

<b>No./Title:</b>	<b>POL 2.6 Privacy Policy</b>
<b>Section:</b>	Section 2: Organisation
<b>Document Type:</b>	Policy
<b>Responsibility:</b>	Chief Executive Officer
<b>Issued Date:</b>	September 2015
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<b>Approval Date:</b>	February 2023
<b>Due for Review:</b>	Within 3 years of approval date
<b>Context:</b>	This document forms part of the privacy policy and procedures.
<b>Purpose:</b>	To provide a coordinated, standardised approach to the creation and review of policies and procedures encompassing format, content, and version control.
<b>References:</b>	<ul style="list-style-type: none"> <li>• Code of conduct</li> <li>• WHLM Statement of Values, Statement of Philosophy and Statement of Purpose.</li> <li>• Health Records Act 2001 (Vic)</li> <li>• Privacy and Data Protection Act Act 2014 (Vic)</li> <li>• Charter of Human Rights and Responsibilities Act 2006 (Vic)</li> <li>• Clients Rights Privacy and Responsibilities, (WHLM brochure)</li> <li>• NHMRC research ethics</li> <li>• Privacy Act 1988 (C'wealth)</li> <li>• Associations Incorporations Reform Act 2012</li> </ul>

## Background

WHLM recognises the need to collect, maintain and securely store personal information to assist in the provision of high-quality services to all women. De-identified information may be used for reporting and submission applications to funding bodies and used internally for service monitoring and planning. This process is outlined in our Rights Privacy and Responsibilities brochure, which is given to all clients of the service.

WHLM collects and administers a range of personal information for the purposes of delivering a health service to clients (primary purpose) and related to functions of the agency planning and research (secondary purpose). Human Resources information is also included in this policy.

## Definitions:

**Information privacy:** The protection of personal information and the individuals' right to control how information about them is handled.

**Privacy Officer:** The Chief Executive Officer will act as the Privacy Officer. Staff requests for access to their personal information are the responsibility of the Finance/HR Worker.

The Privacy Officer implements and monitors adherence to all privacy legislation in this agency.

**Personal information:** Information or an opinion (including information or an opinion forming part of a database), whether true or not, and whether recorded in a material form or not, about an individual whose identity is apparent, or can reasonably be ascertained, from the information or opinion.

**Health information:** Personal information about an individual collected by a health service provider while providing a service. This includes not only information about an individual's health, disability or services received but also other information such as an individual's employment details, financial details and next of kin, even though these details do not relate to the individual's health or disability.

**Sensitive information:** Information or an opinion about an individual's:

- State of health
- Racial or ethnic origin
- Political, philosophical, or religious opinions, beliefs, or affiliations
- Membership of a professional or trade association or union
- Sexual preferences or practices
- Criminal record

**De identified data** The National Health and Medical Research Council (NHMRC), the Australian Research Council and the Australian Vice Chancellors Committee also considered this issue in the context of producing the revised National Statement on Ethical Conduct in Human Research (the National Statement). The National Statement makes a distinction between individually identifiable data, re-identifiable data and non-identifiable data as follows:

Data may be collected, stored, or disclosed in three mutually exclusive forms:

- individually identifiable data, where the identity of a specific individual can reasonably be ascertained. Examples of identifiers include the individual's name, image, date of birth or address.
- re-identifiable data, from which identifiers have been removed and replaced by a code, but it remains possible to re-identify a specific individual by, for example, using the code or linking different data sets.
- non-identifiable data, which have never been labelled with individual identifiers or from which identifiers have been permanently removed, and by means of which no specific individual can be identified.

A subset of non-identifiable data is those that can be linked with other data so it can be known that they are about the same data subject, although the person's identity remains unknown.

This National Statement avoids the term 'de-identified data', as its meaning is unclear. While it is sometimes used to refer to a record that cannot be linked to an individual ('non-identifiable'), it is also used to refer to a record in which identifying information has been removed but the means still exist to re-identify the individual. When the term 'de identified data' is used, researchers and those reviewing research need to establish precisely which of these possible meanings is intended.[75]

**Health Records Act 2001 (Victoria)** protects health information handled by the Victorian public and private sectors. "Health information" is defined to include information about the physical, mental, or psychological health of an individual, and can include personal information collected in providing an individual with a service where health information is collected. The Health Services Commissioner regulates the Health Records Act.

**Information Privacy Act 2000 (Vic)** The objects of the IPA are to:

Balance the public interest in the free flow of information with the public interest in respecting privacy and protecting personal information in the public sector.

Promote the responsible and transparent handling of personal information in the public sector and promote awareness of these practices.

**Privacy Act 1988 (Commonwealth) Policy amendment (Enhancing Privacy Protection) Act, 2012.**

Commenced in March 2014 covers the handling of personal information (including health information) by Federal government organisations, credit reporting organisations and parts of the private sector (excluding small businesses). The Australian Privacy Commissioner regulates the Privacy Act. In Victoria, the Health Records Act 2001, has jurisdiction over the Privacy Act 1988 (Commonwealth) in respect to the collection, use, maintenance, and disclosure of health information.

**Freedom of Information Act 1982**, broadly, and under the requirements of the Health Records Act 2001, provides members of the public rights of access and correction of records collected containing health information and to other documents about their personal affairs and the activities of the Victorian Government and its agencies.

The Act only confers a right of access on the person who is the subject of the personal information, to that person's own personal information.

The IPA provides that Freedom of Information remains the procedure for people to seek access to their personal information from organisations subject to the FoI Act. The IPA however can provide access to personal information from

organisations that are not subject to the FoI Act (IPP 6).

This is generally relevant where Contracted Service Providers hold personal information, as many Contracted Service Providers are not subject to the FoI Act but must comply with the IPA.

## Policy Overview

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WHLM as a not-for-profit organisation, funded by Victorian government is thereby held responsible under Victorian Privacy legislation. The organisation has adopted the respective Privacy Principles contained in these Victorian Privacy Laws as minimum standards in relation to handling personal information.

WHLM is committed to protecting the privacy of personal information, which the organisation collects, holds, and administers, as well as maintaining high standards of confidentiality as outlined in the Victorian Health Privacy Principles.

The purpose of this document is to provide a framework for WHLM in dealing with privacy considerations. It applies to Personal information, which directly or indirectly identifies a person, to all personal information held by the service, in paper and electronic formats including information relating to staff, other service providers and clients within all programs, services and Human Resources information within WHLM.

1. WHLM will provide a Privacy Statement to consumers and employees, in an appropriate format, as part of their introduction to WHLM.
2. WHLM will only collect information that is necessary to provide services, employment or for governance and operations requirements and will collect this information in a fair, lawful, and non-intrusive manner directly from the consumer, where possible, rather than from third parties.
3. WHLM will only use and disclose information for the primary purpose for which it was collected. Consent will be required for any other use of personal information unless it is needed to prevent a health or safety threat or is required or authorised by law.
4. WHLM will take all reasonable steps to ensure personal information is accurate, complete, and up to date and, in line with specified exemptions, will enable individuals' access to their personal information and request any necessary corrections.
5. WHLM will take all reasonable steps to ensure that personal information is protected from misuse, loss, unauthorised access, modification, and disclosure. Only WHLM employees and authorised external users will have access to WHLM systems and records, this shall be provided at the level that their duties require.
6. WHLM will ensure that WHLM employees understand that only those directly involved in providing services to a consumer can access that consumers file and records.
7. WHLM will not transfer any information outside of Victoria without due process. WHLM will gain consent to transfer information from the consumer however where it is not practical to gain consent, WHLM will endeavour to ensure that the release is to an organisation that is bound by similar laws and privacy obligations.
8. WHLM will hold or retain records and information for, at least, the period specified by relevant legislation and/or standards, prior to secure destruction or deletion.
9. All WHLM employees will receive annual training to ensure they understand their obligations under the laws relating to maintaining customer privacy.
10. WHLM will ensure that any data breaches, or suspected data breaches, are treated

seriously and action is taken immediately to contain, assess and remediate the incident. WHLM will instigate its Data Security Response Plan in accordance with the requirements of the Notifiable Data Breaches scheme. WHLM will comply with any direction, guideline, determination, or recommendation made by the Commissioner for Privacy and Data Protection.

## Responsibilities

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### WHLM Board

- be aware of the Privacy Policy, related procedures, and documents.
- ensure they understand their responsibilities and comply with this policy and related documents.
- ensure that reports are requested and considered as part of regular Board meetings.

### WHLM Executive

- endorse the Privacy Policy, related procedures, and documents.
- ensure they understand their responsibilities and comply with this policy and related documents.
- ensure WHLM employees understand their responsibilities and comply with this policy and related documents.
- ensure this policy and related documents are regularly reviewed and maintained in line with applicable legislation, guidelines, and standards.
- ensure privacy information is provided to WHLM employees as part of induction.
- ensure that any data breaches are handled in line with the Data Security Response Plan.
- ensure information regarding consumer rights is available for WHLM employees to provide to consumers.
- Will ensure that any breaches of this policy are managed in line with Code of conduct Policy and Procedures

### WHLM Managers

- ensure they understand their responsibilities and comply with this policy and related documents.
- ensure WHLM employees understand their responsibilities and comply with this policy and related procedures.
- ensure privacy information is provided to WHLM employees as part of induction.
- ensure that information regarding consumer rights is available for WHLM employees to provide to consumers.
- ensure information regarding consumer rights and responsibilities is provided to consumers when they engage with WHLM for services
- ensure that any breaches of this policy are managed in line with code of conduct policy and procedures.

### WHLM Employees

- ensure they understand their rights and responsibilities and comply with this policy and related documents.
- ensure information regarding consumer rights and responsibilities is provided to consumers when they engage with WHLM for services.
- ensure that any breaches of this policy are reported to their manager.

## **Complaints**

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If an individual is not satisfied that privacy of their information has been maintained, the Privacy Officer will inform them of the “Complaints” policy and procedure.

The individual had the right to submit a complaint to the Health Services Commissioner in Victoria.: Telephone: 1300 582 113 - <https://hcc.vic.gov.au/public/about-complaints>

### **Breach of privacy legislation**

WHLM will ensure that any suspected breach of the Act by employees will be thoroughly investigated according to the Staff “Discipline Procedure”

According to privacy law and guidelines, all documents associated with privacy and confidentiality will be reviewed, updated, and audited annually and more often as required.

Any enquiry’s regarding this Policy and/or legislation will, in the first instance, be directed to the Privacy Officer.

WHLM will provide a copy of this Policy to all members of staff and will train staff in the appropriate handling of personal information by WHLM.

This policy is a public document and access to it will be granted on request.