Introduction to Privacy

A presentation outlining privacy at La Trobe University

Last updated 12 May 2005
Your experience with privacy

Have you ever…

- Received mail addressed to you or answered a phone call and wondered how they got your name and address or number?

- Purchased a raffle ticket or participated in a survey and then received regular follow-up mail asking for donations?

- Completed a form and wondered why they are asking for that particular information?

- Had a company or service continually misspell your name or address and continue to keep wrongly addressing you?

Was your reaction…

- One of concern towards your privacy?

- Annoyance with the other party?
Defining Privacy

What is privacy?

Controlling who knows what about individuals by protecting their personal information

Why privacy?

- It is the law – we all must comply
- Individuals expect their privacy to be protected
- Individuals who believe that their privacy has been breached can make formal complaints
- Protecting privacy enables organisations to gain trust and confidence from individuals they serve
- Gaining trust and confidence enhances reputation of an organisation
Privacy & Information

**Personal Information**
Recorded information or an opinion, whether true or not, about an identifiable individual.

Put simply, if recordable information can reasonably identify an individual, or their identity is apparent, then it is personal information.

**Health Information**
Applies to:
1. Health information that is personal information collected by an organisation.
2. Any personal information or an opinion collected or used about an individual in providing a service in health, mental health, disability, aged care, or palliative care.

**Sensitive Information**
Information or an opinion about an individuals racial or ethnical origin, political opinions, membership of a political association, religious beliefs or affiliations, philosophical beliefs, membership of a professional or trade associations, membership of a trade union, sexual preferences or practices, criminal record.
Controlling privacy is achieved by collecting and handling personal and health information in accordance with the following privacy laws:

- Information Privacy Act 2000 (Vic)
- Commonwealth Privacy Act 1988
- Health Records Act 2001 (Vic)
Coverage of Privacy Laws

Privacy laws applicable to La Trobe University are:

- **Information Privacy Act 2000 (Vic)**
  - Applicable to the collection and handling of personal information relating to students, staff, and research participants

- **Health Records Act 2001 (Vic)**
  - Applicable to the collection and handling of health information relating to students, staff and research participants
  - Applicable to personal information collected and handled by Departments, Schools, Centres or Units intending or claiming to provide a health service

- **Commonwealth Privacy Act 1988**
  - Applicable in instances whereby the University is providing a service under contract to the Commonwealth Government
  - Applicable in instances whereby Commonwealth funding agreements stipulate compliance
  - Applicable to companies privately owned by the University
## Intention of Privacy Laws

Privacy (and data protection) laws represent:

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<tr>
<th>Openness and transparency</th>
<th>Individuals should be made aware of the information held about them and why it is held, and should be able to see it and correct it if necessary</th>
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<td>Balancing</td>
<td>Organisations should only collect personal and health information as is necessary, and should minimise intrusion into privacy</td>
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<td>Purpose limitation</td>
<td>Generally, personal and health information should be used only for the purpose for which it was collected</td>
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<td>Individual participation</td>
<td>Individuals should have as much say as possible in what information about them is used for and who gets access to it</td>
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Requirements of Privacy Laws

- Privacy laws are represented by privacy principles
- Privacy principles outline personal and health information handling practices
- La Trobe University must comply with privacy principles
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<th><strong>Privacy Principles in Brief</strong></th>
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<td><strong>Collection</strong></td>
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<td><strong>Use &amp; Disclosure</strong></td>
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<td><strong>Unique Identifiers</strong></td>
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<td><strong>Anonymity</strong></td>
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<td><strong>Transborder Data Flows</strong></td>
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University Privacy Policies are supported by:

- **Educating and informing University staff their responsibilities under the privacy laws**
  - Continuing

- **Reviewing University practices and procedures to ensure compliance with privacy laws**
  - Developing

- **Receiving and investigating complaints concerning alleged privacy infringements**

**Supporting Privacy at LTU**

- Information Sessions
- Consultation
- Handling Enquiries
- Guidelines
- Information Sheets
- Privacy Networking
- Attempt to resolve internally

**Continuing**

**Developing**
If an individual believes their privacy has been breached by La Trobe University then the following course of action is taken:

1. **Advise complainant to contact the Privacy Officer**
   - Complainant outlines (in writing) their concern and what they would like to see happen.

2. **Privacy Officer informed of alleged breach**
   - Attempt to resolve the matter (if not, investigate).

3. **Privacy Officer to investigate alleged infringement**
   - Recommendations presented from findings.

4. **Complainant has the right to direct concerns to Commissioner**
   - Commissioner may or may not consider complaint.
   - Complainant has a right to further direct their concern to VCAT.

5. **VCAT**
   - Attempt to conciliate.

6. **Privacy Officer to report investigation to VC (or nominee)**
   - VC (or nominee) informs complainant of investigation outcomes.

   * Commissioner may include Victorian Privacy Commissioner, Health Services Commissioner or Federal Privacy Commissioner.

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*Complainant has the right to further direct their concern to the Victorian Privacy Commissioner, Health Services Commissioner or Federal Privacy Commissioner.*
Questions or further advice regarding privacy can be directed to the University’s Privacy Officer.

Contact Details:
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