



## WORKPLACE SURVEILLANCE POLICY

<b>Date first approved:</b> 31 May 2018	<b>Date of effect:</b> 31 May 2018	<b>Date last amended:</b> 31 May 2018	<b>Date of Next Review:</b> 31 May 2020
<b>First Approved by:</b>	UOW Pulse Management Team		
<b>Custodian title</b>	Head of People and Culture		
<b>Author:</b>	Head of People and Culture		
<b>Responsible Division &amp; Unit:</b>	People and Culture		
<b>Supporting documents, procedures &amp; forms:</b>	Privacy Policy Code of Conduct		
<b>Relevant Legislation &amp; External Documents:</b>	<a href="#">Workplace Surveillance Act 2005 (NSW)</a> <a href="#">Privacy Act 1988 (Cth) ("Privacy Act")</a> <a href="#">UOW IT Acceptable Use of Resources Policy</a> <a href="#">UOW CCTV Surveillance Standard</a>		
<b>Audience:</b>	Internal		

Submit your feedback on this policy document using the following email address:  
[uow-pulse@uow.edu.au](mailto:uow-pulse@uow.edu.au)



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## 1 Purpose of Policy

1. The purpose of this Policy is to describe the circumstances in which the UOW Pulse conducts Surveillance of its premises, facilities and Employees.
2. The Workplace Surveillance Act 2005 (NSW) regulates Surveillance of Employees at work by means of camera, computer, and tracking devices, and requires that Employees be notified as to the nature of that Surveillance.
3. This Policy constitutes provision of notice to Employees of UOW Pulse's Workplace Surveillance under the Act.

## 2 Definitions

The following definitions apply each time the listed word appears in this document.

Word/Term	Definition (with examples if required)
Act	The Workplace Surveillance Act 2005 (NSW).
At Work	Includes where the employee is at UOW Pulse whether or not he or she is actually performing work at the time, or at any other place while performing work for UOW Pulse.
Customer	A member of the public who visits the campus and either purchases products or utilises the services or facilities of UOW Pulse.
Employee	All persons employed by UOW Pulse of any seniority and including those in continuing, part-time, permanent, fixed or maximum term, casual, trainee or contract roles.
IT Resources	Systems, software, hardware, and other forms of technology, communication or other similar services owned or managed by the UOW Pulse or UOW.
Lessee	A lessee who has entered into a lease or lessee licence with us.
Line Manager	An employee of UOW Pulse who acts in a supervisory or leadership capacity (whether acting or permanent) to other team members of UOW Pulse.
Malicious Content	<ol style="list-style-type: none"><li>a. Content of a profane or inappropriate manner including, but not limited to:</li><li>b. pornography;</li><li>c. sexual content;</li><li>d. defamatory content;</li><li>e. content that harasses, threatens or bullies a</li></ol>

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Monitoring	A form of Surveillance, and means the collection or storage of information, or the creation of records, in a routine and passive manner. It also includes routine review of that information or those records to ensure the integrity, security and service delivery of UOW Pulse's systems, including IT Resources and Networks.
Network	Network hardware and the services operating on the hardware or utilising the hardware to perform tasks, whether wired or wireless.
Person in the Care of	A person in the care of UOW Pulse including children utilising the services of Kids' Uni facilities.
Student	A person registered for a course at the University of Wollongong.
Surveillance Information	Information obtained, recorded, monitored or observed as a consequence of Surveillance.
Surveillance of an Employee	<p>Surveillance of an Employee by any of the following means:</p> <ul style="list-style-type: none"> <li>a. camera surveillance which is surveillance by means of a camera that monitors or records visual images of activities on premises or in any other place;</li> <li>b. computer surveillance which is surveillance by means of software or other equipment that monitors or records the information input or output, or other use, of a computer (including, but not limited to, the sending and receipt of emails and the accessing of internet websites).</li> </ul>
Surveillance Record	A record or report of surveillance information.
Visitor	An external person or business representative visiting the campus but not necessarily to purchase or utilise services, including but not limited to contractors, franchisees, members of the community and volunteers.
Workplace	Any UOW Pulse premises, or any other place, where employees work, or any part of such premises or

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### 3 Application, Scope & Exclusions

1. This policy applies to all UOW Pulse employees, lessees, contractors and consultants who have access to any UOW Pulse premises, equipment, or systems, including IT Resources and Networks.
2. This Policy defines the process, management and notifications associated with identified or suspected breaches of this Policy.
3. A breach of this Policy will be subject to investigation and possible disciplinary action in accordance with this Policy and any applicable UOW Pulse policies or legislation.
4. This Policy should be read in conjunction with relevant UOW Pulse policies, including:
  - a. Code of Conduct;
  - b. Privacy Policy;
5. This Policy should be read in conjunction with relevant UOW policies, including:
  - a. IT Acceptable Use of Resources Policy;
  - b. CCTV Surveillance Standard.

### 4 Policy Principles

#### Surveillance Consisting of Monitoring

1. UOW Pulse carries out Surveillance in the form of Monitoring to ensure:
  - a. The health, safety and welfare of UOW Pulse Employees, lessees, students, customers, visitors, third parties and individuals in the care of for example, by installing fixed cameras throughout UOW Pulse premises;
  - b. The integrity, security and service delivery of its systems and Networks; and
  - c. Compliance with its legal obligations, including reporting obligations.
2. In the course of carrying out Monitoring, UOW Pulse collects, creates and stores records and information (including logs, images, backups, and archives) using any one or more of the following methods:
  - a. Telephone Monitoring - UOW Pulse Monitors the input and output of telephone (both fixed line and mobile)



devices provided by UOW Pulse for use by Employees. These are continually Monitored and may be accessed and provided to UOW Pulse as required;

- b. Camera Monitoring - UOW Pulse and UOW have installed fixed security cameras throughout some of its premises, both inside and outside of buildings and other facilities. These cameras (including any casings) are not covered or hidden, and Monitor activities on an ongoing and continuous basis.
  - c. Computer Monitoring - UOW and UOW Pulse may conduct Monitoring of the usage logs on the following:
    - i. UOW Pulse staff email accounts for emails sent or received using a UOW email account or a UOW or UOW Pulse server;
    - ii. internet usage, including browsing history, content downloads and uploads, video and audio file access, and any data input using the IT Resources; and
    - iii. access (including logons) to, and all activity on, the IT Resources including computer hard drives and servers, and any files stored on IT Resources;
3. In carrying out Monitoring, UOW Pulse records and stores information and creates logs in relation to the following that are Surveillance Information and Surveillance Records for the purposes of the Act:
- a. Movements within a Workplace;
  - b. Access to secure UOW or UOW Pulse facilities (buildings and locations within buildings);
  - c. Connection of devices (whether or not owned by UOW Pulse) to IT Resources and the Network. This includes logging access at specified wired and wireless data points;
  - d. Emails sent or received using UOW and UOW Pulse staff email accounts or through UOW Pulse or UOW servers, storage volumes, download volumes, browsing or downloading history on IT Resources; and
  - e. Any information or data created or managed on, downloaded to and stored on IT Resources, servers and other devices that UOW Pulse supplies or otherwise makes available for use, including UOW Pulse email.

### **Surveillance and Surveillance Information and Records**

1. UOW Pulse may from time to time:
  - a. Conduct Surveillance, including Surveillance of



- individual Employees; or
- b. Access, use or disclose information or records obtained in the course of Monitoring for Surveillance in relation to individual Employees, lessees, students, customers, visitors, third parties or persons in the care of UOW Pulse.
2. UOW Pulse may use or disclose Surveillance Information or Surveillance Records for purposes authorised under the Act and in accordance with the authorisations section of this Policy. These specifically include:
- a. For legitimate purposes related to the employment of Employees;
  - b. For the legitimate business activities or functions of UOW Pulse, including internal inquiries and investigations of alleged unlawful activities or activities that are alleged to be in breach of any UOW Pulse rule, policy or code of conduct or in breach of a person's duties to UOW Pulse as its Employee;
  - c. For use or disclosure in any legal proceedings to which UOW Pulse is a party or is directly involved;
  - d. Disclosure to a member or officer of a law enforcement agency for use in connection with the detection, investigation or prosecution of an offence;
  - e. Where otherwise required or authorised by law to do so (for example, if UOW Pulse is required to comply with a search warrant or subpoena);
  - f. Where UOW Pulse considers this is reasonably necessary to avert a serious and imminent threat of:
    - I. Serious violence to a person;
    - II. Damage to property (including disruption to UOW Pulse's business, systems or operations).
3. The Act prohibits covert surveillance (which is Surveillance other than that requiring notification in accordance with Part B below) by an employer without a covert surveillance authority issued under that Act.

### **Prohibited Surveillance**

1. UOW Pulse will not carry and does not condone any of the following which are prohibited under the Act:
  - a. Surveillance of any kind in a change room, toilet facility or shower or other bathing facility on our premises;
  - b. Surveillance of Employees using work Surveillance devices when Employees are not at work, except as permitted under the Act and this Policy; and



- c. Blocking emails or internet access of an employee except as permitted under the Act and UOW Pulse policies.

### **Authorisations**

1. Employees are prohibited from conducting any form of Workplace Surveillance or from accessing Surveillance Records or Surveillance Information, except the following Employees who are only authorised for the purposes of performing their designated duties as Employees:
  - a. Employees whose normal duties include routine back up or restoration of data, conduct of audits, review of web filtering, email filtering, document retrieval or logs, or other activities relating to UOW Pulse's systems, including IT Resources and Networks;
  - b. Employees at management level who are specifically authorised under this Part A to conduct Surveillance or to access Surveillance Information or Surveillance Records.
2. Requests to authorise Surveillance that go beyond Monitoring, or to authorise access to Surveillance Information or Surveillance Records by persons other than those listed in clause a) and b) above, may only be made for a purpose specified in the clause 'surveillance and surveillance information and records' and be approved by one of the following persons:
  - a. The CEO;
  - b. The Head of People and Culture.

### **Notice Requirements**

1. This Policy is formal notice to Employees that UOW Pulse does the following in accordance with this Policy:
  - a. It conducts Surveillance in the form of Monitoring in the Workplace;
  - b. Where authorised under the Act or this Policy, it conducts Workplace Surveillance other than Monitoring; and
  - c. It creates, accesses, uses and discloses information or records in relation to Surveillance, including as part of Monitoring.
2. UOW Pulse also provides notice to Employees about Surveillance (including Monitoring) in other formats as follows:
  - a. In the case of Monitoring by cameras, by means of physical signage at the entrances to UOW Pulse





premises;

- b. By obtaining a signed acknowledgement when an employee commences employment;
- c. For new methods of Monitoring, specific written notice to all Employees (which may be given by email) at least 14 days before that routine Monitoring commences.

### **Storage and Retention of Records**

1. Images will not be retained for more than 60 days, other than where an incident has been reported or detected or where UOW Pulse has been asked by Law Enforcement Agency to retain or produce images.
2. The images captured on the UOW Pulse fixed security cameras are not located on any networks and are stored securely on the premises.
3. Disposal of any images is conducted securely in accordance with approved methods in accordance with the Privacy Act and the UOW Pulse Privacy Policy.

### **Complaints and Enquiries**

1. All enquiries, comments or complaints regarding the purpose, collection, use or other aspects of the Workplace Surveillance Policy are welcomed and should be addressed to the UOW Pulse email : - [uow-pulse@uow.edu.au](mailto:uow-pulse@uow.edu.au).

## **5 Version Control and Change History**

<b>Version Control</b>	<b>Date Effective</b>	<b>Approved By</b>	<b>Amendment</b>
1	30/05/2018	Head of People and Culture	New Policy
2	04/03/2020	Head of People and Culture	