

Schedule 6 – Privacy Policy

Date Approved	Date last reviewed	Date for next review
December 2022	January 2026	January 2029

Purpose

The purpose of this policy is to outline how WHWBSW meets the organisation's legal and ethical responsibilities with regard to the protection of personal privacy, confidentiality and access to information.

In this schedule the following terms have the corresponding meaning:

Personal information is information or an opinion (whether true or not) about any individual whose identity is apparent, or can reasonably be ascertained, from the information or opinion. Examples of personal information include an individual's name, address, telephone number, photograph, fingerprints and bank account details.

Health information is information or an opinion about an individual's physical health, mental or psychological health, their disability, or any health services provided to them or to be provided.

Sensitive information is information or an opinion about an individual's racial or ethnic origin; political beliefs or membership of a political association; religious beliefs/affiliations; philosophical beliefs; membership of a professional or trade association or trade union; sexual orientation or practices; physical, mental and psychological health; or criminal record.

Scope

The WHWBSW Board, staff, consultants, contractors, auditors, volunteers and students are all bound by this policy and related procedures.

Overview

WHWBSW has legal and ethical responsibilities with regard to the protection of personal privacy, confidentiality and access to information.

From time to time, WHWBSW collects personal information as part of its research, community surveys/consultations and project evaluation activities. WHWBSW also maintains a list of members and their contact details. Some medical records and counselling records are also held by WHWBSW as a result of the provision of clinical services up until 2006.

As an employer, WHWBSW holds some personal details of employees and volunteers in its personnel records system.

Privacy Principles

The following privacy principles apply to personal information collected and held by WHWBSW.

Collection of Personal Information

Women's Health and Wellbeing Barwon South West will collect (by lawful and fair means) only that information about an individual which is necessary for one or more of its functions or activities and only with the prior knowledge or consent of the individual. The individual must be advised of the uses of the collected information and the individual's right to request access to the information.

Use and Disclosure of Information - WHWBSW will use individual personal information solely for the purpose for which it was collected. WHWBSW will not disclose individual personal information to a third party unless required by law.

Data Quality Control

WHWBSW will take reasonable steps to ensure that the individual personal information it collects is accurate, complete, up-to-date and relevant to its function.

Data Security and Retention

WHWBSW will take reasonable steps to protect and secure the personal information it holds from misuse, loss and unauthorised access, modification or disclosure. WHWBSW will only destroy or delete health information in accordance with the provisions of the Health Records Act 2001 (Victoria).

Openness

WHWBSW will ensure that individuals can access this Privacy Policy and include a copy of this policy on its website.

Access and Correction

Individuals have a right to request access to personal and health information held about them by WHWBSW. If an individual establishes that her personal or health information held by WHWBSW is inaccurate, incomplete, misleading or out of date, WHWBSW will take reasonable steps to correct the information.

Unique Identifiers

WHWBSW will not collect, use or disclose any unique identifier assigned to an individual by another organisation (such as Tax File Numbers, Driver Licence Numbers, Medicare Numbers) unless required by law to do so, and the individual's consent has been obtained.

From time to time, WHWBSW conducts surveys or research which may involve assigning an identifier code to an individual's survey/research responses for the purpose of collection and collation of data. Such identifier codes will not be used for any other purpose and will not be disclosed to third parties. Any published survey results or research reports will not contain any identifying information about individual respondents.

Anonymity

Wherever it is lawful and practicable, individuals will have the option of not identifying themselves when entering transactions with WHWBSW.

Sensitive Information

WHWBSW will only collect sensitive personal information (such as racial origin, political views, religious beliefs, sexual orientation, criminal record) where necessary and with the consent of the individual, or in the context of research where informed consent has been provided.

Interstate or International Information Transfer

The transfer of personal or health information outside Victoria or Australia may occur only if the individual requests or consents to the transfer and if the recipient is subject to privacy laws substantially similar to those in Victoria.

Privacy Procedures

Collection and Use of Information

Where personal information is to be collected, the individual must be advised of WHWBSW's privacy provisions and the purposes for which the information is being collected.

Data Security

All personal identifying information must be kept securely. Archived records must be kept secure and protected from deterioration. Any personal identifying information, including staff records, and other volunteers' details, must be kept in locked storage and/or password protected electronic files.

Access to individual records is restricted to authorised staff. No staff member may access any individual records except where such access is required to perform their professional or administrative duties.

The CEO will have access to individual records where necessary for the investigation of complaints and for specified legal purposes.

If personal information held by WHWBSW is lost or has been subject to unauthorised access or disclosure, and there is a foreseeable risk of harm to affected individuals as a result of such loss or unauthorised access/disclosure, then WHWBSW will notify the affected individual/s. WHWBSW will also take appropriate steps to contain the extent of the data breach and adopt measures to prevent a recurrence.

All Board members, staff and volunteers are subject to confidentiality obligations.

Access and Correction

An individual may request access to their personal and health information held by WHWBSW in writing. WHWBSW will respond to individual requests within 45 days of receipt.

No records may be destroyed or deleted but may be amended or supplemented by a correcting statement added to the individual's records.

If an individual requests a correction to their information records, WHWBSW will:

- discuss with the person the details of their request; and
- where necessary, take steps to include a correcting statement to the individual's records.

WHWBSW will respond to requests for a correction to an individual's records within 30 days of receipt of the request.

Where there is a disagreement between the parties involved with regards to the individual's records this will be noted in the record.

Retention and Disposal of Information

WHWBSW must retain and dispose of individual health information in accordance with the requirements of the Health Records Act 2001.

Unless otherwise authorised or required by law, individual health records must be retained for a minimum of seven years after the last occasion on which a health service was provided by WHWBSW to the person.

Complaints Process

An individual may lodge a privacy complaint if they believe their personal information has been collected, used, disclosed or handled inappropriately.

Complaints must be made in writing to the CEO who will investigate and respond to the complainant, in line with the WHWBSW Grievance Policy. All complaints will be treated seriously and investigated promptly. It is expected that complaints will be addressed within 21 days of the complaint being lodged.

Details of all complaints, including the action taken and the outcomes, are to be recorded in the WHWBSW Complaints Register.

If the matter is not resolved to the complainant's satisfaction, the complainant should be made aware of their right to take the complaint to the Office of the Victorian Information Commissioner, or to the Victorian Health Complaints Commissioner if the matter relates to the individual's health information.