



# PRIVACY POLICY

## 1. Purpose

Respect Victoria, along with any contracted service providers, may have reason to collect, use and disclose personal information and health information about its employees and occasionally members of the public, for example when serving on advisory committees or applying for employment.

Respect Victoria respects the privacy of individuals. While using and disclosing information about individuals may at times be a legitimate part of Respect Victoria's legislated functions, Respect Victoria acknowledges the sensitivity of personal and health information provided to it and is committed to protecting the privacy of this information in accordance with the law.

Respect Victoria is bound by privacy and other laws, including:

- *Privacy and Data Protection Act 2014* (the Privacy Act)
- *Health Records Act 2001*
- *Charter of Human Rights and Responsibilities Act 2006*
- *Freedom of Information Act 1982*.

Respect Victoria employees are responsible for familiarising themselves with the Information Privacy Principles set out in the Privacy Act and the Health Privacy Principles set out in the *Health Records Act 2001* and ensuring that they comply with them.

## 2. Scope

This policy applies to all personal and health information collected, stored, used and disclosed about any person who interacts with Respect Victoria.

This policy also applies to all personal and health information collected, stored, used and disclosed about people working for Respect Victoria. This includes agency employees, secondees, labour hire, contractors, subcontractors and those on work experience and volunteers.

## 3. Definitions

### 3.1 Personal information

Personal information is defined in the Privacy Act as information or an opinion (including information or an opinion forming part of a database) that is recorded in any form, and whether true or not, about an individual whose identity is apparent, or can reasonably be ascertained, from the information or opinion. Personal information does not include information covered by the *Health Records Act 2001*.

### 3.2 Sensitive information

Sensitive information is a type of personal information. The Privacy Act defines sensitive information as information or an opinion about an individual's:

- racial or ethnic origin
- political opinions
- membership of a political association
- religious beliefs or affiliations
- philosophical beliefs
- membership of a professional or trade association
- membership of a trade union
- sexual orientation or practices
- criminal record

that is also personal information.

### 3.3 Health information

Health information is not covered by the Privacy Act, which means the law is different in some respects. The *Health Records Act 2001* defines health information as information or an opinion about:

- the physical, mental or psychological health (at any time) of an individual
- a disability (at any time) of an individual
- an individual's expressed wishes about the future provision of health services to them
- a health service provided, or to be provided, to an individual.

that is also personal information; or:

- other personal information collected to provide, or in providing, a health service
- other personal information about an individual collected in connection with the donation, or intended donation, by the individual of their body parts, organs or body substances
- other personal information that is genetic information about an individual in a form which is or could be predictive of the health (at any time) of the individual or of any of their descendants.

The definition excludes health information prescribed as exempt under the *Health Records Act 2001*. The definition of personal information under the *Health Records Act 2001* is the same as the Privacy Act, but does not include information about an individual who has been deceased for more than 30 years.

## 4. Collection of information

### 4.1 Collection of personal and health information

Respect Victoria collects personal and health information for a range of reasons related to its statutory functions under the *Prevention of Family Violence Act 2018* and administrative functions and activities. Typical methods and reasons for collection include:

- correspondence from members of the public or referred to Respect Victoria by other agencies
- complaints to or about Respect Victoria
- requests under the *Freedom of Information Act 1982 (Vic)*
- job applications
- employment and personnel matters concerning Respect Victoria staff and contractors
- optional survey responses
- registration for Respect Victoria events
- data sharing arrangements between Respect Victoria and other agencies
- managing contracts and funding agreements
- managing fraud and compliance investigations
- managing grants

- planning, monitoring and evaluating Respect Victoria functions
- meeting legislative requirements
- policy development and research
- meeting the reporting requirements of government and external oversight agencies.

There are circumstances where Respect Victoria is authorised and/or required by law to collect, use, hold or disclose an individual's information. For example, information sharing under the *Family Violence Protection Act 2008*.

Respect Victoria will keep personal information confidential, except when it is necessary to disclose it in connection with the original purpose for which the information was initially collected or as otherwise permitted under legislation and the Information and Health Privacy Principles.

Wherever possible, information about an individual is collected directly from that individual. We aim to collect it lawfully, fairly and without undue intrusion in accordance with the Privacy Act and the *Charter of Human Rights and Responsibilities Act 2014* (Vic).

When collecting information, Respect Victoria will take reasonable steps to ensure the individual is aware of why the information is being collected (including the purposes for the collection and any relevant laws requiring the collection), who it may be disclosed to, the main consequences if the individual does not disclose the information, and how the individual may contact Respect Victoria and gain access to the information collected.

There may be exceptions in the Information Privacy Principles and the Health Privacy Principles in certain circumstances that do not require reasonable steps to be taken but this needs to be assessed on a case-by-case basis.

Further details about other types of information we collect through the Victorian Government website, and how we handle that information, is set out in the [website privacy statement](#).

## 4.2 Collection of sensitive information

Under the Privacy Act, Respect Victoria must not collect sensitive information unless:

- the individual has consented to the collection
- the collection is required or authorised under law
- the collection is necessary to prevent or lessen a serious threat to the life or health of any individual, where the individual whom the information concerns is physically or legally incapable of giving consent to the collection or physically cannot communicate consent to the collection
- the collection is necessary for the establishment, exercise or defence of a legal or equitable claim.

Respect Victoria may also collect sensitive information about an individual if:

- the collection is necessary for research or the compilation or analysis of statistics relevant to government funded targeted welfare or educational services, or
- the information being collected relates to an individual's racial or ethnic origin and the purpose of the collection is to provide government funded targeted welfare or educational services, and
- there is no reasonably practicable alternative to collecting the information for either purpose, and
- it is impracticable for Respect Victoria to seek the individual's consent to the collection.

## 4.3 Types of information collected by Respect Victoria

The type of personal or health information Respect Victoria collects depends on the nature of the contact, and Respect Victoria's statutory obligations.

Personal information collected by Respect Victoria for employment purposes (e.g., national police records check) may include (but is not limited to):

- name, address and contact details
- personal circumstances (age, gender and information about children)
- financial matters (payment and bank statements)
- identity (date and country of birth).

## 4.4 What Respect Victoria does with the information it collects

Under the Privacy Act, Respect Victoria may only use or disclose personal (including sensitive information) or health information for a purpose other than the primary purpose of collection in certain circumstances. This includes when:

- the secondary purpose relates to the primary purpose of collection (or directly relates to the primary purpose in the case of sensitive or health information) **and** an individual would reasonably expect Respect Victoria to use or disclose the information for the secondary purpose
- the individual has given consent for the use or disclosure of their information
- it is required, authorised or permitted by or under law to use or disclose the information.

# 5. Information sharing with the Department of Families, Fairness and Housing

The Department of Families, Fairness and Housing is Respect Victoria's portfolio department, and it also provides a range of corporate services to Respect Victoria. Respect Victoria is required to provide employee personal information and health information to the Department so that it can provide corporate services, including payroll functions that support Respect Victoria's functions.

The Department is also bound by the requirements of the Act and is prohibited from using this information for any purpose other than the primary purpose for which it was collected or a related secondary purpose. The Department's privacy policy is available on its [website](#).

## 6. How Respect Victoria stores and protects information

Respect Victoria has security measures designed to protect personal and health information from misuse, loss, unauthorised access, modification or disclosure. Respect Victoria must take reasonable steps to destroy or permanently de-identify personal information if it is no longer needed for any purpose in line with the *Public Records Act 1973*.

In relation to health information, Respect Victoria must take reasonable steps to destroy or permanently de-identify health information if it is no longer needed for the purpose for which it was collected or any other purpose authorised by the *Health Records Act 2001*, the regulations made under that Act, or any other law.

Respect Victoria takes reasonable steps to ensure that any personal and health information it collects, uses, and discloses is accurate, complete and up to date, and – having regard to the purpose for which health information is to be used – that it is relevant to Respect Victoria's functions and activities.

## 7. Access to and correction of information

An individual may ask for access to their information or request a correction to their information by contacting Respect Victoria at [ceo@respectvictoria.vic.gov.au](mailto:ceo@respectvictoria.vic.gov.au).

When contacted, Respect Victoria will let the individual know whether it holds information about them and any further steps that the individual should take to obtain access to the information.

## 8. Making a complaint about a privacy incident (breach)

An individual may make a complaint about a potential privacy incident (breach) by contacting Respect Victoria at [ceo@respectvictoria.vic.gov.au](mailto:ceo@respectvictoria.vic.gov.au). Respect Victoria undertakes to resolve privacy complaints and breaches in a timely and fair manner.

An individual may also make a privacy complaint to:

- the Health Complaints Commissioner for complaints relating to health information: 1300 582 113
- the Office of the Victorian Information Commissioner for complaints relating to personal or sensitive information: 1300 006 842.

## 9. How Respect Victoria protects information transferred outside of Victoria

Respect Victoria adheres to the requirements of the Privacy Act and the *Health Records Act 2001* when transferring personal and health information outside of Victoria.

The only circumstances in which personal and health information may be transferred or stored outside of Victoria is when the transfer or storage meets one (or more) of the following criteria:

- Respect Victoria reasonably believes that the recipient of the information is subject to a law, binding scheme or binding contract that provides substantially similar protection to the Privacy Act or *Health Records Act 2001*
- the individual has provided consent to the transfer
- the transfer is necessary for the performance of a contract between the individual and Respect Victoria, or for the implementation of pre-contractual measures taken in response to the individual's request
- the transfer is necessary for the conclusion or performance of a contract concluded in the interest of the individual between Respect Victoria and a third party
- the transfer is for the benefit of the individual, and it is impracticable to obtain the individual's consent to the transfer, but if it were practicable to obtain consent the individual would be likely to give it
- Respect Victoria has taken reasonable steps to ensure that information which it has transferred will not be held, used or disclosed by recipients inconsistently with the Information Privacy Principles or Health Privacy Principles
- in the case of health information, the transfer is required or authorised by law.

## 10. Policy Review

This Policy will be reviewed at least every three years, and updated when necessary to reflect changes in legislation or information management practices