



Public
Service
Commission

Privacy Code of Practice & Management Arrangements for the Government Employee Number (GEN)

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Part 1: Privacy Code of Practice for the Government Employee Number (GEN)

Overview

1. This Code is made under Part 3 Division 1 of the *Privacy and Personal Information Protection Act 1998* (the PPIP Act) to specify the provisions to protect the privacy and personal information of NSW government sector employees relating to the establishment and use of the Government Employee Number (GEN).
2. The GEN is a unique employee identifier, provided to each NSW government sector employee and retained by that employee when moving between agencies or re-joining the sector after a break in employment.
3. The GEN is managed by the Public Service Commission (PSC), using the Identity Hub. The Identity Hub is a whole of government identity and access management system which generates and securely stores the GEN and provides secure access to a number of cross sector IT systems and applications. The Identity Hub is managed by the Office of Finance and Services (OFS).
4. The GEN is used by the Public Service Commissioner in the exercise of his/her functions under the *Government Sector Employment Act 2013* (the GSE Act) and by agencies in the management of their workforce.
5. The GEN provides authorised access to ICT systems and applications available through the Identity Hub.

Interpretation

6. This Code should be read in conjunction with the PPIP Act and the GSE Act. Terms in this Code have the meaning attributed to them in sections 3 and 4 of the PPIP Act and in section 3 of the GSE Act unless otherwise specified in this Code.
7. For the purposes of this Code:
 - ‘agency’ means:
 - a) a public sector agency, or
 - b) a government sector agency
 - ‘authorised agency’ means a public sector agency or a government sector agency approved by the Public Service Commissioner to adopt the GEN
 - ‘authorised person’ means:
 - a) an employee of the NSW Public Service Commission or contractor engaged by the Public Service Commission who has been granted approval by the Public Service Commissioner or his/her delegate to access GEN related information
 - b) an employee of the OFS or a contractor engaged by the OFS who has been granted approval by the Public Service Commissioner or his/her delegate to access GEN related information
 - c) an employee of an agency or contractor engaged by an agency who has been granted approval by the Public Service Commissioner or his/her delegate to access GEN related information

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‘Commissioner’ means the NSW Public Service Commissioner

‘contractor’ means an employee of a private sector organisation or sole trader that is contracted by the PSC, the OFS or an agency to provide services in relation to the GEN

‘employee’ means:

- a) a person currently employed in an agency, or
- b) a person who was previously employed in an agency and holds a GEN, referred to in this Code of Practice as an ex-employee

‘GEN’ means Government Employee Number

‘GEN component of the Identity Hub’ means the discrete component of the Identity Hub that stores and manages the GEN and information collected by the PSC in relation to the GEN

‘GEN related information’ means the information listed in clause 20 of this Code of Practice

‘government sector’ has the same meaning as in section 3 of the GSE Act

‘government sector agency’ has the same meaning as in section 3 of the GSE Act

‘information collected in relation to the GEN’ means information that is collected by the Public Service Commission from agencies or from employees to generate and authenticate the GEN and/or for the uses laid out in clause 25 of this Code of Practice (once collected this is the same as ‘GEN related information’ defined above)

‘NSW’ means the State of New South Wales

‘OFS’ means the Office of Finance and Services

‘personal information’ has the same meaning as in section 4 of the PPIP Act

‘private sector organisation’ means a person or body, that is not a public sector agency or a government sector agency, that is contracted to provide services for or on behalf of the PSC, the OFS, or an agency in relation to the GEN

‘PSC’ means the Public Service Commission

‘public sector agency’ has the same meaning as in section 3 of the PPIP Act

‘Secretary of a Department’ means the head of a Department of the Public Service listed in Part 1 of Schedule 1 of the GSE Act

Application

8. This Code applies to the PSC and other NSW public sector agencies. The PSC will require any government sector agency not covered by the PPIP Act that chooses to adopt the GEN to agree to abide by this Code.
9. This Code also applies to private sector organisations and sole traders contracted by the PSC, OFS and NSW government sector agencies to provide services in relation to the GEN.¹ Any such private sector organisation or sole trader that is not covered by the PPIP Act will be required by contract to abide by this Code.

¹ The obligations for private sector organisations under this Code of Practice are in addition to any obligations that may apply under the *Privacy Act 1998* (Cth).

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Health Information

10. This Code does not apply to health information as defined in section 6 of the *Health Records and Information Privacy Act 2002* (the HRIP Act). The information collected by the PSC in relation to the GEN does not include health information.

Review

11. This Code will be reviewed in 2017 to ensure it remains relevant and current to the functions and responsibilities of the PSC and the policies and processes for the management of the GEN.
12. The Public Service Commissioner is responsible for ensuring that the review is conducted and that key stakeholders are consulted as appropriate as part of the review.

Code of Practice

13. This Code of Practice regulates the collection, use and disclosure of, and the procedures for dealing with, personal information collected by the PSC in relation to the GEN.
14. The Code of Practice document comprises two parts: Part 1, entitled Code of Practice for the Government Employee Number (GEN); and Part 2, entitled Management Arrangements for the GEN.
15. Part 1 is intended to satisfy the requirements of a Privacy Code of Practice under Part 3 Division 1 of the PPIP Act to the extent that the collection, storage, use, disclosure, retention and disposal of personal information for the purposes of the GEN involve departures from the Information Protection Principles in Part 2 of the PPIP Act.
16. Part 2 contains details of administrative provisions giving effect to the Code of Practice.
17. All employees of agencies to which this Code applies are required to comply with the provisions of this Code of Practice.
18. All contractors to which this Code applies are required to comply with the provisions of this Code of Practice.

Information Covered by the Code

19. This Code applies to the GEN and information collected in relation to the GEN. The information, excluding the optional items in clause 20 (q) and (r), is already collected by agencies from employees, retained in agency HR systems and, with the exception of name and work email address, collected by the PSC as anonymous data as part of the Workforce Profile in the PSC's Workforce Information Warehouse (WIW). For GEN purposes, this information will be separately collected and stored in the Identity Hub in association with name and work email address.
20. The information collected in relation to the GEN comprises the following data items:
 - a) Division ID (the unique reference number for an agency, or a subdivision of an agency as determined by the departmental secretary)
 - b) Unique identifier (employee unique ID in the agency HR system)
 - c) GEN
 - d) Date of birth
 - e) Gender
 - f) Date of Commencement in agency (the commencement of the individual's employment with an agency)

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- g) Date of separation (the date on which the employee left an agency if applicable)
 - h) Employee status (active /inactive)
 - i) Employment Category (type of employment such as ongoing, temporary, casual in each agency)
 - j) First name (the legal given name of the employee)
 - k) Middle initial(s) (the initial of the employee's second or middle name) (optional)
 - l) Last name (the legal surname of the employee)
 - m) Known as name (employee's known as or preferred name)
 - n) Work Email address (email address provided by the employer if applicable)
 - o) Role or Position Title (job title of employee's current role or position) (optional)
 - p) Role Grade (applicable only to Executives employed under the GSE Act)
 - q) Private email address (optional for employee to provide)
 - r) Mobile phone number (optional for employee to provide)
21. The information in clause 20 relating to employment at an agency is collected and retained for each agency in the individual's employment record in the Identity Hub over time.
22. The GEN itself, in isolation from other personal information about an employee, cannot directly identify an individual. When used to generate statistical and aggregated reports, the GEN itself will not appear in such reports and the reports will not identify any individual.
23. However, some of the information collected in relation to the GEN does identify an individual. This is essential to ensure the authenticity and accuracy of the GEN as a unique identifier for each individual employee and to prevent the allocation of more than one GEN to an employee or the allocation of the same GEN to two or more different employees.
24. For these reasons, the GEN and GEN related information are considered to be personal information within the meaning of the PPIP Act.

Use of the GEN and GEN related information

25. The GEN and GEN related information will be used for the purposes of:
- a) Supporting the Commissioner in:
 - the exercise of his/her functions as described in section 11 of the GSE Act, including strategic development and management of the government sector workforce
 - reporting and analysis of the government sector workforce at aggregated and de-identified levels including as described in section 15 of the GSE Act
 - conducting research on workforce and other government sector issues
 - b) Supporting Secretaries of Departments and heads of agencies in the exercise of their functions under Parts 2, 3, 4 and 5 of the GSE Act
 - c) Enabling the generation of email lists for targeted communications from the Commissioner, Secretaries or heads of agencies, including to cohorts of specific executive bands or agency groupings
 - d) Verifying individual employees' credentials in order to authorise their access to cross sector IT systems.

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Information Protection Principles

26. The features of the GEN necessitate a departure from some of the Information Protection Principles (IPPs) of the PPIP Act. The ways in which the IPPs are to be applied to the information collected in relation to the GEN are set out below.

Principle 1: Collection of personal information for lawful purposes

PPIP Act Section 8 – Collection of personal information for lawful purposes

(1) A public sector agency must not collect personal information unless:

(a) the information is collected for a lawful purpose that is directly related to a function or activity of the agency, and

(b) the collection of the information is reasonably necessary for that purpose.

(2) A public sector agency must not collect personal information by any unlawful means.

27. There is no intention to depart from this principle in relation to the uses set out in clause 25(a) and (b) of this Code of Practice. The information collected to generate and authenticate the GEN and for the uses in clause 25 (a) and (b) are lawful purposes that are directly related to the functions of the Public Service Commissioner, Secretaries of Departments and heads of agencies under the GSE Act and the collection of the information is reasonably necessary for those purposes.
28. There is an intention to depart from this principle to the extent that the purposes in clause 25 (c) and (d) are in addition to and/or indirectly related to the functions of the Public Service Commissioner under the GSE Act. This Code of Practice authorises the collection of information for the purposes listed in clause 25 (c) and (d).

Principle 2: Collection of personal information directly from the individual

PPIP Act Section 9 – Collection of personal information directly from individual

A public sector agency must, in collecting personal information, collect the information directly from the individual to whom the information relates unless:

(a) the individual has authorised collection of the information from someone else, or

(b) in the case of information relating to a person who is under the age of 16 years—the information has been provided by a parent or guardian of the person.

29. There is no intention to depart from this principle in relation to the collection of the information from new employees. New employees will be requested to consent to the provision of the information by agencies to the PSC in relation to the GEN when the information is collected by agencies at commencement of employment, once new employees have been informed as per clauses 33 and 34.
30. There is an intention to depart from this principle in relation to current employees. To the extent that it is not practicable to obtain the authorisation of current employees to the collection by the PSC of the information in relation to the GEN from agencies, this Code of Practice authorises collection of this information for current employees otherwise than directly from current employees, once they have been informed as per clauses 33 and 35.
31. The Public Service Commissioner collects information for the GEN from agencies, using the Identity Hub as the technology platform. Agencies already collect this information from employees when they commence employment and during their employment and agencies retain the information in their human resources (HR) systems.

Principle 3: Requirements when collecting personal information

PPIP Act Section 10 – Requirements when collecting personal information

If a public sector agency collects personal information from an individual, the agency must take such steps as are reasonable in the circumstances to ensure that, before the information is collected

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or as soon as practicable after collection, the individual to whom the information relates is made aware of the following:

- (a) the fact that the information is being collected,*
- (b) the purposes for which the information is being collected,*
- (c) the intended recipients of the information,*
- (d) whether the supply of the information by the individual is required by law or is voluntary, and any consequences for the individual if the information (or any part of it) is not provided,*
- (e) the existence of any right of access to, and correction of, the information,*
- (f) the name and address of the agency that is collecting the information and the agency that is to hold the information.*

32. There is no intention to depart from this principle. The PSC is the collector of the GEN related information, and is responsible for the proper management of the GEN and GEN related information. In this capacity, the PSC is responsible for making new and current employees aware of the information through establishing the requirements for agencies to communicate to their employees, as set out in clause 33.
33. The PSC will comply with its responsibility by requiring that agencies make employees aware of:
- a) the GEN as a unique identifier for all government sector employees
 - b) the information that will be provided to the PSC via the Identity Hub in relation to the GEN
 - c) the uses of the GEN and GEN related information
 - d) the intended recipients of the GEN and/or the information collected in relation to the GEN
 - e) the right of individual employees to request that their information not be provided by their agency to the PSC in relation to the GEN, as well as any consequence for employees who do not provide consent, including that employees who do not provide consent will not be allocated a GEN and therefore will not be able to access cross sector IT systems via the Identity Hub as provided in clause 25(d)
 - f) their right of access to, and correction of, the information collected in relation to the GEN
 - g) the name and address of the PSC, as the agency that is collecting the information and the name and address of the OFS as the agency that is to hold the information
 - h) the existence of this Code of Practice.
34. Agencies will make new employees aware of the information in clause 33 at commencement of employment.
35. Agencies will make current employees aware of the information in clause 33 prior to the implementation of the GEN in their agency.

Principle 4: Other requirements relating to collection of personal information

PPIIP Act Section 11 – Other requirements relating to collection of personal information

If a public sector agency collects personal information from an individual, the agency must take such steps as are reasonable in the circumstances (having regard to the purposes for which the information is collected) to ensure that:

- (a) the information collected is relevant to that purpose, is not excessive, and is accurate, up to date and complete, and*
- (b) the collection of the information does not intrude to an unreasonable extent on the personal affairs of the individual to whom the information relates.*

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36. There is no intention to depart from this principle. The information is relevant to and necessary to generate and authenticate the GEN and for the purposes in clause 25. The information is not excessive and does not intrude to an unreasonable extent on the personal affairs of the employee to whom the information relates as agencies already collect and store this information in their human resources systems. Agencies will be required to ensure that the information provided for the GEN is accurate, up to date and complete.

Principle 5: Retention and security of personal information

PPIIP Act Section 12 – Retention and security of personal information

A public sector agency that holds personal information must ensure:

- (a) that the information is kept for no longer than is necessary for the purposes for which the information may lawfully be used, and*
 - (b) that the information is disposed of securely and in accordance with any requirements for the retention and disposal of personal information, and*
 - (c) that the information is protected, by taking such security safeguards as are reasonable in the circumstances, against loss, unauthorised access, use, modification or disclosure, and against all other misuse, and*
 - (d) that, if it is necessary for the information to be given to a person in connection with the provision of a service to the agency, everything reasonably within the power of the agency is done to prevent unauthorised use or disclosure of the information.*
37. There is no intention to depart from this principle. The measures that will be applied with respect to retention and security of personal information collected in relation to the GEN and stored in the GEN component of the Identity Hub are set out in Part 2 of this document.

Principle 6: Information about personal information held by agencies

PPIIP Act Section 13 – Information about personal information held by agencies

A public sector agency that holds personal information must take such steps as are, in the circumstances, reasonable to enable any person to ascertain:

- (a) whether the agency holds personal information, and*
 - (b) whether the agency holds personal information relating to that person, and*
 - (c) if the agency holds personal information relating to that person:*
 - (i) the nature of that information, and*
 - (ii) the main purposes for which the information is used, and*
 - (iii) that person's entitlement to gain access to the information.*
38. There is no intention to depart from this principle.
39. This Code of Practice contains a list of the information collected by the PSC from agencies in relation to the GEN and stored in the Identity Hub at clause 20, the uses to which this information will be put and the rights of individuals to access and correct their personal information.
40. The Code of Practice will be published on the PSC's website and provided to government sector agencies.
41. The PSC, the OFS and agencies are responsible for ensuring that employees and contractors they employ to manage the GEN are aware of and apply the Code of Practice.

Principle 7: Access to personal information held by agencies

PPIIP Act Section 14 – Access to personal information held by agencies

A public sector agency that holds personal information must, at the request of the individual to whom the information relates and without excessive delay or expense, provide the individual with access to the information.

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42. There is no intention to depart from this principle. Employees will have access to their GEN and all information collected in relation to the GEN by password protected sign in to the Identity Hub, or via their agency HR function where they are ex-employees or do not have a work email address.

Principle 8: Alteration of personal information

PPIP Act Section 15 – Alteration of personal information

(1) A public sector agency that holds personal information must, at the request of the individual to whom the information relates, make appropriate amendments (whether by way of corrections, deletions or additions) to ensure that the personal information:

(a) is accurate, and

(b) having regard to the purpose for which the information was collected (or is to be used) and to any purpose that is directly related to that purpose, is relevant, up to date, complete and not misleading.

(2) If a public sector agency is not prepared to amend personal information in accordance with a request by the individual to whom the information relates, the agency must, if so requested by the individual concerned, take such steps as are reasonable to attach to the information, in such a manner as is capable of being read with the information, any statement provided by that individual of the amendment sought.

(3) If personal information is amended in accordance with this section, the individual to whom the information relates is entitled, if it is reasonably practicable, to have recipients of that information notified of the amendments made by the public sector agency.

(4) This section, and any provision of a privacy code of practice that relates to the requirements set out in this section, apply to public sector agencies despite section 25 of this Act and section 21 of the State Records Act 1998.

(5) The Privacy Commissioner's guidelines under section 36 may make provision for or with respect to requests under this section, including the way in which such a request should be made and the time within which such a request should be dealt with.

(6) In this section (and in any other provision of this Act in connection with the operation of this section), public sector agency includes a Minister and a Minister's personal staff.

43. There is no intention to depart from this principle. Current employees can amend their private email address or mobile phone number if they have chosen to provide this information by password protected sign in to the Identity Hub. All other changes to information collected by the PSC from agencies in relation to the GEN will be made by password protected access to the Identity Hub by authorised agency HR personnel. Employees wishing to correct or amend their information collected by the PSC from agencies in relation to the GEN will do so through the agency or agencies which provided that information.
44. The PSC is the collector of GEN related information and is responsible for the proper management of the GEN and GEN related information. As the information is collected from agencies, the PSC will comply with this responsibility by requiring each agency to make appropriate amendments to GEN related information at the request of the individual to whom the information relates.
45. All access to and amendments made by individuals and agencies to GEN related information will be retained in the historic audit log of the GEN component of the Identity Hub, and may be documented in reports as determined by the PSC.

Principle 9: Checking accuracy of personal information before use

PPIP Act Section 16 – Agency must check accuracy of personal information before use

A public sector agency that holds personal information must not use the information without taking such steps as are reasonable in the circumstances to ensure that, having regard to the purpose for which the information is proposed to be used, the information is relevant, accurate, up to date, complete and not misleading.

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46. There is no intention to depart from this principle. The PSC is the collector and holder of GEN related information and is responsible for the proper management of the GEN and GEN related information. The PSC relies on the agencies providing the information in relation to the GEN to ensure that, as far as possible, the data is accurate and up to date. Part 2 outlines arrangements made by the PSC to ensure the accuracy of the information and the authenticity of the GEN as a unique employee identifier.

Principle 10: Limits on use of personal information

PIIP Act Section 17 – Limits on use of personal information

A public sector agency that holds personal information must not use the information for a purpose other than that for which it was collected unless:

- (a) the individual to whom the information relates has consented to the use of the information for that other purpose, or*
- (b) the other purpose for which the information is used is directly related to the purpose for which the information was collected, or*
- (c) the use of the information for that other purpose is necessary to prevent or lessen a serious and imminent threat to the life or health of the individual to whom the information relates or of another person.*

47. There is no intention to depart from this principle in relation to new employees, who will be requested to provide consent to the uses of the information, set out in clause 25, at commencement of employment.
48. There is an intention to depart from this principle in relation to current employees. To the extent that it is impractical to obtain the consent of current employees to the uses of the GEN in clause 25 and/or that the uses in clause 25 are not directly related to the purpose for which it was collected from current employees by agencies, this Code of Practice authorises the use of the GEN and information collected in clause 20 for the purposes listed in clause 25.
49. Current employees will be made aware of the uses of the information, set out in clause 25, as per clauses 33 and 35 before the information is provided by agencies to the PSC via the Identity Hub.
50. The information listed in clause 20 (a) to (p) is already collected by agencies from individuals for the purposes of exercising the employer functions of the Government under the GSE Act. The uses of the GEN listed in clause 25 are related to this purpose.

Principle 11: Limits on disclosure of personal information

PIIP Act Section 18 – Limits on disclosure of personal information

(1) A public sector agency that holds personal information must not disclose the information to a person (other than the individual to whom the information relates) or other body, whether or not such other person or body is a public sector agency, unless:

- (a) the disclosure is directly related to the purpose for which the information was collected, and the agency disclosing the information has no reason to believe that the individual concerned would object to the disclosure, or*
 - (b) the individual concerned is reasonably likely to have been aware, or has been made aware in accordance with section 10, that information of that kind is usually disclosed to that other person or body, or*
 - (c) the agency believes on reasonable grounds that the disclosure is necessary to prevent or lessen a serious and imminent threat to the life or health of the individual concerned or another person.*
- (2) If personal information is disclosed in accordance with subsection (1) to a person or body that is a public sector agency, that agency must not use or disclose the information for a purpose other than the purpose for which the information was given to it.*

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51. There is an intention to depart from this principle. This Code of Practice authorises the disclosure by the PSC of the GEN and all of the data items in clause 20 to the following persons, when authorised, for the purposes prescribed:
 - a) employees of the PSC, and employees of private sector organisations contracted by the PSC, for the purposes of managing the GEN
 - b) employees of the OFS, and employees of private sector organisations contracted by the OFS, for the purposes of managing the GEN component of the Identity Hub
 - c) agency HR employees for the purposes of ensuring the accuracy of the GEN and information collected in relation to the GEN; and the authenticity of the GEN, as a unique employee identifier for NSW government employees.
52. This Code authorises the disclosure of the GEN and the data items in clause 20, except for the name of employees, to authorised officers in the PSC for the purposes listed in clause 25.
53. All of the information collected from agencies in relation to the GEN, except for name and work email address, will continue to be reported on an anonymous basis through the separate existing PSC workforce data collection and reporting practice.

Principle 12: Special restrictions on disclosure of personal information

PPIP Act Section 19 – Special restrictions on disclosure of personal information

(1) A public sector agency must not disclose personal information relating to an individual's ethnic or racial origin, political opinions, religious or philosophical beliefs, trade union membership or sexual activities unless the disclosure is necessary to prevent a serious and imminent threat to the life or health of the individual concerned or another person.

(2) A public sector agency that holds personal information must not disclose the information to any person or body who is in a jurisdiction outside New South Wales or to a Commonwealth agency unless:

(a) a relevant privacy law that applies to the personal information concerned is in force in that jurisdiction or applies to that Commonwealth agency, or

(b) the disclosure is permitted under a privacy code of practice.

(3) For the purposes of subsection (2), a relevant privacy law means a law that is determined by the Privacy Commissioner, by notice published in the Gazette, to be a privacy law for the jurisdiction concerned.

(4) The Privacy Commissioner is to prepare a code relating to the disclosure of personal information by public sector agencies to persons or bodies outside New South Wales and to Commonwealth agencies.

(5) Subsection (2) does not apply:

(a) until after the first anniversary of the commencement of this section, or

*(b) until a code referred to in subsection (4) is made,
whichever is the later.*

54. There is no intention to depart from this principle as:
 - a) The information collected in relation to the GEN does not include the personal information specified in section 19(1) of the PPIP Act.
 - b) There is no intention to provide the GEN or GEN related information that identifies individuals to other jurisdictions.

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Implementation and Breaches of the Code Of Practice

Responsibility for implementation

55. The NSW Public Service Commissioner is responsible for the implementation of the Code of Practice including within the PSC. Employees of the Commission with authorised access to the information collected in relation to the GEN, and any contractor engaged to work on their behalf on the GEN, will be required to sign a Confidentiality Agreement Form and abide by its conditions. This form is at Appendix A of the Management Arrangements for the Government Employee Number.
56. The Chief Executive of the OFS is responsible for the implementation of the Code of Practice within the OFS. Employees of the OFS with authorised access to the information collected in relation to the GEN, and any contractor engaged to work on their behalf on the GEN, will be required to sign a Confidentiality Agreement Form and abide by its conditions. This form is at Appendix A of the Management Arrangements for the Government Employee Number.
57. Heads of agencies are responsible for the implementation of the Code of Practice in their agencies. Employees in HR roles of agencies with authorised access to the information collected in relation to the GEN, and any contractor engaged to work on their behalf on the GEN, will be required to sign a Confidentiality Agreement Form and abide by its conditions. This form is at Appendix A of the Management Arrangements for the Government Employee Number.

Compliance

58. Once an order making the Code is published in the NSW Government Gazette (or on such later date as may be specified in the order), an agency, person, or body to whom this Code of Practice applies must comply with its provisions. Part 2 of this document deals with failure to comply with the Code of Practice.

Complaints

59. Concerns regarding possible breaches of this Code of Practice should be addressed in the first instance to the NSW Public Service Commissioner at the address published on the PSC website: www.psc.nsw.gov.au

Part 2: Management Arrangements for the Government Employee Number (GEN)

Purpose

1. Part 2 of the Code of Practice document:
 - a) Provides additional information about the collection, storage, use, access to and amendment of, disclosure, retention and disposal of personal information collected to generate and authenticate GEN.
 - b) Informs government sector employees (and others) about the management of the GEN.
 - c) Serves as an internal procedures manual for:
 - i. employees of the PSC who are authorised to access and use the GEN and information collected in relation to the GEN in carrying out their roles under delegation from or authorisation by the Commissioner
 - ii. employees of the Office of Finance and Services (OFS) who are authorised to manage the GEN in the Identity Hub, on behalf of the PSC
 - iii. employees of agencies who are authorised to manage the GEN in their agencies
 - iv. employees of private sector organisations contracted to carry out any of the functions in (i) or (ii) above on behalf of the PSC and/or the OFS.

Legal And Ethical Framework

2. The PPIP Act, GSE Act, *Government Information (Public Access) Act 2009* (the GIPA Act) and this Code of Practice provide the legal and ethical framework for the protection of privacy and personal information by employees of agencies that adopt the GEN.

Responsibility for Managing the GEN

NSW Public Service Commission

3. The NSW Public Service Commissioner is the custodian of the GEN and the information collected in relation to the GEN in the GEN component of the Identity Hub, and is responsible for the proper management of these.
4. The GEN, information collected in relation to the GEN, and the GEN component of the Identity Hub are managed by the occupants of authorised roles within the PSC, as determined by the Commissioner. Criteria for authorisation will be on a strict 'need to know' basis.

Office of Finance and Services (OFS)

5. The OFS is responsible for the establishment and management of the Identity Hub, which will provide the technology platform for the establishment and management of the GEN, as a component of the Identity Hub.
6. The GEN component of the Identity Hub is managed by the OFS on behalf of the PSC, in a manner consistent with the intent and provisions of the Code of Practice for the GEN, by the occupants of authorised roles within the OFS.

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7. The OFS has contracted a private sector organisation to establish and manage the Identity Hub on behalf of the OFS. The OFS is responsible for managing the contract with the private sector organisation including ensuring compliance with the Code of Practice for the GEN.

Collection of Information by the PSC

Responsibility for collecting information in relation to the GEN

8. The Commissioner and his/her delegates within the Commission are responsible for collection of the information from agencies in relation to the GEN, assisted by agencies and the Identity Hub.
9. The information is collected by the PSC from agencies once in respect of each employee in the agency when the GEN is first introduced across the sector and for new employees at the commencement of their employment in an agency. The information is updated by agencies during an employee's employment.
10. The optional information in relation to an employee's private email address and/or mobile phone number may be provided at any time by employees by password protected sign on to the Identity Hub or through their agency's HR area.
11. The data provided by agencies for the GEN is already collected by, or available to, those agencies for their own management purposes. Agencies are therefore responsible for ensuring that the initial collection of data from employees is conducted in accordance with the four IPPs related to the collection of personal information.
12. The information collected by the PSC from agencies in relation to the GEN, other than optional information which individual employees choose to provide, is amended by an employee's employing agency to ensure it is current at any point in time. Individual employees may amend the optional information they have chosen to provide at any time by accessing the Identity Hub using their GEN.

Process for agencies to provide information

13. Data collected in relation to the GEN will be transferred electronically from each agency's HR/payroll system to the Identity Hub system managed by the OFS in accordance with specified file transfer instructions, or may be manually entered by authorised agency HR staff.

Process for employees to provide information

14. Employees may provide optional information (private email address and mobile phone number) relating to their GEN by password protected sign in to the Identity Hub.

The GEN and the Workforce Profile

15. All the data items collected by the PSC from agencies in relation to the GEN, except the employee's name and work email address, are already included in the Workforce Profile and other datasets in the PSC's Workforce Information Warehouse (WIW). From 2015, the GEN itself will be included in future Workforce Profile data collection processes to enable linkage of WIW datasets and facilitate analysis of workforce data in de-identified form for the purposes of workforce planning, research and policy development.
16. The information collected from agencies in relation to the GEN, other than the employee's name and work email address, will be used for aggregated and de-identified reporting purposes as outlined in paragraph 51 of Part 2 of this document, for instance to report current workforce headcount. This use is complementary to and separate from the Workforce Profile reporting.

Part 2: Management Arrangements for the Government Employee Number (GEN)

Access to Information Collected in Relation to the GEN

General Principles

17. All requests for authorisation to access the information collected by the PSC in relation to the GEN will be dealt with by the PSC employees with delegated authority from the Commissioner to manage the information on his/her behalf. The following sections describe the general categories of potential users of the information and the levels of access that will be granted to them.
18. Other than those described in the Code of Practice, no employees of the PSC, the OFS or an agency or employees of a private sector organisation may directly access the information collected in relation to the GEN.
19. The Identity Hub includes a statement advising users of the terms and conditions of use and that, by logging in, they accept the terms and conditions of their access, including their obligations in relation to the privacy and protection of personal information.

Access by authorised representatives of the PSC

20. The Commissioner will nominate the roles in the PSC requiring access to the information collected in relation to the GEN because of their direct role in managing the GEN.
21. The occupants of roles in the PSC with authorised access to the information collected in relation to the GEN, and any contractor engaged to work on their behalf on the GEN, will be required to sign a Confidentiality Agreement Form and abide by its conditions (see Appendix A).
22. An individual who has signed the Confidentiality Agreement Form has no authority to provide a third party with access to the information.
23. Access to the information collected in relation to the GEN is automatically revoked and blocked when an individual occupying a role requiring access to the information leaves that role.
24. The Commissioner will nominate roles in the PSC requiring access to information collected from agencies in relation to the GEN, but not the name or email address of employees, for the purposes listed in clause 25 (a) and (b) of the Code of Practice.
25. The Commissioner will nominate roles in the PSC requiring access to the information collected from agencies in relation to the GEN for the purposes of generating email lists referred to in clause 25 (c) of the Code of Practice.

Access by authorised representatives of the OFS

26. The Chief Executive of the OFS will authorise access to the information collected in relation to the GEN to nominated roles in the OFS, and employees of private sector organisations contracted to work on their behalf, requiring access because of their direct involvement in the design, testing, implementation, administration and provision of support services for the Identity Hub.
27. The occupants of those roles, and contractors engaged to work on their behalf on the Identity Hub will be required to sign a Confidentiality Agreement Form and abide by its conditions (see Appendix A).
28. An individual who has signed the Confidentiality Agreement Form has no authority to provide a third party with access to the information.
29. Access to the information collected in relation to the GEN is automatically revoked and blocked when an individual occupying a role requiring access to the information leaves that role.

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Access by agencies

30. Heads of agencies will be required to authorise and notify the PSC of the occupants of HR roles within the agency requiring access to the information collected in relation to the GEN because of their direct involvement in the management of the GEN in their agency, including the allocation of the GEN, amendment of information collected in relation to employees and the creation of reports for GEN management.
31. The occupants of the HR roles in the agency with authorised access to the information collected in relation to the GEN, and any contractors engaged to work on their behalf on the GEN, will be required to sign a Confidentiality Agreement Form and abide by its conditions (see Appendix A).
32. An individual in an agency who has signed the Confidentiality Agreement Form has no authority to provide a third party with access to the information.
33. Access to the information collected in relation to the GEN is automatically revoked and blocked when an individual occupying a role requiring access to the information leaves that role.
34. Authorised agency HR representatives will have access to the information collected in relation to the GEN for their employees.
35. Authorised agency HR representatives will have access to information collected in relation to the GEN for employees in other agencies in the following circumstance only:
 - a. the agency HR representative signs in to the Identity Hub to allocate a GEN for an employee; and
 - b. the Identity Hub identifies possible matching records with the employee for whom the agency HR representative is seeking to verify and allocate a GEN; and
 - c. the agency HR representative needs to check one or more of the matching records to ensure that only one GEN is allocated to an employee and that the same GEN is not allocated to more than one employee; and
 - d. a limit of 25 possible matching records will be displayed.
36. There will be a historic audit log of all access to the Identity Hub and all transactions within the Identity Hub including all searches, which will be retained for a substantial period and can be included in reports if and as determined by the PSC. The retention period for this information will be in accordance with section 12 of the PPIP Act and will be determined by the development of a Functional Retention and Disposal Authority, under the provisions of the *State Records Act 1998* (the State Records Act).

Access by employees

37. The employee to whom the data relates is guaranteed the right of access to his/her own information under the provisions of the PPIP Act and under the provisions of the GIPA Act. Employees are able to view their GEN and information collected from agencies in relation to the GEN and add/edit/delete their private email address or mobile phone number if they choose to provide this information. This can be done by password protected sign in to the Identity Hub, or through their agency HR function if the employee does not have a current work email address (which applies to ex-employees).

Access under the Government Information (Public Access) Act 2009

38. In keeping with the rationale established in paragraph 37, it would generally be expected that requests by individuals for information related to themselves would be referred to the source agency.

Part 2: Management Arrangements for the Government Employee Number (GEN)

39. If the PSC receives a request for personal information about a third party employee or individual, that information will only be released under the GIPA Act in circumstances where the public interest considerations in favour of disclosing the information override any public interest considerations against disclosing the information (particularly the privacy related considerations in clauses 3(a) and 3(b) of the table in section 14 of the GIPA Act).

Storage and Transmission of the Information

40. The information collected by the PSC in relation to the GEN will be kept in safe custody in the Identity Hub in accordance with the *NSW Government Digital Information Security Policy* and recommended international standards for information security management. The Identity Hub is housed in the highly secure GovDC data centres with other important government systems and data under conditions in excess of industry standards for security and reliability. Further, these data centres are operated under systems certified to ISO27001-2013. Retention and transmission of all GEN data for this architecture complies with the provisions of this Code of Practice.
41. The information collected by the PSC in relation to the GEN and stored in the Identity Hub by the OFS will be properly handled and preserved to prevent loss, corruption or deterioration.
42. Access to the information collected in relation to the GEN and stored in the Identity Hub will be password protected and restricted to authorised users. Access to and action in relation to the information will be retained in the historic audit logs of the Identity Hub for a substantial period and can be included in reports if and when determined by the PSC. The retention period for this information will be in accordance with section 12 of the PPIP Act and will be determined by the development of a Functional Retention and Disposal Authority, under the provisions of the State Records Act.
43. The data stored in the GEN component of the Identity Hub will be preserved for as long as is necessary for the purposes for which it may lawfully be used. Decisions concerning long term retention and final disposal of data will be made in accordance with the provisions of the State Records Act.
44. The data will be protected from unauthorised destruction and/or disposal.
45. Where transmission of the data is required, all reasonable measures will be taken to ensure its safety and confidentiality in accordance with the *NSW Government Digital Information Security Policy* and international standards.
46. Authorised roles in the PSC, the OFS and agencies, and employees of private sector organisations contracted by the PSC, the OFS and agencies to undertake work on their behalf in relation to the GEN, will be expected to comply with the above principles and standards with respect to storing and/or transmitting the GEN and/or information collected in relation to the GEN.

Amendment of the Information Collected by the PSC

47. Agencies are responsible for amending information collected by the PSC from agencies in relation to the GEN. Employees can amend optional information they have provided in relation to the GEN.
48. It is the responsibility of each agency providing information for the GEN to make appropriate amendments (whether by way of corrections, deletions or additions), when there is a change in an employee's information. This may be initiated by the agency and/or at the request of the individual to whom the data relates.

Part 2: Management Arrangements for the Government Employee Number (GEN)

Monitoring and Reporting

Audit log

49. All access to and actions taken in relation to the GEN and information collected in relation to the GEN in the Identity Hub will be retained in the historic audit log of the GEN component of the Identity Hub and can be included in reports if and when determined by the PSC.

Authorisation to create reports

50. The Workforce Profile and the Workforce Information Warehouse (WIW) will continue to provide the main source of data for reporting on the NSW government sector workforce. As stated in paragraph 15 of Part 2 of this document, the GEN itself will be included in the Workforce Profile to enable linkage of WIW datasets to facilitate analysis of workforce data in de-identified form for purposes of workforce planning, research and policy development. The GEN will also facilitate reporting on mobility at an aggregated and de-identified level.
51. As the Workforce Profile data is collected only two to three times a year, the GEN component of the Identity Hub will provide limited additional reporting capability by the use of GEN related information at aggregated and de-identified level where current workforce data is required, as specified in paragraph 16 of Part 2 of this document.
52. The Identity Hub will have the ability to generate lists of email addresses required for the purpose stated in clause 25(c) of the Code of Practice.
53. The Identity Hub will have the ability to generate reports required for the management of the GEN by the PSC, the OFS and agencies, as listed in paragraphs 54 to 57 of Part 2 of this document.

Reports created by the PSC

54. The PSC will create reports from information in the GEN component of the Identity Hub for the purposes listed in clause 25 (a) and (b) of the Code of Practice where current information is required. The reports will be at the aggregated de-identified level and will not identify individual employees.
55. The PSC may generate lists of email addresses stored in the GEN component of the Identity Hub for the purposes of communicating with identified cohorts or groups of agencies as provided for in clause 25(c) of the Code of Practice.
56. The PSC will create reports on access to, use of and disclosure of the GEN for the purposes of monitoring the implementation of the GEN, investigation of complaints and resolution of issues.

Reports created by agencies

57. Authorised roles in agencies may generate reports for the purpose of managing the implementation of the GEN and the purposes set out in clause 25(b) of the Code of Practice.

Implementation of the Code of Practice and Management Arrangements

Responsibility of the PSC

58. The Commissioner is responsible for the implementation of the Privacy Code of Practice for the GEN. Employees of the PSC authorised to work directly with the GEN (and any other PSC employees or contractors granted access to undertake work related to the GEN for legitimate purposes) have an obligation to be aware of and implement the provisions set out in this Code of Practice and Management Arrangements document.

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Responsibility of the OFS

59. Employees of the OFS authorised to work directly with the GEN in the Identity Hub (and any other employees of the OFS or contractors granted access to undertake work related to the GEN and Identity Hub for legitimate purposes) also have an obligation to be aware of and implement the provisions set out in the Code of Practice and the Management Arrangements document.

Responsibility of agencies

60. Employees of agencies and contractors who are authorised to work directly with the GEN have an obligation to be aware of and implement the provisions set out in the Code of Practice and the Management Arrangements document.

Compliance and Complaints

61. Part 5 of the PPIP Act applies to contraventions of a Code of Practice. Part 8 of the PPIP Act applies to corrupt disclosure and use of personal information.
62. Breaches of the Code of Practice or Management Arrangements may also be dealt with under the misconduct provisions of the GSE Act.
63. Any complaints or concerns should be addressed to the NSW Public Service Commissioner in the first instance at the address published on the PSC website: www.psc.nsw.gov.au

Appendix A. Confidentiality Agreement

The Confidentiality Agreement is a critical part of the overall framework for ensuring the highest privacy and confidentiality standards apply to the NSW Government Employee Number (GEN) and information collected by the NSW Public Service Commission (PSC) in relation to the GEN (*described below as ‘the information’*).

CONDITIONS OF ACCESS TO THE INFORMATION

1. Each person to whom access is granted to the information collected in relation to the GEN must complete and sign a Confidentiality Agreement form and abide by its protocols. This provision does not apply to the person to whom the information relates, when accessing his/her own information.
2. An individual who has signed the Confidentiality Agreement Form has no authority to provide a third party with access to the information.
3. A separate Confidentiality Agreement Form has to be signed by every person accessing the information.
4. When access to the information is granted to a person, this person may not use it for a different purpose than that for which the access was granted.
5. Persons granted access to the information must undertake all reasonable steps to guarantee the privacy and confidentiality of the information.
6. Where the information is accessed via, or stored on, a computerised medium, no other person (including other staff within the PSC) should be able to access the media where the information is stored.
7. Where access to the information is secured by a password, this password must not be shared with, or disclosed to, any person who has not been granted access to the information.
8. Where the information is stored on a computer’s hard disk or other electronic media, the computer or media must be secured to prevent unauthorised access.
9. Authority to access the information is automatically revoked when an individual occupying a role requiring access leaves that role.
10. Any breach of privacy and/or security relating to the information must be reported immediately to the NSW Public Service Commissioner.
11. All persons accessing the information must comply with the Privacy Code of Practice and Management Arrangements for the GEN.
12. Failure to comply with the provisions contained in this document may result in action under the PPIP Act and/or GSE Act.

Confidentiality Agreement

TO BE COMPLETED BY THE PERSON REQUIRING ACCESS

Purpose for which access is required:

.....
.....
.....
.....

I, (full name) employed in the role ofby.....agency or company)

agree to abide by the confidentiality and data security conditions and procedures set out in the Privacy Code of Practice and in this document.

.....(Signature)(Date)

TO BE COMPLETED BY THE PSC DIRECTOR RESPONSIBLE FOR THE GEN

I, (full name) employed in the role of by the NSW Public Service Commission hereby confirm that the above person has been granted access to the information collected in relation to the GEN.

.....(Signature).....(Date)

Note: Within the NSW Public Service Commission, the Director responsible for administration of the GEN is the only person who can grant access to the information collected in relation to the GEN, other than the Commissioner or Deputy Commissioners.

Appendix B. References

NSW Legislation

- Privacy and Personal Information Protection Act 1998.
- Government Information (Public Access) Act 2009.
- Government Sector Employment Act 2013

Other

- Privacy Code of Practice for the NSW Public Sector Workforce Profile, 2012

General

- Protocol on Assessing Privacy Codes of Practice under the PPIP Act and HRIP Act June 2014