

# EMPLOYMENT INSTRUCTION NUMBER 10

## EMPLOYEE RECORDS

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### 1. SCOPE AND PURPOSE

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This Employment Instruction details the information kept in relation to employees employed under the *Public Sector Employment and Management Act* (the Act) and procedures in relation to those records.

### 2. LEGISLATIVE BASIS

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Section 17 of the Act.

Regulation 6 of the Public Sector Employment and Management Regulations.

The Commissioner has delegated the responsibility for keeping records to each Chief Executive Officer.

### 3. OTHER SOURCES OF INFORMATION

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Additional information may also be kept in order to conform with other Northern Territory and Commonwealth legislation, eg requirements of the *Income Tax Assessment Act* and the *Workplace Relations Act*. Details kept regarding employees under other legislation are not dealt with in this Employment Instruction.

### 4. AGENCY ACTION REQUIRED

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Chief Executive Officers shall:

- record the required details for each employee employed in their agency;
- establish procedures to enable employees to access their records and to obtain a copy of the records;
- ensure all records are maintained in a secure and confidential area; and
- establish systems and procedures regarding the authority for access to and the availability of employee records. Access to employee records should only be on a 'need to know' basis or for official purposes.

Employee records are kept to enable effective administration of employee entitlements such as payment of salaries and allowances and to enable Chief Executive Officers to comply with section 28 of the Act.

The following details regarding employees are to be kept:

- date of appointment;
- designation and any previous designations assigned to the employee;
- remuneration;
- full name and any previous names;
- residential and postal address;
- next of kin and/or emergency contact;
- entitlements and use of those entitlements;
- qualifications;
- details of citizenship;
- any medical reports required under section 31 of the Act;
- Australian Government Staff (AGS) number or other employment number;
- date of birth;
- sex;
- details of dependents;
- disabilities relevant to the employee's employment in the Public Sector; and
- with the consent of the employee, ethnicity or aboriginality.

Details of employees shall be supplied to the Commissioner upon request.

## **5. ACCESS BY EMPLOYEE TO AGENCY RECORD**

The following papers are not to be made available to the employee:

- medical reports and medical assessments held by the agency in relation to section 31 of the Act (the employee can access this information by requesting that it be supplied to his or her general medical practitioner);
- test or examination papers; and
- reports comparing two or more employees.

## **6. AMENDMENT TO INFORMATION HELD ON AN EMPLOYEE'S RECORD**

No information held on an employee's record shall be amended, added to or deleted without the approval of the Chief Executive Officer.

An employee may request the Chief Executive Officer to amend, add to or delete information from the employee's own record.

Should the Chief Executive Officer refuse the request, the employee may add to the file a statement regarding the information.

## **7. ACCESS TO RECORDS BY PERSONS OUTSIDE THE PUBLIC SECTOR**

A Chief Executive Officer shall not release information contained on an employee's record to persons outside the Public Sector unless:

- the employee has consented in writing to the release of the information and the release of the information would not be detrimental to the Public Sector;
- the Chief Executive Officer, at his or her discretion, agrees to the release of certain information in a situation where the employee is physically unable to consent to its release (through medical or physical incapacity, or if the employee is deceased); or
- there is a legal requirement to provide the information, in which case the Attorney-General's Department should be consulted before any information is released unless formal instructions or directions have been provided by the Attorney General's Department.

**D J HAWKES**  
**COMMISSIONER FOR PUBLIC EMPLOYMENT**

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