

# Guide to Information Privacy

## *Privacy and Data Protection Act 2014*

### Information Privacy Management in [insert your agency's name]

If you handle personally identifying information you need to comply with either the *Privacy and Data Protection Act 2014* or the *Health Records Act 2001*.

Information about you is also protected by these acts.



#### **What is information privacy?**

There are many kinds of privacy. Privacy is part of the recognised Charter of Human Rights. It relates to:

- personal privacy – the integrity of a person's body
- privacy of personal behaviour – incorporates issues such as sexual preference, political activities and religious practice
- privacy of personal communications – providing confidential voice, speech and communications
- privacy of territory – the right to personal space
- Information Privacy or Data Privacy – the protection and regulation of the collection and use of personally identifying information.

#### **What information is regulated in the public sector by Victorian Privacy Legislation?**

- *Personal information*, is information, whether fact or 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 (*Privacy and Data Protection Act 2014*), other than health information.
- *Personal (health) information*, relates to an individual's physical, mental and emotional health or disability, palliative or aged care, or health service (*Health Records Act 2001*).

Personal information may consist of separate or linked factual data fields such as name, date of birth, driver's license number, etc. as well as, evaluative commentary regarding an individual or transaction. It may be held on any medium, for example, paper file, database, film, video or audio tape.

A person's identity may be apparent even when their name is not included in information, depending upon the other data items disclosed at the same time and the context the information is collected, used or disclosed in.

The context of the provision of information and the connection or linking of data fields can change non-identifying data into personally identifying information. For example, a person's physical description linked with their profession and work location may be highly identifying when discussing a celebrity or well-known figure.

# Guide to Information Privacy

Examples of information that may be personally identifying either alone or in combination are:

name	employee logon ID
photograph	driver's license number
title	health diagnosis
email address	fitness assessment
telephone or fax numbers	gender
date of birth	ethnicity
employee security pass number	banking details, such as branch location, account number and funds available
a performance appraisal report on a staff member	customer service operator's notes about a client and their query

Legislation governing the handling of personal information in **[insert your agency's name]**

- [The Privacy and Data Protection Act 2014](#) (link) contains 10 **Information Privacy Principles** (IPPs)(link) and regulates the personal information handling activities of the Victorian Public Sector and its funded services (except personal health information). This statute is regulated by the Office of the Victorian Information Commissioner. (Note that you will also need to apply the [Victorian Protective Data Security Framework](#) to all data you hold.)
- [The Health Records Act 2001](#) (link) regulates both public and private sector organisation that handle personal health information. The Health Privacy Principles (HPPs) (link) are *largely similar* in spirit and principle to the IPPs of the *Privacy and Data Protection Act 2014* but are tailored to the specific requirements of health services and health information. This statute is regulated by the Victorian Health Services Commissioner.

## Your Privacy Responsibilities

**[insert your agency's name]** is required to comply with the *Privacy and Data Protection Act 2014* and the *Health Records Act 2001*. As an officer of **[insert your agency's name]**, you are required to handle any information that identifies an individual in accordance with the appropriate IPPs (link) or HPPs (link). This includes information on a database or in a file or on a paper file. If in doubt, contact the agency's Privacy Advisor or request a Privacy Impact Assessment of your project or service. You can also contact the Office of the Victorian Information Commissioner for further information (phone: 1300 666 444 or email: [privacy@cpdp.vic.gov.au](mailto:privacy@cpdp.vic.gov.au)).

### IPP1: Collection

Collect only the information you need, lawfully and fairly. Advise the person why you need it and how you will use and disclose it in a "Collection Statement" ([link to how to write a collection statement](#))

### IPP2: Use and Disclosure

Use and disclose information inside and outside the organisation for the purpose for which it was collected or a related purpose the individual would expect. In some cases, such as protecting health and safety or for a legal requirement, you can disclose as required, otherwise seek consent.

### IPP3 & IPP4: Data Quality and Data Security

Keep the information accurate, complete, up-to-date and secure from unauthorised access and loss.

# Guide to Information Privacy

## IPP5: Openness

Let people know what you are doing with their information and provide the [insert your agency's name] Privacy Policy Brochure upon request.

## IPP6: Access and Correction

The *Freedom of Information Act 1982* provides for people to gain access to information held by [insert your agency's name] about themselves, for a nominal fee. However, [insert your agency's name] does have a policy of providing informal access to small amounts, of easy to obtain, information that does not impinge on another person's privacy.

## IPP7: Unique Identifiers

Do not use as a unique identifier, a number that another organisation has created. Only create unique identifiers if really necessary.

## IPP8: Anonymity

Where possible, practicable and legal allow people to remain anonymous in their dealings with [insert your agency's name].

## IPP9: Transborder dataflows

Ensure that there is a clause in the contract/agreement, with the organisation receiving the information, that binds the other organisation to comply with the Victorian IPPs; or the information is sent to a place with a comparative privacy regime when you transfer data out of the state.

## IPP10: Sensitive Information

Sensitive information is a special category in Privacy, it means: ethnic background, religion, political views, sexual preference or criminal record. You must get consent to collect sensitive information and then protect it by applying the other 9 IPPs to it.

## Your Privacy Rights

[insert your agency's name] is required to comply with both the *Privacy and Data Protection Act 2014* and the *Health Records Act 2001* when dealing with your personal information as well as external individual's.

### How do I get access to personal information about me held by [insert your agency's name]?

If you wish to access information [insert your agency's name] has about you, please complete the Application for access to Personal Information Request form ([link](#)) and forward it to the Senior Privacy Advisor (see address below).

The Privacy Act always intended access to personal information to be granted via the Freedom of Information process ([link to FOI](#)). However, in certain limited cases where a small amount of information is requested, there is an informal access process ([link](#)) that is managed by the Senior Privacy Advisor.

### How do I make a complaint if I think my privacy has been interfered with?

If you think your privacy has been interfered with and would like to make a complaint, please complete the Privacy Complaint Form ([link](#)) and forward it to:

**INSERT FOR YOUR AGENCY**