



Australian Government
The Treasury



Australian Small Business Advisory Service (ASBAS) – Digital Solutions

Privacy Impact Assessment – Agency Response

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In the spirit of reconciliation, the Treasury acknowledges the Traditional Custodians of country throughout Australia and their connections to land, sea and community. We pay our respect to their Elders past and present and extend that respect to all Aboriginal and Torres Strait Islander peoples.

Contents

Contents	iii
Context.....	4
Recommendation 1.1 – Collection Notice for the Program.....	5
Recommendation 1.2 – Consent Notice for survey conducted by Researcher	6
Recommendation 1.3 – Consent mechanisms.....	7
Recommendation 1.4 – Minimising collection of personal information about Participants	8
Recommendation 2.1 – Grant agreement.....	9
Recommendation 2.2 – Research agreement.....	10
Recommendation 3 – Future Rounds of the Program.....	10

Context

The Department of the Treasury (the Treasury) is responsible for administering the Australian Small Business Advisory Services (ASBAS) - Digital Solutions program (the Program) which received ongoing policy and funding authority as part of the 2012–13 Budget.

The Program helps small businesses adopt digital capabilities and provides tools and support to grow their businesses in the digital economy.

Small businesses can access one-on-one digital advice from a qualified and experienced business advisor for a small fee as well as benefit from free workshops, webinar presentations and self-directed tutorials. The services cover topics such as digital marketing, social media, websites, selling online, business software and cyber security. Treasury is currently designing Round 3 of the Program¹.

Entities (Grantees) are selected through an open, competitive grant process administered by the Department of Industry, Science and Resources (Industry). Industry, on behalf of Treasury, will deliver Round 3 of the Program.

The Grantees are required to collect information from clients and disclose this information to the Australian Government for Program monitoring and evaluation purposes.

Treasury engaged Maddocks to conduct a Privacy Impact Assessment (PIA) of the Program's information collection, disclosure and use requirements.

The PIA made 3 recommendations (with sub-recommendations). This document details the recommendations and Treasury's response to each.

Treasury has implemented recommendations 1 and 2, which are relevant to Round 3 of the Program, and has established mechanisms to comply with recommendation 3 when required.

¹ Delivery of services for Round 3 to commence 1 July 2026.

Recommendation 1.1 – Collection Notice for the Program

We **recommend** that Treasury:

- work with Grantees to develop a suitable Collection Notice for the Program; and
- require Grantees to provide this Collection Notice to Participants when they contact the Grantee with a view to participating in the Program.

The Collection Notice should describe how personal information will be collected, used and disclosed as part of the Program, and otherwise contain the matters required by APP 5.2. It will be particularly important that the Collection Notice reflects that:

- the Grantee will disclose personal information to:
 - Treasury, which will use and disclose that information to manage, administer and evaluate the Program, noting that this may involve Treasury:
 - : using Participants’ personal information as part of ensuring the quality of data reported by the Grantee; and
 - : disclosing Participants’ first names, email addresses and phone numbers to any Researcher engaged to undertake research in relation to the Program; and
 - Industry, which will use and disclose any personal information it receives in connection with the Program, to administer the funding arrangements for the Program and provide relevant data to Treasury;
- the Grantee may disclose information to other individuals / entities. For example, the Grantee may disclose personal information about a Participant to:
 - a financial institution, to enable the payment of any contribution fee payable by the Participant under the Program; and / or
 - any translator or interpreter who is assisting a Participant to participate in the Program;
- what Grantees will do with their personal information after the Program ends; and
- the Grantee may invite Participants to participate in a voluntary satisfaction survey, which will involve the Grantee collecting, using and disclosing (to Treasury) further personal information.

We suggest that it would be appropriate for a full Collection Notice to be made available on Grantees website (and, if desired could also potentially be made available on Treasury’s website), with a truncated version (with a link to the full version) being displayed when a Participant submits an application.

Agency response: Support

Treasury has addressed recommendation 1.1 in Round 3 of the Program. An attachment to the Grant Opportunity Guidelines outlines the privacy requirements (including developing a suitable Collection Notice) which Grantees are required to comply with in delivering the services under the Program.

Recommendation 1.2 – Consent Notice for survey conducted by Researcher

We **recommend** that Treasury:

- work with the Researcher to develop a suitable Collection Notice for any survey conducted in relation to the Program; and
- require the Researcher to provide this Collection Notice to Participants when they contact Participants to ask whether they would like to participate in a survey.

The Collection Notice should describe how personal information will be collected, used and disclosed as part of the Program, and otherwise contain the matters required by APP 5.2. It will be particularly important that the Collection Notice reflects that the Researcher:

- will disclose personal information collected as part of the survey to Treasury, to enable Treasury to undertake its function of evaluating the Program; and
- may disclose personal information to its subcontractors, if required for the conduct of the survey.

Additionally, Participants should be required to consent to the handling of their personal information in a manner consistent with the Collection Notice, which will ensure that Participants have consented to the collection of any sensitive information that they provide.

Agency response: Support

Treasury will address recommendation 1.2 in any future agreements (contracts) with Researchers undertaking, for example, Program monitoring and evaluation activities, by requiring the Researchers to develop a suitable Collection Notice.

Recommendation 1.3 – Consent mechanisms

We **recommend** that Grantees be instructed to implement consent mechanisms to obtain consent from all Participants who contact the Grantee and provide any sensitive information (e.g. information about whether the Participant identifies as being from a CALD background and / or as being Aboriginal and / or Torres Strait Islander). This could be achieved by requiring Participants to consent to the handling of their personal information in accordance with the Collection Notice (see **Recommendation 1.1** above).

In addition, Grantees should also be required to explain to Participants that:

- their participation in the Program is entirely voluntary and their consent can be withdrawn at any time by contacting the Grantee (and the Grantee should be contractually required to immediately notify Treasury of any such withdrawal, so that Treasury can ensure that no further use or disclosure is made of that personal information); and
- they can only provide personal information about another individual to the Grantee, if that individual has given them express consent to do so.

Ideally, obtaining consent should involve the Participant taking an 'active step' to indicate their consent (such as by ticking a box in the application form on the Grantee's website).

Agency response: Support

Treasury has addressed recommendation 1.3 in Round 3 of the Program. An attachment to the Grant Opportunity Guidelines outlines the requirement of Grantees to implement appropriate consent mechanisms.

Recommendation 1.4 – Minimising collection of personal information about Participants

We **recommend** that Treasury ensure that the Grant Agreement contains further clarity about the types of personal information that should and should not be collected by the relevant Grantee. For example, the Grant Agreement could specify that the Grantee:

- must only collect personal information if it is relevant to the delivery of services under the Program;
- must not record any sensitive information about Participants unless the individual has given their informed consent for the collection and subsequent use/disclosure of that information (see **Recommendation 1.2**); and

must not record any personal information about identified Participants, or any other identified individual, unless the Participant has expressly confirmed that the other individual has given their permission for their personal information to be disclosed to the Grantee, and handled in accordance with the Collection Notice.

Agency response: Support

Treasury will address recommendation 1.4 in Round 3 of the Program. An attachment to the Grant Opportunity Guidelines and Agreement sets out the minimal client information Grantees are to collect. Treasury has reduced the amount of data and personal information collected by providers in Round 3.

Recommendation 2.1 – Grant agreement

We **recommend** that Treasury ensure that the Grant Agreement requires Grantees to:

- work with Treasury to develop a suitable Collection Notice for the Program (i.e. to allow the parties to expand on the obligations in the draft Grant Agreement about making Participants aware of certain matters, so that the Grant Agreement covers all of the matters described in **Recommendation 1.1**);
- provide this Collection Notice to Participants when they contact the Grantee with a view to participating in the Program;
- ensure that any subcontract that the Grantee may enter into in relation to the delivery of services for the Program (for example, to engage a suitable translator) requires the subcontractor to comply with the APPs as if it were an ‘agency’;
- assist Treasury with fulfilling any requests relating to accessing (APP 12) or correcting (APP 13) the personal information it holds, which may allow Treasury to refer such requests directly to the Grantee to address on Treasury’s behalf; and

We also **recommend** that Treasury consider whether it would be appropriate for the Grant Agreement to require the Grantee to delete or de-identify all personal information collected in the course of delivering services under the Grant Agreement (for example, at the expiry or termination of the Grant Agreement).

Agency response: Support

Treasury has addressed recommendation 1.1 in Round 3 of the Program. An attachment to the Grant Opportunity Guidelines outlines the privacy requirements (including developing a suitable Collection Notice) Grantees are to comply with in delivering the services under the Program. The Grant Agreements require a copy of the Collection Notice as part of Program documentation. Grantees will be required to make this Collection Notice to participants when registering for the service and ensure subcontractors are compliant with the obligations of the Collection Notice. The Attachment will specify that the Grantee is to assist Treasury to fulfill requests from Program clients seeking to access or correct personal information.

Treasury has considered the recommendation to require the Grantees to delete or de-identify all personal information collected in delivering services under the Grant Agreement. The attachment to the Grant Opportunity Guidelines includes advice that should the Grantee wish to retain client contact details, informed consent must be sought as part of the Collection Notice.

Recommendation 2.2 – Research agreement

We **recommend** that Treasury ensure that the Research Agreement requires the Researcher to:

- ensure that any subcontract that the Researcher may enter into in relation to the delivery of services for the Program requires the subcontractor to comply with the APPs (as if it were an ‘agency’); and
- assist Treasury in fulfilling any requests relating to accessing (APP 12) or correcting (APP 13) the personal information it holds, which may allow Treasury to refer such requests directly to the Researcher to address on Treasury’s behalf.

Agency response: Support

Treasury will address this recommendation in any future agreements (contracts) with Researchers, for example, those undertaking Program monitoring and evaluation activities.

Recommendation 3 – Future Rounds of the Program

We **recommend** that Treasury ensure that if future rounds of the Program involve information flows that are different to those discussed in this PIA, Treasury obtain internal or external privacy advice to ensure that the implementation of the Program continues to comply with the APPs.

Agency response: Support

Treasury will ensure that any future rounds of the Program continue to comply with the APPs by obtaining internal or external privacy advice.