

# Making privacy work

## Special Advice to Bushfire Case Management Clients

The information on Needs Identification Service Referral Form is being collected by the Victorian Bushfire Case Management Service in order to identify your/your family's needs as a result of the bushfires. We will use this information to help meet your needs.

This will include arranging for other organisations to provide services to you/your family. To do this, your information may be given to them or other people that may be able to assist you/your family. They include organisations such as community service organisations, power companies, health professionals and Victorian or other government departments. The information you give us will only be used to meet your identified needs unless otherwise authorised by law.

The Victorian Bushfire Case Management Service may only be able to identify your needs accurately if you provide us with this information. We understand that some of this information may be very personal but we may not be able to provide the fullest assistance if you do not wish to give it to us.

Your personal information is protected by relevant privacy legislation and other special measures we have taken. This is the case regardless of how we store and process your information, including processing that we are having done in the United States.

You are entitled to access the information we collect about you. More information about your privacy is contained within the brochure.

## Department of Human Services Privacy Policy

- The Department of Human Services is committed to protecting the privacy of personal information which we and our funded service partners handle. Personal information is information which directly or indirectly identifies a person.
- We collect and handle a range of personal information for the purposes of providing services or to carry out our statutory functions. We also collect some personal information for planning, funding, monitoring and evaluating our services and functions, but where practicable we remove identifying details from information used for these purposes.
- In accordance with our responsibilities, the services and functions which we and our service partners provide relate primarily to the areas of health, community support and the protection of public health and safety. They include in particular primary and community health, public hospitals, mental health, disability, family support, child protection, youth justice, housing, homelessness support, and public health. We are committed to providing coordinated care to our clients.
- We recognise that the nature of these services means that much of the information we handle is particularly sensitive.
- We recognise that privacy principles protect personal information both as a matter of individual right, and to support the public interest in ensuring government can collect information necessary for its services.
- We recognise the essential right of individuals to have their information handled in ways which they would reasonably expect – protected on the one hand, and made accessible to them on the other.

- These privacy values are reflected in and supported by our corporate values: collaborative relationships, professional integrity and respect, quality, responsibility and client focus.
- We are bound by the Victorian privacy laws, the *Information Privacy Act 2000* and the *Health Records Act 2001*, as well as other laws which impose specific obligations in regard to handling information.

- We have adopted the respective Privacy Principles contained in the Victorian privacy laws as minimum standards in relation to handling personal information.

In broad terms this means that we:

- collect only information which we need for a specified primary purpose
- ensure that the person knows why we collect it and how we will handle it
- use and disclose it only for the primary or a directly related purpose, or for another purpose with the person's consent (unless otherwise authorised by law)
- store it securely, protecting it from unauthorised access
- retain it for the period authorised by the *Public Records Act 1973*
- provide the person with access to their own information, and the right to seek its correction. For information in our possession, this right is available through the *Freedom of Information Act 1982*\*. For information in the possession of our service partners, this right is available through privacy legislation\*\*.

This policy is complemented by high-level departmental guidelines intended to assist the department and its funded service partners to put the policy and law into practice.

\* For information about freedom of information requests, tel. 9606 8449, email [dhsfoi@dhs.vic.gov.au](mailto:dhsfoi@dhs.vic.gov.au) or visit the department's FOI website at [www.dhs.vic.gov.au/foi/](http://www.dhs.vic.gov.au/foi/)

\*\* For information about making a request under privacy legislation, contact the relevant funded service.

## Key privacy principles in summary

Health Records Act	Information Privacy Act
Health privacy principles summary	Information privacy principles summary
<p><b>1. Collection</b></p> <p>Only collect health information if necessary for the performance of a function or activity and with consent (or if it falls within HPP 1). Notify individuals about what you do with the information and that they can gain access to it.</p>	<p><b>1. Collection</b></p> <p>Collect only personal information that is necessary for performance of functions. Advise individuals that they can gain access to personal information.</p>
<p><b>2. Use and disclosure</b></p> <p>Only use or disclose health information for the primary purpose for which it was collected or a directly related secondary purpose the person would reasonably expect. Otherwise, you generally need consent.</p>	<p><b>2. Use and disclosure</b></p> <p>Use and disclose personal information only for the primary purpose for which it was collected or a secondary purpose the person would reasonably expect. Use for secondary purposes should have the consent of the person.</p>
<p><b>3. Data quality</b></p> <p>Take reasonable steps to ensure health information you hold is accurate, complete, up-to-date and relevant to the functions you perform.</p>	<p><b>3. Data quality</b></p> <p>Make sure personal information is accurate, complete and up-to-date.</p>

<p><b>4. Data security and retention</b></p> <p>Safeguard the health information you hold against misuse, loss, unauthorised access and modification. Only destroy or delete health information in accordance with HPP 4.</p>	<p><b>4. Data security</b></p> <p>Take reasonable steps to protect personal information from misuse, loss, unauthorised access, modification or disclosure.</p>
<p><b>5. Openness</b></p> <p>Document clearly expressed policies on your management of health information and make this statement available to anyone who asks for it.</p>	<p><b>5. Openness</b></p> <p>Document clearly expressed policies on management of personal information and provide the policies to anyone who asks.</p>
<p><b>6. Access and correction</b></p> <p>Individuals have a right to seek access to health information held about them in the private sector, and to correct it if it is inaccurate, incomplete, misleading or not up-to-date.*</p>	<p><b>6. Access and correction</b></p> <p>Individuals have a right to seek access to their personal information and make corrections. Access and correction will be handled mostly under the Victorian Freedom of Information Act.</p>
<p><b>7. Identifiers</b></p> <p>Only assign a number to identify a person if the assignment is reasonably necessary to carry out your functions efficiently.</p>	<p><b>7. Unique identifiers</b></p> <p>A unique identifier is usually a number assigned to an individual in order to identify the person for the purposes of the organisation's operations. Tax File Numbers and Driver's Licence Numbers are examples. Unique identifiers can facilitate data matching. Data matching can diminish privacy. IPP 7 limits the adoption and sharing of unique numbers.</p>

\* In the public sector individuals already have this right under Freedom of Information.

<p><b>8. Anonymity</b></p> <p>Give individuals the option of not identifying themselves when entering transactions with organisations where this is lawful and practicable.</p>	<p><b>8. Anonymity</b></p> <p>Give individuals the option of not identifying themselves when entering transactions with organisations if that would be lawful and feasible.</p>
<p><b>9. Transborder data flows</b></p> <p>Only transfer health information outside Victoria if the organisation receiving it is subject to laws substantially similar to the HPPs.</p>	<p><b>9. Transborder data flows</b></p> <p>Basically, if your personal information travels, your privacy protection should travel with it. Transfer of personal information outside Victoria is restricted. Personal information may be transferred only if the recipient protects privacy under standards similar to Victoria's IPPs.</p>
<p><b>10. Transfer/closure of practice of health service provider</b></p> <p>If you're a health service provider, and your business or practice is being sold, transferred or closed down, without you continuing to provide services, you must give notice of the transfer or closure to past service users.</p>	<p><b>10. Sensitive information</b></p> <p>The law restricts collection of sensitive information like an individual's racial or ethnic origin, political views, religious beliefs, sexual preferences, membership of groups or criminal record.</p>
<p><b>11. Making information available to another health service provider.</b></p> <p>If you're a health service provider, you must make health information relating to an individual available to another health service provider if requested by the individual.</p>	

## Making a privacy complaint to the Department of Human Services

The department recognises the right of individuals to have their information handled in ways which they would reasonably expect. Information Privacy Legislation provides a way for individuals to make a complaint if they feel the department has breached the Privacy Principles.

### Need assistance?

1. Refer to the *Making a complaint to the Department of Human Services* brochure.
2. Go to [www.dhs.vic.gov.au](http://www.dhs.vic.gov.au) and visit the CIIRu website found under Hotlinks as Corporate Integrity Information & Resolutions Unit.
3. Contact and discuss your situation or concern with staff from the area you have been dealing with.
4. Contact your local office (refer to back of brochure for details) or contact Corporate Integrity Information and Resolutions unit (CIIRu) on 1300 884 706.

The department can arrange an interpreter if you or anyone else you know making a complaint needs that help.

### Complaints about other agencies

The department funds public agencies, such as public hospitals, community health centres and community service organisations. If you have a privacy concern about your personal or health information held by any of these agencies, please enquire directly to that service.

### Who else protects your privacy?

Victorian Privacy Commissioner  
Ph: 1300 666 444  
Web: [www.privacy.vic.gov.au](http://www.privacy.vic.gov.au)

Office of the Health Services Commissioner  
Ph: 1800 136 066  
Web: [www.health.vic.gov.au/hsc](http://www.health.vic.gov.au/hsc)

Your local contact:

## Corporate Integrity Information and Resolutions Unit (CIIRu)

Department of Human Services  
Corporate Integrity Information and Resolutions Unit  
Your avenue to information and resolution of complaints.  
Ph: 1300 884 706  
Email: [complaints.reception@dhs.vic.gov.au](mailto:complaints.reception@dhs.vic.gov.au)  
GPO Box 4057  
Melbourne Vic 3001  
[www.dhs.vic.gov.au/pdpc/ciiru](http://www.dhs.vic.gov.au/pdpc/ciiru)

If you would like to receive this publication in an accessible format, please phone 1300 884 706, using the National Relay Service 13 36 77 if required, or email [complaints.reception@dhs.vic.gov.au](mailto:complaints.reception@dhs.vic.gov.au)

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