

Article Information

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Employment Relations Podcast #19 - Privacy and Consent: Is your organisation collecting “sensitive” personal information about your staff?

In Episode 19 of our Employment Law for the Time Poor Podcast, Partner Erin McCarthy, and Senior Associate Emily Haar, as they discuss how the Fair Work Commission decision in *Lee v Superior Wood* turned employers’ understanding of the “employee records exemption” to the Privacy Act 1988 (Cth) on its head, and what the legal requirements are for collecting sensitive personal information, including health information, about employees.

As a follow on to our discussion about some of the legal challenges that may be involved in employers seeking to mandate COVID-19 vaccinations in their workforce, the next question becomes, can an employer lawfully ask an employee whether they are vaccinated, and what can they do if the employee refuses to answer that question?

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*Piper Alderman is assisting clients on the spectrum of legal issue arising from the pandemic. Please see our [COVID-19 resource hub](#) for more information on areas including **employment, industrial relations, construction law, government & defence, insolvency and property.***