



Report into unauthorised release of confidential information of the Public Transport Authority

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CHAPTER ONE

Introduction

- [1] Public sector employees are entitled to have their personal details kept private. They trust their employer to have the appropriate information technology (IT) security measures in place to protect their personal information from others.
- [2] Curiosity got the better of Mr Andrew Forrester, a Senior Catenary Maintainer with the Public Transport Authority (PTA) when he accessed and saved the personal details of 1,750 PTA employees.
- [3] Mr Forrester was aware of the acrimonious state of negotiations between the PTA and Australian Rail Tram and Bus Industry Union (RTBU) at the time. He had an open dialogue with one union organiser and on several occasions, disclosed various pieces of information to him.
- [4] At some stage between 12 and 22 June 2017, Mr Forrester attended RTBU's office and transferred the personal details of 1,750 PTA employees onto the union organiser's computer.
- [5] Those details, which included leave balances, were subsequently used by the union in negotiations with the PTA.
- [6] Mr Forrester denied both saving the details and disclosing them to RTBU.
- [7] Following examination of computer login details and access of a USB stick, along with evidence from witnesses, the Commission rejects Mr Forrester's assertions that he was not involved in the alleged conduct.
- [8] The Commission forms an opinion of serious misconduct in respect of Mr Forrester's conduct in disclosing the personal details of PTA employees to RTBU in circumstances where he was not authorised to do so.¹

¹ *Corruption, Crime and Misconduct Act 2003* (CCM Act) s 4(b).

CHAPTER TWO

Background

- [9] Mr Forrester was employed as a Senior Catenary Maintainer at PTA from 21 May 2012 until he resigned on 20 December 2017. He was a member of RTBU.
- [10] Senior catenary maintainers, otherwise known as linesmen, are responsible for performing effective maintenance and support for the overhead catenary system in order to ensure on-time operations of electric trains and to assist in organising maintenance work and supervising the team crew on shift.
- [11] At the relevant time, RTBU were involved in negotiations with PTA in relation to the Industrial agreement that covered the Network and Infrastructure Division (N & I Division). This division covered catenary maintainers.

Unauthorised access issues with the Public Transport Authority

- [12] It was apparent there were issues surrounding the unauthorised use of restricted-access computer systems within the PTA. While this was not the focus of the Commission's investigation, it is necessary to discuss them in order to provide context of the unauthorised disclosure.
- [13] On the evening of 11 June 2017, a linesman employed by PTA accessed a file containing the personal details of various PTA employees. It is asserted this was done out of curiosity to see what was going on with the Enterprise Bargaining Agreement (EBA).
- [14] The actions of this linesman constituted a serious misconduct risk, in that they made it difficult to audit who accessed what information and potentially allowed unauthorised disclosure.
- [15] The PTA's Telecommunications Use Policy (the Policy) states that when personnel are logged into the PTA network and do not have direct control over the computer, or they will be leaving the computer unattended for a period of time, they must either turn the computer off, lock the computer or log off from the PTA network.²
- [16] The Policy also states that misuse includes accessing services under another user's ID and password.³

² PTA Telecommunications Use Policy, May 2017, 5.2.1.

³ PTA Telecommunications Use Policy, May 2017, 5.3.1.3.

- [17] Various PTA employees used the linesman's computer to view the personal details of other PTA employees.
- [18] The linesman left his desk unattended for a short time, leaving his computer open for others to access. He did not log off the computer before he left his desk. During this time, Mr Forrester accessed personal details of other PTA employees, including their leave balances, using the linesman's computer and login.

Mr Forrester's dealings with the information

- [19] Not only did Mr Forrester access details on the other linesman's computer, he also saved details from that computer onto a USB stick.⁴
- [20] The same USB stick was then inserted into a computer which Mr Forrester had logged into one minute after the USB stick had been removed from the other linesman's computer.
- [21] Approximately four minutes later, Mr Forrester conducted additional searches on the other linesman's computer and a specific file was opened.
- [22] One minute later, the same USB stick that had been inserted into the computer Mr Forrester was logged into, was again inserted into the other linesman's computer and the opened file was saved onto the USB stick.
- [23] Three minutes later, the USB stick was unplugged from the other linesman's computer. Approximately three hours later, that USB stick was inserted into a computer that Mr Forrester was logged into.
- [24] These activities were denied by Mr Forrester during a Commission examination.⁵
- [25] A witness to the incident describes seeing Mr Forrester leaning over the other linesman's computer and a yellow USB stick in the computer. This witness describes how Mr Forrester then removed the USB stick and went back to his own desk.
- [26] Another witness saw Mr Forrester print information from the other linesman's computer, collect the documents from the printer and put them into his own desk drawer.
- [27] Evidence from other witnesses, as well as examination of relevant data, refutes Mr Forrester's evidence that he did not use the USB stick.

⁴ The computer and USB stick were scrutinised by the Commission.

⁵ A Forrester transcript, private examination, 3 July 2018, p 17.

- [28] Mr Forrester's explanation was that another PTA employee must have waited for him to be away from his desk on two occasions during that shift and accessed his computer.⁶
- [29] Mr Forrester acknowledged that his computer would have a time-out function, making it necessary to log back in to the computer if it was not used for a period of time.⁷
- [30] Mr Forrester admitted during examination that he did not share his PTA administered username or password with anyone else and it was his understanding that "you didn't share it" with anyone else.⁸
- [31] However, Mr Forrester admitted that on one or two occasions, he allowed subcontractors to use a computer with his log in details. He stated this only occurred when he was sitting next to them and he allowed it because the subcontractors at the time were bored.⁹
- [32] Mr Forrester stated that these incidents occurred approximately four years ago. He admitted that he sat next to the subcontractors while they were using his log in because "you don't want them going bananas, it's your login, you're responsible for it".¹⁰
- [33] The preponderance of evidence favours the conclusion that Mr Forrester accessed information from the linesman's computer, saved it onto a USB stick, and later accessed it from the computer he was logged into.

Unauthorised disclosure to the Australian Rail Tram and Bus Industry Union

- [34] Between 12 and 22 June 2017, Mr Forrester attended RTBU's office and transferred information from his USB stick onto the union organiser's computer. Mr Forrester then brought up the information on the union organiser's screen.
- [35] The information contained details of approximately 1,750 PTA employees, their annual leave details, rates of pay and dates of birth.¹¹ It is alleged that Mr Forrester unplugged the USB stick from the computer and took it with him when he left.

⁶ A Forrester transcript, private examination, 3 July 2018, pp 20-21.

⁷ A Forrester transcript, private examination, 3 July 2018, p 21.

⁸ A Forrester transcript, private examination, 3 July 2018, pp 7.

⁹ A Forrester transcript, private examination, 3 July 2018, pp 8.

¹⁰ A Forrester transcript, private examination, 3 July 2018, p 8.

¹¹ Witness transcript, private examination, 31 July 2018, p 8.

- [36] Mr Forrester denies this allegation.¹²
- [37] A fellow PTA employee recalls Mr Forrester saying on the evening of 11 June 2018, that he thought the union wouldn't mind having a look at information he had accessed on the PTA's computer.
- [38] Mr Forrester told the Commission that the union organiser already had similar information on his computer. He said the union organiser had called him and asked him to come into the union organiser's office to look at the information on his computer.¹³
- [39] The union organiser disputes this assertion.
- [40] Mr Forrester admitted that he had previously provided the union with several hard copy documents relating to various issues and people of interest to the union.
- [41] The union organiser provided the Commission with a box of hard copy documents provided to him by Mr Forrester. The documents contained confidential emails, organisational charts and succession plans from the PTA, magazine and paper articles.
- [42] The union organiser stated that he never asked Mr Forrester to provide him with information.¹⁴ He told the Commission Mr Forrester would often just turn up to RTBU's office with "photocopies or documents".¹⁵

Motive

- [43] During Mr Forrester's time at PTA, he faced several disciplinary procedures. He told the Commission he did not want to come across as the disgruntled employee but he had "certainly lost any sort of faith in the company".¹⁶
- [44] He admitted "I certainly as far as going up the ladder ... I knew that I was never going to get any promotion".¹⁷
- [45] Mr Forrester has been described as being quite "prolific" on the phone when it came to contacting RTBU.¹⁸

¹² A Forrester transcript, private examination, 3 July 2018, p 23.

¹³ A Forrester transcript, private examination, 3 July 2018, p 25.

¹⁴ Witness transcript, private examination, 31 July 2018, p 12.

¹⁵ Witness transcript, private examination, 31 July 2018, p 12.

¹⁶ A Forrester transcript, private examination, 3 July 2018, p 30.

¹⁷ A Forrester transcript, private examination, 3 July 2018, p 30.

¹⁸ Witness transcript, private examination, 31 July 2018, p 5.

- [46] The negotiations between RTBU and PTA were described as "acrimonious" and there was a perception that the "blue collar workers" in the N & I Division were being disadvantaged.¹⁹
- [47] The majority of the issues surrounding these negotiations involved the way leave was being debited from worker's accounts.
- [48] Mr Forrester was aware of the acrimonious state of the negotiations. He would also have been aware that disclosure of the annual leave balances might have some impact on the negotiations.
- [49] The information provided to the union by Mr Forrester was subsequently used by the union organiser at a negotiations meeting between RTBU and PTA. The information disclosed was used as leverage by the union organiser to highlight the differences between the ways annual leave was being dealt with amongst PTA employees.
- [50] Evidence from various witnesses aligns with the Commission's digital forensic examination of data from the PTA and RTBU. Based on the weight of this evidence, Mr Forrester's explanation that the union organiser already had possession of that information is not credible.
- [51] The Commission forms an opinion of serious misconduct by Mr Forrester.²⁰

¹⁹ Witness transcript, private examination, 31 July 2018, p 9.

²⁰ CCM Act s 4(b).

CHAPTER THREE

Conclusion

- [52] A statutory purpose of the Commission is to continuously improve the integrity of and reduce the incidence of misconduct in the public sector.²¹
- [53] Information held by the PTA on its systems is confidential information. Unauthorised disclosure, apart from anything else, is a significant breach of the privacy of these employees, who entrusted their personal details to their employer in the expectation that they would be kept confidential.
- [54] It is uncertain whether the unauthorised disclosure of information by Mr Forrester had any measurable benefit in the EBA negotiations. However, the information was disclosed at a time when these negotiations were on foot and in an acrimonious state.
- [55] The Commission does not form any opinion in relation to the unauthorised access of information. The PTA's investigation is dealing with this aspect of the incident.
- [56] The matters canvassed in this report are capable of having an impact on other public sector agencies when reviewing their IT security measures concerning confidential information.

Recommendations

- [57] The Commission recommends that the PTA:
 - a) tightens access controls over confidential information including individual logins; and
 - b) reinforces to all staff the seriousness of accessing confidential information.
- [58] A finding or opinion that misconduct has occurred is not to be taken as a finding or opinion that a particular person is guilty or has committed a criminal offence or disciplinary offence.²²
- [59] The Commission is not a prosecuting authority nor does it have a role in investigating crimes except insofar as there may be evidence of serious misconduct. It will, if requested, furnish a prosecuting agency with admissible evidence gathered during the course of this investigation.

²¹ CCM Act s 7.

²² CCM Act s 217A.