



# Privacy Policy

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## 1. Overview

Respect Victoria, along with any contracted service providers, may have reason to collect, use and disclose personal information (which includes sensitive information) and health information about members of the public as well as its staff.

Respect Victoria acknowledges the sensitivity of personal information provided to it. Therefore, Respect Victoria is committed to protecting the privacy of this personal and health information in accordance with the law.

Respect Victoria is bound by privacy and other laws, including:

- *Privacy and Data Protection Act 2014*
- *Health Records Act 2001*
- *Charter of Human Rights and Responsibilities Act 2006*
- *Freedom of Information Act 1982.*

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Using and disclosing information about individuals may at times be a legitimate part of Respect Victoria's legislated functions. However, it is important to note that information may only be dealt with in accordance with the law.

## 2. To what and whom does this policy apply?

This policy applies to all personal and health information collected, stored, used and disclosed about any member of the public.

This policy also applies to all personal and health information collected, stored, used and disclosed about people working for Respect Victoria. This includes Agency staff, secondees, labour hire, personnel, contractors, sub-contractors and those on work experience and volunteers. These individuals are collectively referred to throughout this document as "workplace participants".

## 3. What does Respect Victoria do?

Respect Victoria works to address all forms of family violence across the whole community and with new strategic partners, in a range of settings in which Victorians live, work, learn, play and engage.

Respect Victoria provides policy and technical advice to policy makers, organisations and communities; it coordinates research that builds evidence on the prevention of all forms of family violence and it builds organisational and workforce capacity, including through its assessment and endorsement of family violence prevention programs. Respect Victoria will also develop a framework for the monitoring of trends in family violence and violence against women and the outcomes of programs.

## 4. Definitions of personal, health and sensitive information

### 4.1 Personal information

Personal information is defined in the **Privacy and Data Protection Act** as information or an opinion (including information or an opinion forming part of a database), that is recorded in any form and whether true or not, about an individual whose identity is apparent, or can reasonably be ascertained, from the information or opinion, but does not include information of a kind to which the **Health Records Act** applies.

### 4.2 Sensitive information

Sensitive information is a subset of personal information. It is defined in the Privacy and Data Protection Act. It means information or an opinion about an individual's:

- racial or ethnic origin
- political opinions
- membership of a political association
- religious beliefs or affiliations
- philosophical beliefs
- membership of a professional or trade association
- membership of a trade union
- sexual preferences, orientation or practices

- criminal record

that is also personal information.

### 4.3 Health information

Health information is defined in the **Health Records Act**. Where information is health information and so is not caught by the **Privacy and Data Protection Act**, then the law is different in some aspects. The **Health Records Act** defines health information as:

- information or an opinion about:
  - the physical, mental or psychological health (at any time) of an individual; or
  - a disability (at any time) of an individual; or
  - an individual's expressed wishes about the future provision of health services to him or her; or
  - a health service provided, or to be provided, to an individual
 that is also personal information (see definition of personal information under the **Health Records Act** below);
  - or
- the definition does not include health information, or a class of health information or health information contained in a class of documents, that is prescribed as exempt health information for the purposes of the Health Records Act generally or for the purposes of specified provisions of that Act.

Personal information is defined in the **Health Records Act** as information or an opinion (including information or an opinion forming part of a database), whether true or not, and whether recorded in a material form or not, about an individual whose identity is apparent, or can reasonably be ascertained, from the information or opinion, but does not include information about an individual who has been dead for more than 30 years.

## 5. Collection of personal and health information

Respect Victoria collects personal and health information only by lawful and fair means and not in an unreasonably intrusive way. If it is reasonable and practicable to do so, Respect Victoria collects personal and health information about an individual only from that individual. When collecting information directly from an individual and when collecting information from someone else about an individual, Respect Victoria will take reasonable steps to ensure the individual is aware of why the information is being collected (including the purposes for the collection and any relevant laws requiring the collection), who it may be disclosed to, the main consequences if the individual does not disclose the information (if collecting information directly from the individual), and how the individual may contact Respect Victoria and gain access to the information collected. There may be exceptions in the **Information Privacy Principles** and the **Health Privacy Principles** in certain circumstances that do not require reasonable steps to be taken but this needs to be assessed on a case by case basis.

Respect Victoria typically collects information in the following ways:

- directly from the individual to which the information relates
- where it is not reasonable or practicable to collect the information directly from the individual, information may be collected from a third party, such as the individual's authorised representative
- as a result of activities associated with registrations, board appointments, processing applications for services, activities and grants.
- where information may be provided by a third party.

### 5.1 Collection of sensitive information

Respect Victoria may collect sensitive information where:

- the individual has consented to the collection
- the collection is required or authorised under law
- the collection is necessary to prevent or lessen a serious threat to the life or health of any individual, where the individual whom the information concerns is physically or legally incapable of giving consent to the collection or physically cannot communicate consent to the collection, or
- the collection is necessary for the establishment, exercise or defence of a legal or equitable claim.

Respect Victoria may also collect sensitive information about an individual if:

- the collection is necessary for research or the compilation or analysis of statistics relevant to government funded targeted welfare or educational services, or
- the information being collected relates to an individual's racial or ethnic origin and the purpose of the collection is to provide government funded targeted welfare or educational services, and
- there is no reasonably practicable alternative to collecting the information for either purpose, and
- it is impracticable for the organisation to seek the individual's consent to the collection.

## 5.2 Types of information collected by Respect Victoria

The types of personal or health information Respect Victoria collects depends on the nature of the contact with Respect Victoria, and the statutory requirements of Respect Victoria.

Personal information collected by Respect Victoria may include (but is not limited to):

- name, address and contact details;
- personal circumstances (age, gender and information about children);
- financial matters (payment and bank account details); and
- identity (date and country of birth).

## 5.3 What Respect Victoria does with the information collected

Respect Victoria uses and discloses personal (including sensitive information) and health information for:

- the primary purpose for which it was collected; or
- a purpose related to that for which it was collected (secondary purpose) where the legislative requirements for using or disclosing for a secondary purpose are met.

Respect Victoria may use or disclose personal (including sensitive information) or health information when:

- the secondary purpose relates to the primary purpose of collection (or directly relates to the primary purpose in the case of sensitive or health information) and an individual would reasonably expect Respect Victoria to use or disclose it in this way
- the individual to whom the information is about has given consent for the use or disclosure
- Respect Victoria is required, authorised or permitted by or under law to use or disclose the information.

Respect Victoria collects, uses, holds and discloses personal and health information about a range of matters, including, but not limited to:

- managing contracts and funding agreements
- managing fraud and compliance investigations
- managing audits
- managing grants
- employment and personnel matters concerning Respect Victoria staff and contractors

- correspondence from members of the public to Respect Victoria, Ministers and Parliamentary Secretaries
- complaints made and the feedback provided
- requests made under the **Freedom of Information Act 1982**
- planning, monitoring and evaluating Respect Victoria functions and services
- meeting legislative requirements
- policy development and research
- meeting the reporting requirements of government and external oversight agencies

There are circumstances where Respect Victoria is authorised and/or required by law to collect, use, hold or disclose an individual's information. For example: information sharing under the **Family Violence Protection Act 2008**.

## 6. Information sharing with the Department of Health and Human Services

Respect Victoria may from time-to-time have reason to disclose personal information and health information to the Department of Health and Human Services in order to facilitate the Department's assistance to Respect Victoria in the exercise of its functions. The Department of Health and Human Services is also bound by the requirements of the *Privacy and Data Protection Act 2014* and is prohibited from using this information for any purpose other than the primary purpose for which it was collected or a related secondary purpose. The Department's privacy policy is available at <https://www.dhhs.vic.gov.au/publications/privacy-policy>.

## 7. How Respect Victoria stores and protects information

Respect Victoria has security measures designed to protect personal and health information from misuse, loss, unauthorised access, modification or disclosure. Respect Victoria must take reasonable steps to destroy or permanently de-identify personal information if it is no longer needed for any purpose in line with the **Public Records Act**. In relation to health information, Respect Victoria must take reasonable steps to destroy or permanently de-identify health information if it is no longer needed for the purpose for which it was collected or any other purpose authorised by the **Health Records Act**, the regulations made under the **Health Records Act**, or any other law.

Respect Victoria takes reasonable steps to ensure that any personal and health information it collects, uses, and discloses is accurate, complete and up to date, and having regard to the purpose for which health information is to be used, that it is relevant to Respect Victoria's current functions and activities.

## 8. Access to and correction of information

An individual may ask for access to their information or request a correction to their information by contacting Respect Victoria on (03) 9096 9501.

When contacted, Respect Victoria will let the individual know whether it holds information about the individual and any further steps that that individual should take to obtain access to the information.

## 9. Making a complaint about a privacy incident (breach)

An individual may make a complaint about a potential privacy incident (breach) by contacting Respect Victoria's Privacy Officer, Sarah Masters on (03) 9096 9501.

Respect Victoria undertakes to resolve privacy complaints and breaches in a timely and fair manner.

An individual may also make a privacy complaint to:

- the Health Complaints Commissioner in relation to a complaint relating to health information: 1300 582 113
- the Office of the Victorian Information Commissioner in relation to a complaint relating to personal or sensitive information: 1300 666 444.

## 10. How does Respect Victoria protect information transferred outside of Victoria?

Respect Victoria adheres to the requirements of the **Privacy and Data Protection Act** and Health Records Act when transferring personal and health information outside of Victoria.

The only circumstances in which personal and health information may be transferred or stored outside of Victoria is when the transfer or storage meets one (or more) of the following criteria:

- Respect Victoria reasonably believes that the recipient of the information is subject to a law, binding scheme or binding contract that provides substantially similar protection to the **Privacy and Data Protection Act** or **Health Records Act**
- the individual has provided consent to the transfer
- the transfer is necessary for the performance of a contract between the individual and Respect Victoria, or for the implementation of pre-contractual measures taken in response to the individual's request
- the transfer is necessary for the conclusion or performance of a contract concluded in the interest of the individual between Respect Victoria and a third party
- the transfer is for the benefit of the individual, and it is impracticable to obtain the individual's consent to the transfer, but if it were practicable to obtain consent the individual would be likely to give it
- Respect Victoria has taken reasonable steps to ensure that information which it has transferred will not be held, used or disclosed by recipients inconsistently with the Information Privacy Principles or Health Privacy Principles
- in the case of health information, the transfer is required or authorised by law.

## 11. Workplace participant responsibilities

It is every workplace participant's responsibility to familiarise themselves with the Information Privacy Principles set out in the **Privacy and Data Protection Act** and the Health Privacy Principles set out in the Health Records Act and to ensure that they comply with them.

### 11.1 Relevant legislation

- *Privacy and Data Protection Act 2014*
- *Health Records Act 2001*

Both these Acts are available on the [Victorian Legislation and Parliamentary Documents website](#)

<<http://www.legislation.vic.gov.au/>> [by searching under 'Victorian Law today'](#).

## Version Control

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