

Two Victorian laws, the Information Privacy Act 2000 and the Health Records Act 2001, help protect the privacy of your personal information.

INFORMATION PRIVACY ACT

The Information Privacy Act sets new standards for the way Victorian government organisations, statutory bodies and local councils collect and handle personal information. Ten Information Privacy Principles (IPPs) are the practical core of the Information Privacy Act. The Act came into full effect from 1 September 2002.

HEALTH RECORDS ACT

The Health Records Act provides protection of your health information. It establishes eleven Health Privacy Principles (HPPs) to regulate the collection, handling and disposal of health information in the Victorian public and private sectors. It gives Victorians the right to access their health information held in the private sector. The Health Records Act took full effect from 1 July 2002.



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**Privacy
laws
protect
our
communities.**



COMMISSIONERS

The Office of the Victorian Privacy Commissioner (Privacy Victoria) is an independent statutory office created by the Information Privacy Act. Paul Chadwick is Victoria's first Privacy Commissioner.

Beth Wilson is Victoria's Health Services Commissioner. She is responsible for implementing the Health Records Act.

PRIVACY PRINCIPLES IN BRIEF

This is a short summary of the privacy principles:

1 Collection Organisations can only collect your personal information if it is necessary to perform the organisation's functions. They should notify you about the purpose of the collection and that you can gain access to your personal information.

2 Use and disclosure Your personal information should be used and disclosed for the primary purpose for which it was collected unless it is for a secondary purpose that you would reasonably expect. Or your consent may be requested. The law also allows some uses and disclosures without consent, such as to protect safety.

3 Data quality Organisations must keep your personal information accurate, complete and up to date.

4 Data security Personal information must be protected from misuse, loss and unauthorised access, modification or disclosure.

5 Openness Organisations must have clearly expressed policies on the way they manage personal information and must give these policies to anyone who asks.

6 Access and correction You have a right to seek access to your own personal information and to seek corrections if necessary.

7 Unique identifiers Unique identifiers, usually a number, can facilitate data matching. Use of unique identifiers by organisations is only allowed under certain conditions.

8 Anonymity Organisations should give individuals the option of not identifying themselves when entering into transactions with organisations where this is lawful and feasible.

9 Transborder data flows Organisations should only transfer personal information outside Victoria if the recipient protects privacy under standards similar to Victoria's.

10 Sensitive information This includes racial or ethnic origin, political views, religious beliefs, sexual preferences, membership of groups or criminal record. The law puts special restrictions on the collection of this information.

11 Transfer/closure of the practice of a health service provider Health service providers that sell, transfer or close a practice or business must give notice of the transfer or closure to past users of the service.

12 Making information available to another health service provider Health service providers must make health information available to another provider when asked to do so by the subject of the information.

WHAT CAN I DO IF I BELIEVE MY PRIVACY HAS BEEN BREACHED?

If you believe an organisation has breached one or more of the IPPs or HPPs you should first attempt to resolve the matter with the organisation.

Ask to speak to the Privacy Officer or someone who deals with complaints. Write to the organisation, explaining the situation and what you would like to see happen. Give the organisation an adequate opportunity to respond.

If you are still not satisfied, you have the right to complain to the Privacy Commissioner or the Health Services Commissioner if you believe that your privacy has been breached after 1 July 2002 (in the case of health information) or after 1 September 2002 (for other types of personal information).

The Commissioners will make all reasonable efforts to conciliate complaints. Where conciliation is not reasonably possible, or is tried but fails, complaints may go to the Victorian Civil and Administrative Appeals Tribunal.