

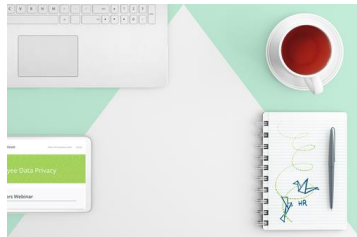


Employee Data Privacy – Australia

Breach Notification

Are there any data breach notification requirements?

A data breach is a security incident in which sensitive, protected or confidential data is copied,



transmitted, viewed, stolen or used by an individual unauthorized to do so. Local data protection

regulations have required data controllers to report such breaches in certain circumstances.

The Notifiable Data Breaches scheme, under the Privacy Act, requires entities to provide notice as soon as practicable to the Office of the Australian Information Commissioner and affected data subjects if there are reasonable grounds to believe that an 'eligible data breach' has occurred (with a few exceptions). If a possible breach is suspected, entities must take all reasonable steps to complete an assessment within 30 days.

An 'eligible data breach' occurs when a reasonable person would conclude that there is a likely risk of serious harm (physical, psychological, emotional, economic, financial or reputational) to any affected individuals as a result of:

- unauthorized access/disclosure of personal information (including TFNs); or,
- when information is lost and unauthorized access/disclosure is likely.

Other data breaches may still be reported voluntarily to affected individuals and the regulator to meet the entity's ongoing data security obligations under the Privacy Act or health records laws (e.g. the obligation to take reasonable steps to protect the personal information from: unauthorized loss, disclosure or interferences; modification; or, misuse).

There are also non-binding guidelines issued by various regulators which encourage notification if serious harm is likely as a result of the breach.



HR Best Practices:

Incidents in the employment context which might trigger a requirement to notify include a laptop left on a

train that includes TFN information. As a best practice, employers should prepare a data breach action plan with notification, incident documentation and response procedures.

Last updated July 2022.

DISCLAIMER: The information contained in this document is for general information purposes only and is not intended to be a source for legal, tax, or any other professional advice and should not be relied upon as such. This information is not intended to create, and the receipt of it by the reader does not constitute, an attorney-client relationship. All legal or tax questions or concerns should be directed to your legal counsel or tax consultant. Laws and regulations may change and UKG Inc. ("UKG") cannot guarantee that all the information in this document is accurate, current or complete. UKG MAKES NO REPRESENTATION OR WARRANTIES WITH RESPECT TO THE ACCURACY OR COMPLETENESS OF THE DOCUMENT OR THE INFORMATION OR CONTENT CONTAINED HEREIN AND SPECIFICALLY DISCLAIMS ALL REPRESENTATIONS AND WARRANTIES INCLUDING BUT NOT LIMITED TO ANY EXPRESS OR IMPLIED WARRANTIES OF MERCHANTABILITY, SUITABILITY, OR COMPLETENESS OF THIS INFORMATION. TO THE EXTENT PERMITTED UNDER APPLICABLE LAW, NEITHER UKG, NOR ITS AGENTS, OFFICERS, EMPLOYEES, SUBSIDIARIES, OR AFFILIATES, ARE LIABLE FOR ANY DIRECT, INDIRECT, INCIDENTAL, SPECIAL, EXEMPLARY, OR CONSEQUENTIAL DAMAGES (INCLUDING PROCUREMENT OF SUBSTITUTE GOODS OR SERVICES, LOSS OF USE OR PROFITS, OR BUSINESS INTERRUPTION), EVEN IF THE UKG HAS BEEN ADVISED OF THE POSSIBILITY OF SUCH DAMAGES, ON ANY THEORY OF LIABILITY, WHETHER IN CONTRACT, STRICT LIABILITY, OR TORT, ARISING IN ANY WAY OUT OF THE USE OF OR INABILITY TO USE THIS INFORMATION. This document and the content are proprietary and confidential information of UKG. No part of this document or its content may be reproduced in any form, or by any means, or distributed to any third party without the prior written consent of UKG © 2022 UKG Inc. All rights reserved.