

# PRIVACY POLICY

Version 6.0

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## Purpose

This policy outlines a framework for Carers Victoria to responsibly manage personal (including sensitive information) and health information it collects, uses and discloses in accordance with the

- Privacy and Data Protection Act 2014 (Vic) (PDP Act),
- The Health Records Act 2001 (Vic.),
- Privacy Act 1988 (Cth.)

A supporting procedure has been developed by management to underpin compliance with policy.

## Scope

This policy applies the security and protection of all information held by Carers Victoria which contain personal, sensitive or health information, from loss, misuse and unauthorised access, modification or unauthorised disclosure<sup>1</sup>.

## Key definitions

In this document:

**Health information** is 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 them; or a health service provided, or to be provided, to an individual

**Representative** refers to all persons who represent Carers Victoria including employees, volunteers, students, contractors and board

**Personal information** is information or an opinion that is recorded in any form, 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 2001 applies.

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<sup>1</sup> Like Carers Victoria, all organisations and individuals receiving that information are similarly subject to information privacy and health records information. Our agreements with organisations providing funded service delivery (who routinely receive such information) set clear expectations about compliance with legislation, confidentiality, and privacy requirements.

This includes information such as names, addresses, phone numbers, postcodes, date of birth, gender, marital status, and biometrics such as fingerprints.

**Sensitive information** is a subset of personal information because of its nature it has higher restrictions on when it can and cannot be collected. There are nine different types of sensitive information under the PDP Act:

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

**The Professional Standards** prepared in accordance with Part IB of the Freedom of Information Act 1982 (Vic) (the Act) relating to the conduct of an agency in performing its functions under the Act, and the administration and operation of the Act by an agency.

**Victorian Protective Data Security Standards (VPDSS)** 12 standards for the security of public sector data, which includes personal information. Like the IPPs, the VPDSS are non-prescriptive and can be implemented according to each organisation's unique needs and operating environment.

## Responsibilities

All representatives of Carers Victoria are required to engage in training and formally acknowledge the Privacy Policy and Procedure to comply with legislative requirements<sup>2</sup>. This includes the integrity and security of data respective to their role and identifying and reporting Privacy or Data Security breaches.

The CEO, as delegated by the Board, is:

- responsible for the effective implementation of this policy
- ensuring Privacy and Data Security, and
- performs the role of Lead decision maker in the Carers Victoria Privacy Group.

The General Manager Carer and Corporate Services is:

- the secondary decision maker on behalf of Carers Victoria, and in that capacity can make decisions around Privacy when delegated to do so by the CEO.
- Responsible for ensuring investigations are appropriately resourced, completed in a timely manner and that actions arising are completed in line with agreed implementation timelines.

The Carers Victoria Privacy Officer is responsible for:

- providing advice and guidance pertaining to Privacy and Freedom of information as required.

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<sup>2</sup> This training is provided to all staff via the Carers Victoria as an on-line module as part of its broader, ongoing staff learning and development program

- Managing the administrative elements of reporting, as required;
- Overseeing the internal audit of related matters in line with agreed schedules and frameworks and developing advice arising from these for management consideration, including as it relates to the Carers Victoria Enterprise Risk Management Framework.

The Privacy Group:

- Comprises the Chair, the GM Carer and Corporate Services, and the CV Privacy officer
- is responsible for handling all Freedom of Information (FOI) requests and any privacy complaints related to an individual's information held by Carers Victoria.

## Policy

### Privacy

Carers Victoria is committed to protecting the privacy of individuals including the collection, storage and use of information in accordance with:

- the Information Privacy Principles (IPPs) under the PDP Act),
- the Health Privacy Principles (HPPs) under the Health Records Act 2001, and
- the Australia Privacy Principles (APP's) under the Privacy Act 1988.

Management of personal, health and sensitive information is also in line with the Charter of Human Rights and Responsibilities Act 2006 and the Freedom of Information Act 1982.

Carers Victoria will ensure that:

- It meets its legal and ethical obligations as an employer and service provider in relation to protecting the privacy of individuals through its systems, practices and procedures.
- Individuals are provided with information about their rights regarding privacy, including their right to access and correct their information, lodge a privacy complaint and have that complaint dealt with fairly and promptly.
- Personal information is collected by lawful means, stored and used as necessary for a function or activity to enable Carers Victoria to carry out its work.
- All representatives of Carers Victoria understand what is required in meeting these obligations.

An individual's right to privacy may be limited by law in some circumstances. Examples include where a person is in danger of harming themselves or others, or where a child is at risk. Carers Victoria is required to report such situations to appropriate authorities and will do so in accordance with relevant laws and regulations.

## Privacy Principles

Carers Victoria will apply all laws applicable in Victoria to all transfer of information, regardless of whether that involves transfer outside the state. In doing this, it will:

1. **Collect the minimum information necessary for its purpose, with full consent of the individual** concerned as to what is being collected, the purposes of its collection and use, how it will be stored, the right to access and correct the information, make a privacy complaint and how it will be dealt with and the conditions under which information will be shared.
2. **Not make assumptions** regarding the cultural, gender or other status of individuals whose information it is collecting. This includes never making assumptions about a client's identity, such as gender, pronouns, sexuality, intersex status, ethnicity and Aboriginal and Torres Strait Islander status.
3. Only use the information provided for the **purposes for which it was collected**.
4. Allow individuals to **remain anonymous when it is not necessary to know their identity** for the purposes of the engagement/transaction.
5. **Not disclose private, personal or health information to a third party without consent**, unless required by law or to prevent a serious threat to someone's life<sup>3</sup>.
6. Take all reasonable steps to ensure information regarding an individual is not held longer than it is required to do and **removes information about individual at the request of those individuals**.
7. Take all reasonable steps to ensure that information about an individual that it is using is **up-to-date, accurate, relevant, nonobtrusive and objective**.
8. **Assist individuals for whom it holds information to access their information, documents or records** under the Freedom of Information Act 1982 or Health Records Act 2001. and **provide applicants with appropriate information as possible, promptly and at lowest cost possible**.<sup>4</sup>
9. **Protect all information and data held from misuse, loss, and unauthorised access, modification, and disclosure** (Data Protection Governance Principles).
10. **Maintain policies to protect the information Carers Victoria has under its control** and make the policy available to anybody who asks for it.

## Data Protection Governance Principles

Carers Victoria will:

- Manage data security and maintain systems and processes to ensure the security of data held by the organisation;
- Be guided by Victorian Protective Data Security Standards (VPDSS) in relation to the steps it should take;
- Act rapidly should a breach occur to secure privacy and notify all involved of the breach and remedial actions that have been taken;

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<sup>3</sup> For example, information sharing under the *Victorian Health Records Act 2001*, *Family Violence Protection Act 2008* or the *Child Wellbeing and Safety Act 2005*.

<sup>4</sup> The process for doing this is set out in the Privacy Procedures.

- Ensure Information Sharing Principles are adhered to including where it is appropriate to share or disclose confidential or sensitive information as per the Victorian Health Records Act 2001, Child Information Sharing Scheme (CISS) and the Family Violence Information Sharing Scheme (FVISS);
- Ensure only individuals who are authorised, access to information (Personnel Security);
- Ensure hard copy information is physically secured from unauthorised access (Physical Security);

## References and related documents

*Privacy and Data Protection Act 2014 (Vic) (PDP Act)*

*The Health Records Act 2001 (Vic.)*

*Privacy Act 1988 (Cth.)*

*Charter of Human Rights and Responsibilities Act 2006*

*The Freedom of Information Act 1982*

*Family Violence Protection Act 2008*

*Child Wellbeing and Safety Act 2005*

Code of Conduct Policy and Procedures

Child Safe Code of Conduct Policy and Procedure

ICT Policy and Procedure

Whistle-blower Policy

Department of Health and Human Services Privacy Policy

Office of the Australian Information Commissioner [www.oaic.gov.au](http://www.oaic.gov.au)

Office of the Victorian Information Commissioner OVIC [ovic.vic.gov.au](http://ovic.vic.gov.au)

Victorian Protective Data Security Standards (VPDSS)

The Professional Standards (FOI Act)