

making
privacy
 work

4. Data Security and Retention

Safeguard the health information you hold against misuse, loss, unauthorised access and modification. Only destroy or delete health information in accordance with HPP 4.

4. Data Security

Take reasonable steps to protect personal information from misuse, loss, unauthorised access, modification and disclosure.

5. Openness

Document clearly expressed policies on your management of health information and make this statement available to anyone who asks for it.

5. Openness

Document clearly expressed policies on management of personal information and provide the policies to anyone who asks.

6. Access and Correction

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.*

6. Access and Correction

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.

7. Identifiers

Only assign a number to identify a person if the assignment is reasonably necessary to carry out your functions efficiently.

7. Unique Identifiers

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.

8. Anonymity

Give individuals the option of not identifying themselves when entering transactions with organisations where this is lawful and practicable.

8. Anonymity

Give individuals the option of not identifying themselves when entering transactions with organisations where that would be lawful and feasible.

9. Transborder Data Flows

Only transfer health information outside Victoria if the organisation receiving it is subject to laws substantially similar to the HPPs.

9. Transborder Data Flows

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.

10. Transfer/closure of practice of health service provider

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.

10. Sensitive Information

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.

11. Making information available to another health service provider.

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.

For information about the Health Records Act:

Health Services Commissioner
 30th Floor, 570 Bourke Street
 Melbourne Victoria 3000
 Telephone: 1800 136 066
 Website: www.health.vic.gov.au/hsc

For information about the Information Privacy Act:

Victorian Privacy Commissioner
 Level 11, 10-16 Queen Street
 Melbourne Victoria 3000
 Telephone: 1300 666 444
 Website: www.privacy.vic.gov.au

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

Department of Human Services Privacy Policy

Statement

- 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, early childhood, family support, child protection, juvenile justice, housing, homelessness support, and public health.
- 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, 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; and
 - 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. These Guidelines are available on the **Department's Privacy website at www.dhs.vic.gov.au/privacy**.

* For information about Freedom of Information requests, tel. 9616 9910, email dhsfoi@dhs.vic.gov.au, or visit the department's FOI website at www.dhs.vic.gov.au/foi
 ** For information about making a request under privacy legislation, contact the relevant funded service.

Explanatory Notes

- The *Health Records Act* applies to health information, which is broadly defined to include information and opinion relating to physical and mental health, disability and aged care services. Much of the Department's functions, and those of our service partners, requires us to handle information, which is covered by this legislation.
- The *Information Privacy Act's* Information Privacy Principles apply to all other types of personal information.
- The full set of Principles in the respective privacy laws are published on the Victorian Government website at www.dms.dpc.vic.gov.au (2000 Acts include the *Information Privacy Act*, 2001 Acts include the *Health Records Act*); copies can be purchased from Information Victoria telephone 1300 366 356.

Key Privacy Principles in Summary

This table sets out a *summary version* of some key Privacy Principles from the two Victorian Acts, as published by the Health Services Commissioner and the Victorian Privacy Commissioner respectively.

These do *not* set out the full set or form of the Principles, and are intended for quick reference only. The Principles in full can be found in the respective Acts.

Health Records Act	Information Privacy Act
Health Privacy Principles Summary	Information Privacy Principles Summary
<p>1. Collection 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>1. Collection Collect only personal information that is necessary for performance of functions. Advise individuals that they can gain access to personal information.</p>
<p>2. Use and Disclosure 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>2. Use and Disclosure Use or disclose health 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>3. Data Quality Take reasonable steps to ensure health information you hold is accurate, complete, up-to-date and relevant to the functions you perform.</p>	<p>3. Data Quality Make sure personal information is accurate, complete and up-to-date.</p>

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