

Privacy in modern award matters

The Fair Work Commission (Commission) collects, holds, uses and discloses personal information where it is necessary and appropriate to do so in exercising its functions or powers. This includes when you lodge an application to vary a modern award (Form F46) and/or provide information to the Commission in relation to an existing modern award matter.

This statement provides a short overview of how the Commission handles personal information in relation to modern award matters.

Collection of your personal information

In modern award matters, the Commission collects personal information included in material you or another interested party provides in relation to a matter. This may include:

- Information in any Form lodged with the Commission
- Information in any other documents / materials provided to the Commission
- Information in any correspondence provided to the Commission
- Information provided orally or in a document during proceedings before the Commission.

The Commission collects this information for the primary purpose of dealing with the application under Part 2-3 of the *Fair Work Act 2009* (FW Act). The information collected by the Commission will be included in the relevant case file. Collection of this information is authorised by section 590 of the FW Act, which states that the Commission may inform itself in relation to any matter before it in such manner as it considers appropriate.

Use and disclosure of personal information relating to awards matters

The Commission publishes its decisions and orders on its public website in accordance with the principles of open justice and transparency. If an application to vary a modern award is the subject of a decision, order or determination, your personal information may appear in the published document.

The Commission publishes other information relating to modern award matters on its public website at [Applications to create or change an award](#). This includes application forms, submissions, correspondence, transcripts, witness statements and other evidence, decisions, orders and documents.

The Commission also publishes application forms and documents related to modern award matters on its public website at [Major cases](#), where an application is considered to be a Major Case.

In certain instances, to protect your privacy, Commission staff will redact personal information from the material before it is published. The following table contains a non-exhaustive list of the common types of personal information which may be published to the Commission's website and the types of information which may be redacted from materials before being published to the Commission's website:

Information we usually publish	Information we usually redact
<ul style="list-style-type: none">• Title• Name• Gender	<ul style="list-style-type: none">• Date of birth• Email address• Phone number

Information we usually publish	Information we usually redact
<ul style="list-style-type: none"> • Age • General location (such as State or Territory) • Business addresses and/or business emails • Employment history • Educational and professional qualifications • Financial history, salary and/or wage information (where relevant to the matter; please note that other normal redactions may still apply) • Professional memberships, accreditation and registrations • Signature provided in a professional capacity 	<ul style="list-style-type: none"> • Residential addresses • Health and/or medical information (where not relevant to the matter) • Financial history, salary and wage information (where not relevant to the matter) • Signatures provided in a personal capacity • Name of a third party (for example, the name of a person who is identified by a witness in a witness statement, but not the name of the witness)

The Commission may share your personal information with other parties participating in the proceedings, interested parties to the award matter and/or their nominated representatives (if any). This might include sharing unredacted copies of documents. In these circumstances a Commission Member will generally decide whether it is appropriate to share materials. In making their decision, the Member will usually consider who is seeking the information, the nature of the information being sought and its relevance to the award matter.

Conferences and hearings in modern award matters are generally open to the public. Proceedings before the Commission are generally audio- and video-recorded and may be transcribed into a written transcript. If a transcript of a hearing is produced, it may be published on the Commission's public website. If you attend the Commission in person, the Commission may also collect personal information about you in CCTV recordings made for security purposes.

Preparing material for awards matters

When preparing material to send to the Commission, it is your responsibility to carefully consider whether the personal information you include is appropriate and necessary for the award matter, as the information you provide to the Commission may be published to the Commission's website (as explained above) or disclosed for the above-mentioned purposes. You should also consider whether it is appropriate and necessary to include the personal information of other people in materials you file with the Commission.

For more information about how the Commission handles personal information in relation to modern award matters, we recommend reading the [Privacy Notice](#) for the Form F46 – Application to vary a modern award and the Commission's [Privacy policy](#).

Confidentiality (non-publication) orders

Sections 593(3) and 594(1) of the FW Act allow the Commission to make orders in some circumstances that prohibit or restrict the publication of particular information. This may include the names and addresses of persons appearing at a hearing or making a submission in relation to a matter; certain information given in evidence in relation to a matter or contained in documents lodged with the Commission, or the whole or any part of the Commission's decision or reasons in relation to a matter.

To obtain a confidentiality order, you must apply to the Commission. You should apply at the time of lodging the relevant documents. Please note that confidentiality orders are not automatically granted. A Commission Member will decide whether it is appropriate to issue an order. In making their decision, the Member will consider the sensitivity of the information and its relevance to the award matter.

More information

The [Privacy Notice](#) for the **Form F46 – Application to vary a modern award** contains information about how the Commission handles personal information in relation to modern award matters.

The Commission's [Privacy policy](#) contains information about how you and other individuals can complain about a breach of the Australian Privacy Principles, and how the Commission will deal with the complaint.

If you have an urgent concern about material appearing on the Commission's website, please email awards@fwc.gov.au.

For other privacy inquiries you can contact the Commission at privacy@fwc.gov.au.