

DOB ENTERPRISES PTY LTD

DOB Workplace Surveillance Policy
IMS-507-00-POL

Revision History

Date	Rev	Modified By	Changes Made, Review History	Reviewed by	Approved by
19.02.19	0	Sunette Opperman	Creation	S Rupert	S Rupert



DOB ENTERPRISES PTY LTD
 ABN 20112 866001
 Level 1 49 Horton Street
 Port Macquarie NSW 2444
 Ph: 1 300 854 622
 Fax: 02 6583 8468

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Purpose

The purpose of the Workplace Surveillance Policy is to ensure that a transparent environment exists within DOB Enterprises Pty Ltd (DOB) t/a MBC Recruitment, Macquarie Labour Hire, Watchout Training and Traffic Control, and MBC Nursing Agency, with regard to surveillance and that DOB complies with the requirements of the relevant legal requirements of Workplace Surveillance.

The Workplace Surveillance Act (NSW) regulates Surveillance of Employees at work by means of camera, computer, and tracking devices, and requires that Employees be notified as to the nature of that Surveillance.

This Policy constitutes the provision of notice to Employees of DOB's Workplace Surveillance under the Act.

Scope

This policy applies to all employees, consultants, contractors and volunteers on DOB premises, in DOB vehicles, on client premises and in client vehicles.

Application and compliance

This Policy applies to all current Employees, contractors, and consultants who have access to any DOB and/or DOB Client premises, equipment, or systems, including IT Resources and Networks.

DOB may take disciplinary action, up to and including termination of employment, for any breach of this Policy.

This Policy should be read in conjunction with relevant DOB policies, including:

- a. Code of Conduct;
- b. DOB Equipment and Software Policy
- c. DOB Working from Home Policy
- d. DOB Vehicle Usage agreement
- e. DOB Information Security and Confidentiality Policy
- f. DOB Privacy and Confidentiality Policy
- g. DOB Social Media and Electronic Communication Policy

Policy

The law requires that employees be formally notified of any actions by DOB that fall within the definitions of surveillance. That notification must meet the fourteen (14) day requirement notice period stated, unless a shorter period is agreed to for existing employees. New employees are required to be notified prior to the commencement of their employment.

This policy is notification in accordance with the legal guidelines, and existing and new employees consent to all such surveillance taking place.

Definitions

Camera Surveillance is surveillance by means of a camera that monitors or records visual images of activities on premises or in any other place inclusive of client premises, client vehicles and DOB Vehicles;



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Computer surveillance is surveillance by means of software or other equipment that monitors or records the information input or output, or other use of a computer (including but not limited to the sending and receipt of e-mails and the accessing of internet websites);

Tracking surveillance is surveillance by means of an electronic device the primary purpose of which is to monitor or record geographical location or movement (such as Global Positioning System tracing device).

Workplace means premises, or any other place, where employees work, or any part of such premises or place inclusive of client premises, client vehicles and DOB Vehicles;

“At Work”, for the purpose of the legal requirements, means the workplace of the employer (or a related corporation) whether or not the employee is actually performing work at the time, or at any other place while performing work for the employer, inclusive of client premises, client vehicles and DOB vehicles;

Surveillance Information means information obtained, recorded, monitored or observed as a consequence of surveillance of an employee.

Surveillance Record means a record or report of surveillance information.

“Malicious Content” means content of a profane or inappropriate manner including, but not limited to:

- i. pornography;
- ii. sexual content;
- iii. defamatory content;
- iv. content that harasses, threatens or bullies a person;
- v. racist content; and
- vi. violent content;

Surveillance Consisting of Monitoring

DOB carries out surveillance in the form of monitoring to ensure:

- a. the health, safety and welfare of DOB Employees, client, contractors and visitors, for example, by installing fixed cameras in all DOB Offices/Depots;
- b. the integrity, security and service delivery of its systems and networks; and
- c. compliance with its legal obligations, including reporting obligations.

In the course of carrying out monitoring, DOB collects, creates and stores records and information (including logs, images, backups, and archives) using any one or more of the following methods:

- a. Telephone Monitoring – DOB and DOB Clients may monitor the input and output of telephone (both fixed line and mobile) devices provided by DOB or Client of DOB for use by Employees. These may be continually monitored and may be accessed and provided to DOB or DOB clients for administrative purposes;
- b. Camera Monitoring - DOB has installed fixed security cameras throughout all DOB Offices/Depots, both inside and outside of buildings and other facilities. These cameras (including any casings) are not covered or hidden, and Monitor activities on an ongoing and continuous basis; DOB Clients may have the same



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- c. Computer Monitoring – DOB and DOB Clients conduct ongoing monitoring of the following:
 - i. DOB and DOB Clients email accounts, and emails sent or received using an assigned email account or a DOB or DOB client server;
 - ii. internet usage, including browsing history, content downloads and uploads, video and audio file access, and any data input using the IT resources; and
 - iii. access (including logons) to, and all activity on, the IT resources including computer hard drives and servers, and any files stored on IT resources;
- d. Tracking Monitoring - DOB monitors and tracks the location or movement of individual DOB or DOB client vehicles, DOB or DOB client assigned mobile phones, and, DOB and DOB client assigned computers/laptops and other assets/devices.

In carrying out monitoring, DOB and DOB clients records and stores information and creates records (including reports) in relation to the following that are Surveillance Information and Surveillance Records for the purposes of the Act:

- a. movements within a Workplace;
- b. access to secure DOB and DOB Client facilities (buildings and locations within buildings);
- c. connection of devices (whether or not owned by DOB or DOB Clients) to IT resources and the network. This includes logging access at specified wired and wireless data points;
- d. emails sent or received using DOB or DOB Client email accounts or through DOB and DOB servers, storage volumes, download volumes, browsing or downloading history on IT resources; and
- e. any information or data created or managed on, downloaded to and stored on IT resources, servers and other devices that DOB or DOB Client supplies or otherwise makes available for use, including DOB and DOB Client email.

Surveillance and Surveillance Information and Records

DOB and DOB Clients may from time to time:

- a. conduct surveillance, including surveillance of individual employees; or
- b. access, use or disclose information or records obtained in the course of monitoring for surveillance in relation to individual Employees.

DOB and DOB Clients may use or disclose surveillance information or surveillance records for purposes authorised under the Act and in accordance with the procedures set out in this Policy. These specifically include:

- a. for legitimate purposes related to the employment of Employees;
- b. for the legitimate business activities or functions of DOB and DOB Clients, including internal inquiries and investigations of alleged unlawful activities or activities that are alleged to be in breach of any DOB and DOB Clients rule, policy or code of conduct or in breach of a person's duties to DOB and DOB Clients as its Employee;
- c. for use or disclosure in any legal proceedings (including an inquiry by the Independent Commission Against Corruption or the NSW Ombudsman) to which DOB and DOB Clients is a party or is directly involved;
- d. disclosure to a member or officer of a law enforcement agency for use in connection with the detection, investigation or prosecution of an offence;



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- e. where otherwise required or authorised by law to do so (for example, if DOB and DOB Clients required to comply with a search warrant or subpoena);
- f. where DOB and DOB Clients considers this is reasonably necessary to avert a serious and imminent threat of:
 - i. serious violence to a person;
 - ii. damage to property (including disruption to DOB and DOB Clients' business, systems or operations).

Part 4 of the Act prohibits covert surveillance (which is surveillance other than that requiring notification in accordance with Part B below) by an employer without a covert surveillance authority issued under that Act.

Prohibited Surveillance

DOB and DOB Clients will not carry out and does not condone any of the following which are prohibited under the Act:

- a. Surveillance of employees in a change room, toilet facility or shower or other bathing facility in the Workplace;
- b. Surveillance of employees using work surveillance devices when employees are not at work, except as permitted under the Act and this Policy; and
- c. blocking emails or internet access of an employee except as permitted under the Act and DOB and DOB Clients policies.

Authorisation

Employees are prohibited from conducting any form of Workplace Surveillance or from accessing Surveillance Records or Surveillance Information, except the following employees who are only authorised for the purposes of performing their designated duties as employees:


- a. Employees (including those within Information Technology and Digital Services) whose normal duties include routine back up or restoration of data, conduct of audits, review of web filtering, email filtering, document retrieval or logs, or other activities relating to the DOB and DOB Clients's systems, including IT resources and networks;
- b. Employees (including those in Safety and Security) whose normal duties include review of camera footage and of building access (including use of building access devices); or
- c. Employees who are specifically authorised under this Part A to conduct surveillance or to access surveillance information or surveillance records.

Requests to authorise surveillance that go beyond monitoring, or to authorise access to surveillance information or surveillance records by persons other than those listed above, may only be made by one or more of the following persons and only for a purpose specified previously in this policy.:

- a. DOB Director, WHS/IMS Manager, Business Manager
- b. DOB Client – authorised personal;
- c. Client Representative;
- d. Authorised Legal Representative;
- e. Authorised IT Representative;

Only the following persons can approve a request (except where make or are the subject of the request):

- a. DOB Director

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For the avoidance of doubt, surveillance requests made under this clause will only be approved if the persons authorised to grant approval are reasonably satisfied that:

- a. the request is for a purpose specified in this policy
- b. if the request is for a purpose specified in this policy (b):
 - i. there is no less intrusive alternative, reasonably available, in the circumstances, including, but not limited to, any need for urgency;
 - ii. the proposed method and length of Surveillance or access to information and records is reasonable and appropriate in the circumstances; and
 - iii. reasonable precautions will be taken to ensure the integrity and security of data, including compliance with the DOB and DOB Client's Privacy Policy and Privacy Management Plan.

Notice Requirements

This Policy is formal notice to employees that DOB and DOB Clients do the following in accordance with this Policy:

- a. it conducts Surveillance in the form of monitoring in the workplace;
- b. where authorised under the Act or this Policy, it conducts workplace surveillance other than monitoring; and
- c. it creates, accesses, uses and discloses information or records in relation to surveillance, including as part of monitoring.

DOB and DOB Clients also provide notice to employees about surveillance (including Monitoring) in other formats as follows:


- a. in the case of Monitoring by cameras, by means of physical signage at the entrances to or within DOB and DOB Client's grounds;
- b. by obtaining a signed acknowledgement when an employee commences employment;
- c. by means of an online notice referring to this and other relevant policies when an employee activates their DOB and DOB Client's account for the first time;
- d. for new methods of monitoring, specific written notice to all employees (which may be given by email) at least 14 days before that routine monitoring commences.

For surveillance approved, DOB and DOB Client's must send a written notice to an individual employee (which may be given by email) before that surveillance commences.

A notice und must be given or authorised by either the DOB Director or DOB Client Representative and must specify:

- a. the type of surveillance or new form of monitoring to be carried out;
- b. how it will be carried out;
- c. when it will start;
- d. whether it will be continuous or intermittent; and
- e. whether it will be for a specified limited period or ongoing.

Written notice to an employee will not be provided:

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- a. where there is a risk of disclosure of the identity, or exposure to reprisals, of a person who has made a public interest disclosure under DOB and DOB Client's policy relating to public interest disclosures;
- b. where surveillance information or records are aggregated in a format that does not identify specific individuals, including employees, for example, for operational support reasons.

Content

1. For new employees, DOB will, from commencement of their employment, carry out ongoing, intermittent surveillance of their use of DOB computer systems, phone systems and mobile communications or computing devices (including by way of real time monitoring and recording) – including emails, internet and files (including files stored on the work computer or mobile communication or computing devices). For existing employees, the above surveillance will be carried out on an ongoing, intermittent basis.
2. The surveillance is carried out by all means available to DOB which may include, without limitation:
 - i. auditing, logging, monitoring or accessing email accounts, emails, instant messaging or voice mail;
 - ii. accessing files;
 - iii. accessing the work computer and mobile communication or computing devices; and
 - iv. accessing records of internet usage (including sites and pages visited, files downloaded, video and audio files accessed and data input);
 - v. camera surveillance;
 - vi. tracking surveillance.

Types of Surveillance

Camera Surveillance:

- Cameras used for surveillance (or camera casing or other equipment that would generally indicate the presence of a camera) will be clearly visible in the place where the surveillance is taking place, and
- Signs notifying people that they may be under surveillance in that place will be clearly visible at each entrance to that place.

Computer Surveillance:

- The surveillance will be carried out in accordance with (company) IT policy;

Tracking Surveillance:

- Surveillance of an employee that involves the tracking of a vehicle will not be carried out unless the vehicle clearly displays a notice indicating that the vehicle is the subject of tracking surveillance.

Prohibited Surveillance:

DOB and DOB Clients will comply with the legal requirements of the Act where surveillance is prohibited.



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Disclosure of surveillance records – notified surveillance

Any surveillance records made as a result of the surveillance will not be used or disclosed unless:

- They are for a legitimate purpose related to employment or business activities or functions;
- They are required to be presented to law enforcement agencies;
- They relate to civil or criminal proceedings;
- It is necessary in order to avert an imminent threat, serious violence to persons or substantial damage to property.

Covert Surveillance

Covert surveillance is any surveillance that is carried out without the knowledge of the employee and is prohibited without a Covert Surveillance Authority, which must be obtained via a Magistrate (where applicable legislation applies).

Breaches of this Policy

DOB may:

- a) rely on information gathered by surveillance activities in administering employee management decisions, including any disciplinary action to be taken;
- b) restrict access to internet facilities and/or sites of any kind;
- c) prevent the sending and/or receiving of emails; and
- d) disclose any data it collects through monitoring and auditing activities to support DOB policy or law enforcement.
- e) Take any other disciplinary action, which may include termination of employment.



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