

Privacy and Social Media at Home and at Work

Privacy

There is no law, which guarantees a right to privacy, but in specific circumstances there are protections, for example, the Australian Privacy Principles. At work there may be information that a person wants to keep private. This information could be personal details or personal activities.

The collection and use of personal details or personal activities is governed by the Australian Privacy Standards. For specific information regarding these standards please visit the Office of the Australian Information Commissioner's website: www.oaic.gov.au

An employer may create or have a privacy policy, which may govern what information may be collected and retained by employers and passed on to other parties. A policy also informs an employee what information is being collected and how that information is being used.

An employer may need to disclose your personal information:

- To a Fair Work Inspector;
- To the Australian Taxation Office;
- To the Police;
- To a permit holder (a union official);
- To future employers when giving a reference.

Email and Internet

Emails and internet browsing in the workplace may be subject to workplace surveillance.

Most employers will have an internet policy or email policy or an electronic communications policy.

In Queensland we do not have specific workplace surveillance legislation. This means generally employers have a right to monitor their equipment and technology in accordance with relevant policies.

Usually a policy in relation to email or internet use by employees will contain the following:

- Appropriate use of internet or email;
- Types of use that are prohibited;
- Notice that surveillance of use may occur and by whom;
- How compliance will be sought and enforced;

- Consequences of breaching the policy.

Depending on your employment contract an employer should keep all employees informed of their rights and obligations under the policy.

Consequences of breaching the policy can include dismissal.

Recording Conversations

In Queensland it is not illegal to record a telephone conversation that you are a party to.

However, the recording needs to be obtained appropriately, to be accepted in court proceedings as evidence.

Facebook

Facebook is a public space and putting things on your Facebook page about your employer, workplace or colleagues could create problems. Employers increasingly are accessing the social media being used by their employees. This can be done because an employee's profile is public or an employee has made friends on Facebook with colleagues or management.

Quick Tips on Facebook Use

- Check your social media policy at work and what is covered
- Do not talk (post) about your workplace or the work you do for your workplace and be careful about breaching your employers confidentiality without their permission.
- Do not talk about confidential information in regards to your workplace or make derogatory comments about co-workers
- Do not put up information that may be contrary to information you have given your workplace
- Do not post up evidence that may portray you as deceitful

LinkedIn

There may also be ownership considerations about the use of social networking tools and platforms like LinkedIn. If your LinkedIn email address belongs to your employer or your contacts are your employer's customers then your employer may be able to ask you to surrender your account when you leave your employment with them. You should also be aware that things posted or said on LinkedIn could also be problematic for employers and place your employment at risk if they are perceived to be negative.

Workplace policies about privacy and use of social media should be updated as the law evolves so encourage your workplace to be up to date so everyone knows where they stand.

FOR MORE INFORMATION

Fair Work Infoline (For advice about wages, dismissal, employment conditions and discrimination complaints)

Ph: 13 13 94

www.fairwork.gov.au.

Fair Work Commission (For advice about unfair dismissal and general protections information and application forms)

Ph: 1300 799 675

www.fwa.gov.au.

Queensland Council of Unions (for information about joining a union)

Ph: 3846 2468

www.qcu.asn.au

Office of the Information Commissioner Queensland

(07) 3234 7373

Office of the Australian Information Commissioner

1300 363 992

www.oic.qld.gov.au

Legal Aid Queensland

1300 651 188

www.legalaid.qld.gov.au

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