

## **Privacy law**

New Australian Privacy Principles (APPs) commenced on 12 March 2014.

There are 13 new APPs which apply to both public and private sectors.

While there is a general small business exemption from compliance, entities that disclose personal information as a 'business', such as private investigators regardless of annual revenue, must comply. Personal information also includes sensitive information and is given a higher level of protection under the Act because the consequences of disclosure can be greater.

Sensitive information can include things like race; religion; health; political; philosophical or sexual preferences or orientations. Organisations are required to have open and transparent management of personal information and be tailored to explain how and why personal information is collected and held. They are also required to treat personal information in particular ways. While there are some exemptions for some activities engaged in by investigators, these are somewhat limited and need to be considered on a case by case basis.

Under the new APPs businesses are now required to have tailored privacy policies and to implement procedures designed to protect personal information. There are potentially significant penalties for non-compliance.

Daniel Kovacs, Principal Lawyer, Kliger Partners, is an expert on the subject matter and can be contacted on telephone - 8600 8888 or email – [dkovacs@kligers.com.au](mailto:dkovacs@kligers.com.au).

Refer to the Office of the Australian Information Commissioner for further information: <http://www.oaic.gov.au/privacy/privacy-act/australian-privacy-principles>

## **Bullying Laws**

From 1 January 2014, applications can be made to the Fair Work Commission for an order to stop bullying. Bullying at work occurs when a person or a group of people repeatedly behaves unreasonably towards a worker or a group of workers at work AND the behaviour creates a risk to health and safety.

The impact of the new bullying jurisdiction is yet to be felt. Between 1 January and 1 July 2014 there were 343 applications, but of those cases:

- 113 cases were withdrawn.
- 63 cases were resolved.
- 21 cases were finalised.
- 1 finding of bullying resulting in an order.

Although the number of decisions has been far less than anticipated, employers still need to take steps to prevent bullying in the workplace and to deal with claims when they arise.

If you require specialised legal assistance, please contact Meaghan Bare, Principal, Kliger Partners on: telephone - 8600 8829 or email – [mbare@kligers.com.au](mailto:mbare@kligers.com.au).

Refer to the Fair Work Commission link below if you require further information:  
<https://www.fwc.gov.au/resolving-issues-disputes-and-dismissals/workplace-issues-disputes/anti-bullying>.