the collection, storage, use and security of TFN information. The Guidelines do not protect TFN information relating to entities such as corporations, partnerships, superannuation funds and trusts.

The Guidelines are legally binding to the extent that a breach of the Guidelines amounts to an interference with the privacy of an individual, who may complain to the Privacy Commissioner and, where appropriate, seek compensation.

Guideline 1.1 is an outright prohibition of the use of the TFN as a national identification system by whatever means. The Guidelines clearly state, however, that this does not preclude the use of the TFN as an identifier for taxation law purposes by the Commissioner of Taxation.

Guideline 1.2 provides that the rights of individuals under taxation, assistance agency or superannuation law to choose not to quote a TFN shall be respected. This right forms the basis of what is referred to in the Guidelines as the 'voluntary quotation principle', recognising the fact that an individual is not legally obliged to quote a TFN.³⁸

Guideline 2 deals with the use and disclosure of TFN information. It provides that the TFN is not to be used or disclosed:

- to establish or confirm the identity of an individual;
- to obtain any information about an individual; or
- to match personal information about an individual³⁹; or
- for any purpose not authorised by taxation, assistance agency or superannuation law.

For the avoidance of doubt, the Guidelines provide a list of classes of lawful TFN recipients, current at the date of issue of the Guidelines. The list includes, for example, the Australian Taxation Office, various Government Departments, employers who pay wages or salaries to their employees, higher education institutions etc. The Guidelines also explicitly state to whom lawful TFN recipients may disclose TFNs.

The Guidelines also impose obligations on the Commissioner of Taxation ("Tax Commissioner") so as to ensure that members of the community (both collectors of TFNs and individuals to whom a TFN has been issued) are aware of the circumstances in which a TFN may be requested, collected, used and disclosed. Guideline 3.1 requires the Tax Commissioner to publish, in a generally available publication, information relating to:

- the classes of persons or bodies who are authorised by law to request an individual to quote that individual's TFN;
- the specific purposes for which such a request may be made;

³⁸ The Guidelines note that neither taxation nor assistance agency nor superannuation laws make the quotation of a tax file number a requirement, although the financial consequences of not quoting can be severe. However, under assistance agency law, the quotation of a tax file number is a condition for the receipt of assistance payments.

³⁹ The Guidelines state that in particular, matching of tax file number information is not to be undertaken by government agencies, employers, investment bodies or the trustees of superannuation funds for any purpose not authorised by taxation, assistance agency or superannuation law.

- the prohibitions upon the collection, recording, use and disclosure of TFN information; and
- the penalties that apply to unauthorised acts and practices in relation to TFN information;
- together with information as to where detailed particulars relating to these matters can be obtained.

Guidelines 3.2 and 3.3 require the Tax Commissioner to publish the above information prior to any new circumstances in which a tax file number may be requested arising as a result of an amendment to a taxation law, and to ensure that any practice involving the collection of TFN information which has been prescribed or approved by him, provides for individuals to be informed of the legal basis for collection, that declining to quote a TFN is not an offence and of the consequences of not quoting a TFN.⁴⁰

Guideline 5 relates to the collection of TFN information. It provides guidance in relation to section 8WB of the Tax Administration Act referred to above. Guideline 5.1 provides that TFN information may only be requested or collected from individuals by TFN recipients as authorised by taxation, assistance agency or superannuation law.

Guideline 5.2 obliges TFN recipients to take reasonable steps in the circumstances to ensure that:

- the individual is informed of the legal basis for collection, that declining to quote a TFN is not an offence and of the consequences of not quoting a TFN;
- the manner of collection does not intrude to an unreasonable extent upon the affairs of the individual;
- only information which is necessary and relevant in relation to whichever of taxation, assistance agency or superannuation laws applies to the TFN recipient.

TFN recipients are obliged, under Guideline 6 to ensure that TFN information is protected, by such security safeguards as it is reasonable in the circumstances to take, to prevent loss, unauthorised access, use, modification or disclosure, and other misuse. Where practicable, access to TFN information must be restricted to persons undertaking duties related to responsibilities arising under taxation, assistance agency or superannuation law which necessitate the use of tax file numbers.

Under Guideline 6.2, TFN recipients may destroy TFN information in circumstances where it is no longer required by law or administratively necessary to be maintained. Any such disposal of TFN information is required to be by appropriately secure means.

Where an individual provides, either voluntarily or as a consequence of a legal obligation to do so, information which contains a TFN for a purpose not connected with the operation of a taxation, assistance agency or superannuation law that individual will not be prevented from removing their TFN from a document. Where the individual chooses not to remove their TFN, the TFN recipient is precluded from recording, using or disclosing the individual's TFN (Guideline 7).

Guideline 8 obliges TFN recipients to take such steps as are reasonable in the circumstances to make all staff aware of the need to protect the privacy of individuals in relation to their tax file

⁴⁰ For that purpose, the ATO has issued a document entitled "Guidance on the Preparation of Tax File Number Forms", which outlines the design requirements for forms used to collect TFN information. The Insurance and Superannuation Commissioner and assistance agencies are under similar obligations under Guidelines 3A and 4.

number information and to inform those staff whose duties include the collection of tax file number information, or access to tax file number information of:

- the circumstances in which tax file number information may be collected;
- the need to protect the privacy of the individuals to whom the tax file number information relates;
- the prohibitions on the use and disclosure of tax file number information; and
- the sanctions that apply to breaches of tax file number and privacy requirements.

Annexure B - Role and functions performed by WAGN Business Administrator

The WAGN Business Administrator will be responsible for the following core WAGN functions⁴¹:

- Bulk data uploads - the allocation of WAGNs to existing WA Government employees will be delivered through a 'bulk data upload' function. The role will include assisting agency HR personnel with the Bulk Data Upload file, preparation of the production database and staging areas for exception and result files from the bulk data upload process, review exception and result files to ensure all exception records are fixed and run final error-free data file against production server;
- Resolve exceptions and errors - any exceptions resulting from the WAGN process will be resolved through manual intervention by the WAGN Business Administrator. Exceptions consist of employee attribute clashes or duplications;
- Manage the WAGN test database and environments - the test database and environments (eg. staging area) will be used for testing purposes such as testing the agency-side component. The WAGN Business Administrator will manage and maintain the test database and WAGN environments;
- Implement request for change of WAGN - the WAGN Business Administrator will also have the authority to approve and activate a WAGN change request based on a set of policies and principles. Any business case that falls outside these principles will be referred to OeG for resolution.
- User support - the WAGN Business Administrator will provide assistance and training to nominated Agency HR personnel, as well as update training manuals as required. This service is available to all WA Government Agencies utilising the WAGN System.
- The WAGN Business Administrator will perform the following tasks:
 - Bulk generation of WAGNs for Agencies pre-roll-in;
 - Bulk generation of WAGNs for Agencies post roll-in;
 - Bulk WAGN upload (WAGN to OSS HRMS);
 - Advise and assist in the resolution of exceptions and errors (includes record merging and WAGN revocation as part of the duplicate record process);
 - User provisioning;
 - Agency data maintenance (ie. Agency codes);
 - System communication (ie. manages notification of downtime, upgrades, etc.);
 - Management of the WAGN test database and environments;
 - End user support;
 - Provide advice on System Change Requests;

⁴¹ WAGN Administration functions and services, pages 7 and 11.

- Provide advice and assistance in the resolution of technical issues;
- Manage security in relation to system access and application security.

Annexure C - Australian Government Rules on Data Matching

The Australian Government regulates data-matching by federal agencies, particularly in respect of agency clients of Centrelink, the Department of Veterans Affairs and the ATO.

There are two types of data-matching regulation in the Australian Government.

1. Mandatory Data-Matching guidelines for Centre Link, ATO and DVA

Under the *Data-Matching Programme (Assistance and Tax) Act 1990* (Cth) the conduct of data-matching programmes using the Tax File Number ("TFN") is regulated. The Act requires the Privacy Commissioner to issue guidelines for the conduct of those data-matching programmes. All applicants for welfare assistance must give their tax file number as a pre-condition to payment. The Data-Matching Act authorises the use of the TFN to obtain income details from the ATO to check that the payments made are correct.

The Act and OPC guidelines contain a number of technical controls and fairness provisions which are overseen by the Privacy Commissioner. A breach of the Act or guidelines constitutes an interference with the privacy under the Privacy Act and a person may complain to the Privacy Commissioner if he or she considers an interference with privacy has occurred.

2. Voluntary Data-Matching Guidelines

The Privacy Commissioner has also issued advisory guidelines for the use of data-matching in Australian Government administration for voluntary adoption by agencies conducting matching, other than the programmes regulated by the Data-Matching Act.

These guidelines apply when the TFN is not used in the matching process.

Agencies may seek exemption from compliance with certain aspects of the voluntary guidelines where the agency believes it to be in the public interest. The Commissioner has granted one exemption for an ATO data-matching programme.⁴²

⁴² For more information see the Federal Privacy Commissioners website at: www.privacy.gov.au/act/datamatching/index.html

Annexure D - Stakeholder Consultation - summary of Agency responses

Agency / Question	Agency 1	Agency 2	Agency 3	Agency 4
<p>What EOI checks are presently undertaken by WA Government Agencies on new or transferring employees and volunteers?</p>	<ul style="list-style-type: none"> For some staff, integrity checks are undertaken, viewing licence, passport, visa or birth certificate. Copies of these are retained by the recruitment area; Personnel files are retained for some employees (including copies of EOI documents). Other groups of employees, referred to as "public servant employees" are not subjected to the same requirements. 	<ul style="list-style-type: none"> All employees and contractors must undertake a full Police Record Check, incorporating the "100 point ID" check. 	<ul style="list-style-type: none"> Drivers' licence or passport sighted by HR and a photocopy kept on file. 	<ul style="list-style-type: none"> Police Clearance
<p>Should/are copies of EOI documents be retained by the Agency undertaking the EOI process?</p>	<ul style="list-style-type: none"> Yes, in respect of some staff; Not required in relation to public servant employees. 	<ul style="list-style-type: none"> Copies are retained as part of normal record keeping processes associated with Human Resource activities. It is possible that EOI processes may require a higher level of compliance or greater degree of access to such information. Gaining such access to EOI details may be difficult if the other information on such HR files is deemed as not appropriate for such non-HR type access. 	<ul style="list-style-type: none"> It is necessary for copies of identity documents to be retained for future clarification; We currently keep copies on file. 	

Agency / Question	Agency 1	Agency 2	Agency 3	Agency 4
<p>Should there be any exceptions to the requirement for an EOI process?</p>	<ul style="list-style-type: none"> No, apart from the fact that public servant employees are not required to meet EOI standard. 	<ul style="list-style-type: none"> Hard to imagine any exceptions other than short-term nature of some engagements of a nature that doesn't warrant such rigour, eg: nature of work, access to personal information, children. 	<ul style="list-style-type: none"> Cannot see the need for any exceptions. 	
<p>How are employee identifiers presently issued by each agency? What type of identification process is undertaken?</p>	<ul style="list-style-type: none"> A personnel number is issued to all employees and is the primary identifier; Some staff are issued a separate number which may or may not be the same as their personnel number (depending on length of service). 	<ul style="list-style-type: none"> Numerical Identifiers are generated by the HR system, Empower; Identifiers are also generated for all workers requiring access to computer system. These are generated by fairly standard process of firstname+first character of last name; Currently, these IDs are never re-issued because some legacy corporate systems have incorporated this logon id into their identification process. Eg: "gregn" would be found as the identifier within a "user" table and associated with any number of records to indicate that gregn was the person who created those records. 	<ul style="list-style-type: none"> As a new starter's details are entered into the HR system, the system allocates the next employee number in sequence; Job logged with service desk to allocate IT system log ons separate from the HR number. 	<ul style="list-style-type: none"> Employee identifiers are automatically generated and issue on hire of employee. Checks are performed to validate first name, middle name, surname and DoB to ensure there are no duplicates.
<p>How do agencies envisage that EOI processes will be undertaken for existing employees?</p>			<ul style="list-style-type: none"> If changes were required a revision of current employees would be required. This would be a process of re-checking current employees to meet the required standard. 	

Agency / Question	Agency 1	Agency 2	Agency 3	Agency 4
Who will be responsible for performing the EOI process?			<ul style="list-style-type: none"> The HR branch of the Agency would be required to check EOI for the Agency. 	<ul style="list-style-type: none"> Recruitment branch will continue to perform this task in conjunction with Personnel and Payroll branches.
Who will be responsible for undertaking EOI processes in remote locations? Will an acceptable referee process be considered?	<ul style="list-style-type: none"> The most senior person in a rural area would sight the documents and then send originals to Perth for integrity check to be undertaken. Outcome of integrity check stays with Recruitment. Copies of EOI documents are retained by Personnel. 		<ul style="list-style-type: none"> The manager of the office would have to view and obtain copies of the required documents and forward these to HR. 	<ul style="list-style-type: none"> [Most senior person in the location would be sufficient]
How (if at all) will EOI information collected during the enrolment process be stored and used following the allocation of a WAGN?		<ul style="list-style-type: none"> From a Data Architecture perspective, it is crucial to have certain metadata closely associated with the WAGN so that it can always be evaluated for its accuracy and currency. 	<ul style="list-style-type: none"> Stored on file; Access to the file by HR for reference; Employee can view file. 	
Will existing employee identifiers assigned by agencies be retained? If so, how will a particular employee's WAGN be linked to their existing identifier (and any other associated information about them)?	<ul style="list-style-type: none"> There is already some confusion between the two employee identifiers issued by the Agency; If any number was to be replaced, it would be the HR / Payroll number. There are system constraints around entering numbers into the system. 	<ul style="list-style-type: none"> Most flexible solution would allow for each agency (or effectively any issuer of Identifiers) to continue to issue their own identifiers and for these to be cross-referenced to the WAGNs; This reflects the fact that some IDs of interest to the EOI process could never be controlled or managed under that process. From Drivers licences, Passport Numbers to Employee IDs for agencies in other states. 	<ul style="list-style-type: none"> The existing identifier would be retained and the WAGN would be linked to this through the system. 	<ul style="list-style-type: none"> Yes. An additional field will be created to store the WAGN against the employee.

Agency / Question	Agency 1	Agency 2	Agency 3	Agency 4
(Continued)		<ul style="list-style-type: none"> • They are, however all of interest to the EOI process and therefore any method that can provide qualified (for accuracy/currency) cross-references between these identifiers and the WAGN would seem the ideal solution. 		
Is there any proposal to use the WAGN and associated personal information to perform other functions?	<ul style="list-style-type: none"> • Employee identifiers are already used to gain access to systems; • The WAGN may be useful for replacing the 6 digit personnel number. 	<ul style="list-style-type: none"> • Our Active Directory plans (to utilise Active Directory as our Corporate Directory) would allow for the incorporation of additional identifiers against each person within the Directory. 	<ul style="list-style-type: none"> • Not at present. 	<ul style="list-style-type: none"> • Not at this stage other than to meet HR Minimum Obligatory Information Requirements (MOIR).
What types of personal information and data stores might be matched?		<ul style="list-style-type: none"> • Potentially any corporate systems that maintain details on employees, however the approach may be to maintain our own identifier internally and only cross-reference (and display the WAGN) when necessary. 	<ul style="list-style-type: none"> • Possibility of linking HR and IT and other records systems depending on system functionality. 	
Will the WAGN be published on any documents (eg. payslips, rosters, other employment related docs)?	<ul style="list-style-type: none"> • May be used for superannuation purposes. 		<ul style="list-style-type: none"> • Will depend on OSS. 	<ul style="list-style-type: none"> • Payslips most likely.

Agency / Question	Agency 1	Agency 2	Agency 3	Agency 4
<p>Can it be expected that any WA Government Agency employees will oppose the introduction of the WAGN (or completion of an EOI check / retention of copies of or details from EOI documents) or any particular uses of the WAGN?</p>	<ul style="list-style-type: none"> There may be some issues around issuing WAGNs to certain employees. 			<ul style="list-style-type: none"> Some resistance may need to be managed via a change management process.
<p>How will complaints about the WAGN (collection of personal information, allocation of the WAGN and use of either of these) be dealt with by Agencies?</p>				
<p>Will or should individual Agencies be responsible for responding to complaints made to the Information Commissioner, and for being involved in conciliation processes?</p>				<ul style="list-style-type: none"> Preferably not.
<p>Will the exceptions from the application of the Bill contained in IPP 6 (eg. to carry out functions efficiently) adequately authorise the intended collection, use and disclosure of the WAGN by WA Government Agencies?</p>			<ul style="list-style-type: none"> Yes, the WAGN would enable more efficient functioning. 	

Agency / Question	Agency 1	Agency 2	Agency 3	Agency 4
<p>Will it be necessary to consent to the collection, use and disclosure of the WAGN to be obtained, or can consent be avoided by relying on the "carrying out its functions efficiently" exemption? If so, how, and by whom will consent be obtained (for example where an employee proposes to move from one Agency to another).</p>				
<p>Are agencies in favour of a code of conduct?</p>				<ul style="list-style-type: none"> • Will need to be discussed further within the Agency but sounds like a great idea.

Agency / Question	Agency 5	Agency 6	Agency 7	Agency 8
<p>What EOI checks are presently undertaken by WA Government Agencies on new or transferring employees and volunteers?</p>	<ul style="list-style-type: none"> New Employees undergo a 100 point check. We do not sight the documents but rely on the employee getting the appropriate sighting. They must send copies of documents. We do this for a criminal record check; Existing employees who are transferring within the Agency may go through the above. We are considering making the above mandatory if not already done; <p>Volunteers must also go through the above process.</p>	<ul style="list-style-type: none"> Provision of original documentation, birth certificate or passport and visa where relevant. A photocopy is taken and the original marked to indicate that the original has been sighted with date and signature. Then maintained on personnel file. No drivers' licence sighted unless requirement of job; Where qualifications are essential for the position, the same applies to original qualifications; For some roles, a Federal Police clearance is required in addition to the above; An induction checklist is maintained to ensure information is collected. Sometimes this is post commencement, with the exception of Police Check. 	<ul style="list-style-type: none"> Varies depending on the role that the person is being recruited for. The general approach is: Australian birth certificate; Australian passport; Australian citizenship certificate; or Other passport and visa check; TFN stored as part of start up process. Checks for transferring employees typically only rely on information from the previous employer; In sensitive roles there will be a requirement for a 100 point check and possibly police and other security agencies; For certain roles profession qualification will also be sighted and copied. 	<ul style="list-style-type: none"> Birth certificate Driver's licence Qualifications Residency status Police clearance Passport / Visa (as necessary) Payment summary GESB number TFN

Agency / Question	Agency 5	Agency 6	Agency 7	Agency 8
<p>Should/are copies of EOI documents be retained by the Agency undertaking the EOI process?</p>	<ul style="list-style-type: none"> If employees send copies of documents for 100 point check. Otherwise, our forms allow the sighting officer to tick that they have sighted it; We may move to a requirement to retain copies in the future. 	<ul style="list-style-type: none"> Yes - sighted copies are filed on individual personnel files; During the period of employment - yes. however, if the person transfers to another Agency these records should follow them; Terminated employee records are maintained in accordance with the WA Government Record Keeping Standards. 	<ul style="list-style-type: none"> Currently, hard copies are retained on HR files; Proposed that if OSS and the WAGN are fully utilised then there is a need for soft copies of EOI documents to be retained and possibly passed between Agencies as employees move; If the WAGN is a centralised process, the EOI documents should be retained at OSS. Agency understanding is that the aim is to no longer have a hard copy HR file. 	<ul style="list-style-type: none"> Yes, it is essential for investigative purposes; Usually stored in personnel files or local databases; Used for career progression in some cases.
<p>Should there be any exceptions to the requirement for an EOI process?</p>	<ul style="list-style-type: none"> At present as this is a policy, the Director General can and has waived the ID check requirement; Long term staff may never have undergone an ID check. 	<ul style="list-style-type: none"> No. 	<ul style="list-style-type: none"> No. 	<ul style="list-style-type: none"> No, unless general clerical positions or casual employees; Minimum EOI checks required.
<p>How are employee identifiers presently issued by each agency? What type of identification process is undertaken?</p>	<ul style="list-style-type: none"> Payroll / Employee number is allocated by the payroll system; Some employees / non-employees are issued an information system number. 	<ul style="list-style-type: none"> Our HR system automatically generates a unique 6 character number. 	<ul style="list-style-type: none"> Multiple numbers are issued: Payroll number for personnel in the payroll system; Network and building access identifiers; Individual application identifiers; E-mail identifiers; Badges / tokens. The EOI process is not really rigorous. WAGN could be linked. 	<ul style="list-style-type: none"> HRMIS issues identifier and EOI process is undertaken on induction.

Agency / Question	Agency 5	Agency 6	Agency 7	Agency 8
<p>How do agencies envisage that EOI processes will be undertaken for existing employees?</p>	<ul style="list-style-type: none"> • 100 Point Check minimum; • There are issues with travelling and itinerant employees. Often they are not able to provide enough ID to satisfy the check requirements. 	<ul style="list-style-type: none"> • Will need to communicate with staff on purpose etc. • Then audit personnel file to determine whether records exist that satisfy EOI requirements; • Request provision of documentation; <p>Follow up;</p> <ul style="list-style-type: none"> • We will still undertake the existing EOI process for new or transferring employees if their documentation is not adequate regardless of whether or not they already have a WAGN. <p>Issues:</p> <ul style="list-style-type: none"> • What penalties are there for existing employees who will not provide the required information? • Resources required for this project. 	<ul style="list-style-type: none"> • Could be phased in with the annual performance development review. For those accessing sensitive information it could be rolled in with periodic security checks; • Some volunteers would be very hard to identify, especially those in remote areas; • New appointments and transfers could be a simple strengthening of current processes; • However, management of soft copies of EOI documents could be a major task and would require new processes and an extension of present technology; • There may be issues with an Agency relying on an identity document that it issues itself; • Checking to see that a person is entitled to work (citizenship and/or visa check) needs to be run outside the EOI process. 	<ul style="list-style-type: none"> • Same process by agency in order to match physical identity with systemic process; • We require photos to be published on intranet.

Agency / Question	Agency 5	Agency 6	Agency 7	Agency 8
<p>Who will be responsible for performing the EOI process?</p>	<ul style="list-style-type: none"> The Agency manages this, but we allow external sighting of IDs. 	<ul style="list-style-type: none"> Currently the HR area will do this however with our roll in to OSS this issue will need to be addressed as we will not have adequate resources past roll in to OSS. 	<ul style="list-style-type: none"> No decision yet. The roll-in date for OSS and the present boundary between Agency HR and OSS HR will affect who does what. If soft copies of EOI documents are to be retained then the storage system may determine who does what; Current process is managed by Agency HR. In remote areas, local management may control the process and forward issues to HR. 	<ul style="list-style-type: none"> HR branch, managers / Executive directors.
<p>Who will be responsible for undertaking EOI processes in remote locations? Will an acceptable referee process be considered?</p>	<ul style="list-style-type: none"> Any one on the official list of relevant certifying officers under the Act. 	<ul style="list-style-type: none"> Manager of position or another person in that office. Failing someone suitable, a JP would be required or an employee from another Government department; If this were to cover our locally engaged staff in overseas offices in the future, the EOI requirements would need to be considered further to determine what is practical but achieves the aims of the WAGN. 	<ul style="list-style-type: none"> No decision yet. OSS/Agency boundary at staff level issues will affect the final status. Depends how important actual identity is to the Agency. Could be viewed by site officer who forwards a copy 	<ul style="list-style-type: none"> At the moment, the most senior person in a regional office sights and certifies / verifies authenticity of document.

Agency / Question	Agency 5	Agency 6	Agency 7	Agency 8
<p>How (if at all) will EOI information collected during the enrolment process be stored and used following the allocation of a WAGN?</p>	<ul style="list-style-type: none"> We have an employee form which records that 100 points of ID have been sighted; Employees often send certified copies of these documents and we retain copies of these documents. 	<ul style="list-style-type: none"> Currently on personnel file. In future in accordance with OSS record keeping requirements. 	<ul style="list-style-type: none"> Too early for a decision. Could be at OSS as a managed image in EDRMS attached to the WAGN registry; Could be stored in agency. However, it will either rely on a "shadow" hard copy of the HR file with a managed image in an EDRMS. However for this to be logically managed for the life of the record then it should be stored and managed at OSS or some other central Agency. 	<ul style="list-style-type: none"> In HRMIS, personnel file and integrated document management systems.
<p>Will existing employee identifiers assigned by agencies be retained? If so, how will a particular employee's WAGN be linked to their existing identifier (and any other associated information about them)?</p>	<ul style="list-style-type: none"> Existing identifiers will be retained at present; May be used as an employee identifier in the future; Will be linked on the HR system; We currently have some employees who have multiple employee numbers and will move to one employee number eventually. 	<ul style="list-style-type: none"> As we are rolling into OSS we will take on the Oracle employee number and be allocated WAGNs for all staff; Some employees have multiple jobs at one time linked to the same employee identifier; Employees who terminate and are re-employed are re-allocated their employee number, with a different job number. 	<ul style="list-style-type: none"> Don't know yet. Ideally the WAGN should replace all existing payroll and HR identifiers. 	<ul style="list-style-type: none"> Prefer re-allocation of numbers at a specific point in time - preferably on roll-in to OSS. The only problem is when an employee has multiple job numbers (the current maximum is 15); A potential issue is the change in reporting sequence (Agency presently uses a 6 digit identifier with two optional digits).

Agency / Question	Agency 5	Agency 6	Agency 7	Agency 8
Is there any proposal to use the WAGN and associated personal information to perform other functions?	<ul style="list-style-type: none"> Unsure. 	<ul style="list-style-type: none"> Not at this stage; We have implemented single sign on across most IT applications in the Agency. 	<ul style="list-style-type: none"> Not immediately. In the medium term it could be used as a first part of a federated identity management system. However as currently described there will not be significant information in the WAGN for this to be much use; Use as a unique synthetic identifier for many systems. Probably only link it to name for those systems. 	<ul style="list-style-type: none"> Not at this stage and highly dependent on how rigorous the security is for the WAGN registrar; It is complex due to various work locations including regional offices.
What types of personal information and data stores might be matched?	<ul style="list-style-type: none"> Name; DoB; Address; Current employee. 		<ul style="list-style-type: none"> Name into various internal operating system; Long-term could check if a WAGN is for a current employee in the public sector. 	<ul style="list-style-type: none"> IDMS; HRMIS; LAN; Finance; GESB.
Will the WAGN be published on any documents (eg. payslips, rosters, other employment related documents)?	<ul style="list-style-type: none"> May be on payslip and employee ID card. 	<ul style="list-style-type: none"> Depends on what OSS provides. 	<ul style="list-style-type: none"> Potentially most OSS forms (payslips, leave forms, termination and exit forms); Could be used as a self-service kiosk to access OSS systems. 	<ul style="list-style-type: none"> Personnel files Payslips & Leave applications; Web kiosk; Recruitment application forms; Travel claims; Timesheets; General Ledger; Establishment reports etc.

Agency / Question	Agency 5	Agency 6	Agency 7	Agency 8
<p>Can it be expected that any WA Government Agency employees will oppose the introduction of the WAGN (or completion of an EOI check / retention of copies of or details from EOI documents) or any particular uses of the WAGN?</p>	<ul style="list-style-type: none"> • Depends on what it is used for. If we can use it to replace a number of other numbers, it may be OK; • Otherwise, staff will struggle to remember their WAGN. 	<ul style="list-style-type: none"> • No. 	<ul style="list-style-type: none"> • Not much of an issue anticipated for this Agency about the WAGN itself. However, given the level of change and uncertainty around the migration into OSS then there may be resistance to the level of change in total; • EOI could be more of an issue depending on the rigour of the process especially if the HR resources are already stretched after the reductions that follow on to the OSS migration. 	<ul style="list-style-type: none"> • Yes, for the following reasons: • Security of officers - inspectors, compliance officers etc. and other high profile occupations such as commissioners and State [?] Engineers; • FOI requests will identify officers and their status; • The extent WAGN will be used.
<p>How will complaints about the WAGN (collection of personal information, allocation of the WAGN and use of either of these) be dealt with by Agencies?</p>	<ul style="list-style-type: none"> • Not sure. 		<ul style="list-style-type: none"> • Would simply feed into the HR process initially. However, if the issue of the complaint extends beyond the Agency then there must be a mechanism to refer such matters to the OSS. 	<ul style="list-style-type: none"> • On the merits of each case.
<p>Will or should individual Agencies be responsible for responding to complaints made to the Information Commissioner, and for being involved in conciliation processes?</p>	<ul style="list-style-type: none"> • No. 		<ul style="list-style-type: none"> • Depends on the nature of the complaint. Sometimes the Agency would be appropriate but in others OSS as the controlling department should be responsible. Sometimes both the Agency and OSS may need to be involved. 	<ul style="list-style-type: none"> • Whoever is managing the WAGN Register, not individual agencies on their own.

Agency / Question	Agency 5	Agency 6	Agency 7	Agency 8
<p>Will the exceptions from the application of the Bill contained in IPP 6 (eg. to carry out functions efficiently) adequately authorise the intended collection, use and disclosure of the WAGN by WA Government Agencies?</p>		<ul style="list-style-type: none"> This will be determined once the first cases are heard. 	<ul style="list-style-type: none"> Yes. 	<ul style="list-style-type: none"> Has to be supported by a whole-of-government policy, Premier's Circular or some directive to all Departments; Will there be any authority to act on behalf of an employee form to be signed by employer and employee? This includes recovery of funds from GESB and other authorities for other issues such as risk cover etc. It is critical to define public organisation and its functions as our work impacts significantly on the community in general.
<p>Will it be necessary to consent to the collection, use and disclosure of the WAGN to be obtained, or can consent be avoided by relying on the "carrying our its functions efficiently" exemption? If so, how, and by whom will consent be obtained (for example where an employee proposes to move from one Agency to another).</p>				<ul style="list-style-type: none"> Yes, not only when moving from one Agency to another - at all times.
<p>Are Agencies in favour of a code of conduct?</p>		<ul style="list-style-type: none"> Yes. This is a critical part of the change management process to introduce the WAGN. 	<ul style="list-style-type: none"> It is probably too early to comment. In the early stages. 	<ul style="list-style-type: none"> Yes