



# CONFLICTS OF INTEREST

## FACTSHEET

### WHO COLLECTS THE INFORMATION?

Western Sydney University collects the information regarding declared conflicts of interest (including related party transactions).

### WHAT IS THE PURPOSE OF THE COLLECTION?

Western Sydney University has a legal obligation to collect certain information from University officers and employees about conflicts of interest. These include:

- [Western Sydney University Act 1997 \(NSW\)](#) – which applies to University Board of Trustees members and requires them to disclose all material interests in any matter before the Board, and to not be present or participate in any decision on that matter (refer Schedule 2, clause 5 of the Act).
- [Corporations Act 2001 \(Cth\)](#) – which applies to companies and requires directors to notify material personal interests when a conflict arises (refer Section 191 of the Act).
- [Independent Commission Against Corruption Act 1988 \(NSW\)](#) – which applies to University representatives as “public officials” and includes conflicts of interests such as improperly using knowledge or resources of the person’s position for personal gain or the advantage of others. The Vice-Chancellor, as chief executive officer of the University, has a duty to notify the Commission of any matter where there is reasonable suspicion of corrupt conduct (refer Part 3 of the Act).
- [Australia Accounting Standard AASB 124: Related Party Disclosures](#) - which applies to officers and key management personnel of Western Sydney University including Board, Board Committee, Directors, and Senior Executive members to declare any actual or potential transactions between the University and themselves, family members or controlled or associated entities. The University collects this information for the purposes of preparing note disclosures for inclusion in its annual financial statements.

### WHO HAS ACCESS TO THE INFORMATION IN THE COI REGISTER?

**Western Sydney University** controls and limits access to the Register, including who can enter and/or view the data stored in the Register. The University holds all data in its possession, and administers all data entered and stored in the Register in accordance with its [Privacy Policy](#) and [Privacy Management Plan](#).



Declarations submitted by University Representatives can be viewed and accessed by designated officers, i.e.,

- (a) Office of the University Secretary and General Counsel - University Secretary and General Counsel;
- (b) Office of Governance Services - Director, Associate Director, and Governance Officer;
- (c) Compliance Program Unit - University Compliance Manager;
- (d) Office of Audit and Risk - Director; and
- (e) Finance Office - Financial Operations Executive Director, and Financial Operations Manager.

The Register is maintained by a third party vendor, **Protecht**, which manages appropriate administrative, physical, technical safeguards and disaster recovery protocols consistent with the requirements of ISO 27001 for the protection, security, confidentiality, and integrity of the data entered and stored in the Register.

Protecht does not (a) modify, (b) disclose except as compelled by law or as expressly permitted by Western Sydney University, or (c) access the data entered and stored in the Register except to provide maintenance services, prevent or address service or technical problems, or at Western Sydney University's request for the purpose of customer support.

Please note that the **NSW Audit Office** also has access to all declared related party transactions whether entered and stored in the Register or provided in hard copy paper declarations. The NSW Audit Office accesses the information solely for the purpose of auditing Western Sydney University's annual financial statements, including related party note disclosures. Information obtained by the NSW Audit Office as part of its financial audit is protected by the secrecy provisions within the Public Finance and Audit Act 1983. Western Sydney University does not and will not disclose individual declared transactions within the financials (Annual Report) or to parties other than Western Sydney University.

#### **HOW LONG WILL INFORMATION IN THE REGISTER BE STORED?**

The information in the Register will remain in the Register until the agreement between the University and Protecht is terminated (see next section).

#### **WHEN WILL THE INFORMATION IN THE REGISTER BE DESTROYED?**

Upon termination of the agreement the University has with Protecht, the data will be deleted within 30 days of the effective date of termination. A downloadable file of the stored data will be made available to the University within that 30-day period. The data entered and stored in the Register will also be cleansed from production and back up servers.



**WHEN WILL WESTERN SYDNEY UNIVERSITY DESTROY THE INFORMATION PROVIDED FOR THE PURPOSE OF DECLARING CONFLICTS OF INTEREST?**

Western Sydney University is bound by the [State Records Act 1998 \(NSW\)](#). Summary records documenting disclosures of pecuniary interest by members of governing bodies is retained permanently by the University in accordance with legislative requirements. For other University staff who are not governing body members, the retention period is 7 years.

**CAN I OPT OUT OF USING THE ONLINE REGISTER?**

Yes, you can opt out of having your declaration information entered and stored in the Online Register. However, you must still complete a paper declaration which will be collected, used, and disclosed by the University in accordance with its *Privacy Policy* and *Privacy Management Plan*.