
Title: Privacy
Department Corporate
Approved by Management Team
Review & Update by: 31/01/2015



Purpose

Definition of Terms

Background

Very Special Kids (VSK) like most organisations collects and handles “personal information”, which may include “sensitive information”, and “health information” related to members, families, volunteers, donors and staff.

Personal information and health information is collected primarily to enable the organisation to fulfil its responsibilities as a provider of health services, an employer and as a charity conducting fundraising activities, receiving and processing donations.

This Policy has been developed to address VSK compliance with the following Acts:

- the Privacy Act 1988 (Commonwealth), as amended by the Privacy Act Amendment (Private Sector) Act 2000;
- the Information Privacy Act 2000 (Victoria); and
- the Health Records Act 2001 (Victoria).

These Acts regulate the way public and most private sector organisations can collect, use, keep secure and disclose personal information and health information. The Acts give individuals the right to know why an organisation is collecting their personal information and health information, what information is collected, how it will be used and who has access to that information.

VSK has adopted the Privacy Principles developed by the Department of Human Services to govern how it will handle personal information, including “sensitive information” and “health information” VSK is bound by these Privacy Principles and the Acts.

Policy

VSK is strongly committed to protecting the privacy of its members, staff, families, volunteers, donors and all members of the public. VSK will take reasonable steps to collect relevant information from individuals in a lawful and fair manner.

VSK will only collect, use or disclose personal information and health information in accordance with the Acts and the Privacy Principles and this Privacy Policy.

VSK will, from time to time, collect and use:

- Personal information in connection with VSK fundraising and promotional activities, for example, contact details of donors; and
- Personal and health information in connection with VSK services.

The types of personal information and health information collected and the purposes for which that personal information and health information will be used will depend on the exact circumstances in which the information is collected.

VSK will not disclose personal information or health information of an individual to third parties except where:

- The individual has consented to that disclosure;



- Third parties appointed by VSK require access to that information to perform services (in which case, VSK requires these contractors to keep that information confidential and not to use or disclose it for any purpose other than the purpose of performing those services);
- VSK is required or authorised by law to disclose that information, for example to law enforcement agencies; or
- VSK is otherwise permitted under the Acts to disclose that personal information or health information.

VSK will take all reasonable steps to protect all personal information and health information held by it from misuse and loss and from unauthorised access, modification and disclosure.

Any person may seek access to personal or health information which VSK holds about that person by contacting VSK. VSK will provide access to that information in accordance with the Acts. There are certain exemptions which may apply to the provision of that information. VSK may charge an administration fee for granting access to information.

Procedure

VSK will in collecting and handling of information comply with the following key Privacy Principles, as summarised from the Information Privacy Act 2000 (Victoria) and the Health Records Act 2001 (Victoria). In doing so VSK will also meet its obligations under the Privacy Act 1988 (Commonwealth), as amended by the Privacy Act Amendment (Private Sector) Act 2000.

All managers, staff and volunteers at VSK are obliged to take steps to ensure the Privacy Principles are complied with:

Health Records Act (Victoria)

Health Privacy Principles Summary

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.

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.

Information Privacy Act (Victoria)

Information Privacy Principles Summary

1. Collection

Collect only personal information that is necessary for performance of functions. Advise individuals that they can gain access to personal information.

2. Use and disclosure

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.

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.

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Make sure personal information is accurate, complete and up-to-date.

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, unauthorized access, modification or disclosure.

5. Openness

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

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

Health Records Act (Victoria)
Health Privacy Principles Summary

Information Privacy Act (Victoria)
Information Privacy Principles Summary

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.

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Individuals have a right to seek access to their personal information and make corrections.

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 License 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 the organisation where this is lawful and practicable.

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Give individuals the option of not identifying themselves when entering transactions with the organisation if 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.

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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.

Health Records Act (Victoria)

Health Privacy Principles Summary

Information Privacy Act (Victoria)

Information Privacy Principles Summary

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

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requested by the individual.

Source: "Making Privacy Work" Department of Human Services Victoria - February 2006

Expected Outcomes

Managers, staff and volunteers will understand the implications of privacy legislation, the Privacy Principles and uphold and maintain in all areas of VSK's operations.

Families supported by VSK, donors and supporters will have confidence that VSK has the appropriate privacy policies and procedures in place.

Relevant Standards

Ref. 02/30
Accreditation Standard: 3.1.2

References

Commonwealth Privacy Act 1988;
Privacy Amendment (Private Sector) Act 2000;
Information Privacy Act 2000 (Victoria);
Health Records Act 2001 (Victoria).
"Making Privacy Work" Department of Human Services Victoria - February 2006

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Keywords