

LA TROBE UNIVERSITY

PRIVACY POLICY

POLICY ON THE MANAGEMENT OF PERSONAL INFORMATION

PURPOSE

This document sets out the University's Policy on its management of personal information. The University is committed to privacy protection and compliance with applicable privacy laws and standards.

The University is bound by the provisions of the Victorian *Information Privacy Act 2000*, which sets down privacy standards called *Information Privacy Principles* (IPP's). The Principles state how public sector organisations covered by the Act should collect, use, store, disclose and give access to personal information.

SCOPE

This Policy applies to all organisational areas of the University. It applies to the collection, use, storage, disclosure and access to personal information.

Personal information is defined under the *Information Privacy Act* as *information or an opinion, whether true or not, about an individual whose identity is apparent, or can reasonably be found out, from the information or opinion*. The personal information can be recorded in any format – for example, in writing, online, digitally or by electronic means.

The University manages a large volume of personal information, mostly about its students and staff. Some of this information is provided to the University by the individual (for example, information in an application for enrolment or employment), some is collected by the University (for example, student assessment records and staff performance appraisals) and some is provided by an outside individual or organisation (for example, staff references and student placement appraisals).

WHAT THIS POLICY DOES NOT COVER

This Policy does *not* cover the management of *health information*. The meaning of health information is set out in the Victorian *Health Records Act 2001*. In summary, health information is personal information:

- about the physical, mental or psychological health or disability of an individual;
- about an individual's expressed wishes regarding the future provision of health services to him or her;
- about a health service provided, or to be provided, to an individual;
- collected to provide a health service,
- about an individual collected in connection with organ or body substance donation; or
- that is genetic information in a form which is or could be predictive of the health of the individual or of his or her descendants.

The management of health information is covered by a separate policy entitled Policy on the [Management of Health Information](#).

Nor does this Policy apply to personal information that is:

- in a publication that is available to members of the public;
- kept in a library, art gallery or museum for reference, study or exhibition purposes;
- a public record under the control of the Keeper of Public Records that is available for public inspection; or
- an archive within the meaning of the *Commonwealth Copyright Act 1968*.

POLICY

The University will manage personal information in accordance with the Information Privacy Principles (IPP's) in the *Information Privacy Act*. *This Policy should be read in conjunction with those Principles, which are attached.* The University will:

- a) only collect personal information that is necessary for its functions or activities;
- b) only collect sensitive information about an individual if the individual has consented, the collection is required under law (eg. collection of statistics for a government agency) or the collection is otherwise in accordance with IPP 10.

Sensitive information means personal information about an individual's racial or ethnic origin, political opinions, membership of a political, professional or trade association or trade union, religious beliefs or affiliations, philosophical beliefs, sexual preferences or practices or criminal record;

- c) if it collects personal information about an individual, take reasonable steps to ensure that the individual is made aware of:

the identity of the University's privacy officer and how to contact that officer, that he or she is able to gain access to the information (subject to the provisions of the *Freedom of Information Act*), the purposes for which the information about him/her is collected, to whom the organisation usually discloses information of that kind, any law that requires the particular information to be collected, and

the main consequences (if any) for the individual if the information is not provided.

(Note: This paragraph c) will not apply to the extent that compliance with it would pose a serious threat to the life or health of any individual);

- d) not use or disclose personal information about an individual for a purpose other than the original purpose of collection except in accordance with IPP 2;
- e) as required by Section 6(1) of the *Information Privacy Act*, interpret IPP 4.2 regarding destruction or permanent de-identification of personal information subject to the University's obligations under the *Public Records Act 1973*;
- f) as required by section 12 of the *Information Privacy Act*, interpret IPP 6 regarding an individual's rights to access to, and correction of, personal information subject to the procedures contained in the *Freedom of Information Act 1982*; and
- g) take reasonable steps to ensure that personal information is stored securely.

Organisations and individuals contracted to provide services to the University will also be required to comply with the Information Privacy Principles in relation to acts done by the service provider for the purposes of the contract with the University.

PRIVACY OFFICER

The University will appoint a Privacy Officer whose responsibilities will include:

- ongoing review of the University's practices and procedures to ensure that they comply with this Policy, current legislation and best practice;
- reviewing this Policy and advising and educating University management and staff of their responsibilities under this Policy, the *Information Privacy Act* and the *Health Records Act*; and
- the receipt and investigation of complaints.

COMPLAINTS

Any individual in respect of whom personal information is or has been held by the University, may complain to the University's Privacy Officer about an act or practice of the University that the individual believes is an interference with the privacy of that individual.

The Privacy Officer will investigate the complaint as speedily as possible. The Privacy Officer will then advise the Vice-Chancellor or nominee of his/her findings and make recommendations to the Vice-Chancellor or nominee about the complaint.

The Vice-Chancellor or nominee will make a decision on the complaint and advise the complainant in writing of the result of the investigation.

REVIEW OF POLICY

The University will regularly review this Policy to ensure that it accords with current legislation and best practice.

This Policy may be supplemented from time to time by written procedures and guidelines.

Approved by Council on 6 May 2002

Attachment: Information Privacy Principles

LA TROBE UNIVERSITY

HEALTH PRIVACY POLICY

POLICY ON THE MANAGEMENT OF HEALTH INFORMATION

PURPOSE

This document sets out the University's Policy on its management of health information. The University is committed to privacy protection and compliance with applicable privacy laws and standards.

The University is bound by the provisions of the Victorian *Health Records Act 2001*, which sets down privacy standards called *Health Privacy Principles* (HPP's). The Principles state how public and private sector organisations covered by the Act should collect, use, store, disclose and give access to health information.

SCOPE

This Policy applies to all organisational areas of the University. It applies to the collection, use, storage, disclosure and access to health information.

The meaning of *health information* is set out in section 3(1) of the *Health Records Act*. In summary, health information is personal information:

- about the physical, mental or psychological health or disability of an individual;
- about an individual's expressed wishes regarding the future provision of health services to him or her;
- about a health service provided, or to be provided, to an individual;
- collected to provide a health service,
- about an individual collected in connection with organ or body substance donation; or
- that is genetic information in a form which is or could be predictive of the health of the individual or of his or her descendants.

The health information can be recorded in any format – for example, in writing, online, digitally or by electronic means.

The University manages a large volume of personal information, some of which is health information. This information may be provided by a student (for example, health information to support an application for re-enrolment, or information provided by a student to the Equity and Access Unit in relation to the student's disability), may

be collected by the University, or may be provided by an outside individual or organisation (for example, a medical report relating to a staff member).

WHAT THIS POLICY DOES NOT COVER

This Policy does *not* cover the management of personal information that is not health information. The management of such information is covered by a separate document entitled [Policy on the Management of Personal Information](#). Nor does this Policy apply to health information that is:

- in a publication that is available to members of the public;
- kept in a library, art gallery or museum for reference, study or exhibition purposes;
- a public record under the control of the Keeper of Public Records that is available for public inspection; or
- an archive within the meaning of the Commonwealth *Copyright Act 1968*.

POLICY

The University will manage health information in accordance with the Health Privacy Principles (HPP's) in the *Health Records Act*. *This Policy should be read in conjunction with those Principles, which are attached.* The University will:

- a) only collect health information that is necessary for its functions or activities and in accordance with HPP 1;
- b) comply with all applicable guidelines issued by the Health Services Commissioner under section 22 of the *Health Records Act*;
- c) only collect health information about an individual if the individual has consented, the collection is required under law (eg. collection of statistics for a government agency) or the collection is otherwise in accordance with HPP 1;
- d) if it collects health information about an individual, take reasonable steps to ensure that the individual is made aware of:

the identity of the University's privacy officer and how to contact that officer, that he or she is able to gain access to the information (subject to the provisions of the *Freedom of Information Act*),

the purposes for which the information about him/her is collected, to whom the organisation usually discloses information of that kind, any law that requires the particular information to be collected, and the main consequences (if any) for the individual if the information is not provided.

(*Note:* This paragraph d) will not apply to the extent that compliance with it would pose a serious threat to the life or health of any individual, or would involve the disclosure of information given in confidence);

- e) not use or disclose health information about an individual for a purpose other than the original purpose of collection except in accordance with HPP 2;
- f) as required by section 16 of the *Health Records Act*, interpret HPP 6 regarding an individual's rights to access to, and correction of, health information subject to the procedures contained in the *Freedom of Information Act 1982*; and
- g) take reasonable steps to ensure that health information is stored securely.

Organisations and individuals contracted to provide services to the University will also be required to comply with the Health Privacy Principles in relation to acts done by the service provider for the purposes of the contract with the University.

PRIVACY OFFICER

The University will appoint a Privacy Officer whose responsibilities will include:

- ongoing review of the University's practices and procedures to ensure that they comply with this Policy, current legislation and best practice;
- reviewing this Policy and advising and educating University management and staff of their responsibilities under this Policy, the *Health Records Act* and the *Information Privacy Act*; and
- the receipt and investigation of complaints.

ACCESS TO HEALTH INFORMATION

If an individual wishes to obtain access to his or her health information, a request should be directed in the first instance to the University's Freedom of Information Officer.

COMPLAINTS

Any individual in respect of whom health information is or has been held by the University, may complain to the University's Privacy Officer about an act or practice of the University that the individual believes is an interference with the privacy of that individual.

The Privacy Officer will investigate the complaint as speedily as possible. The Privacy Officer will then advise the Vice-Chancellor or nominee of his/her findings and make recommendations to the Vice-Chancellor or nominee about the complaint.

The Vice-Chancellor or nominee will make a decision on the complaint and advise the complainant in writing of the result of the investigation.

REVIEW OF POLICY

The University will regularly review this Policy to ensure that it accords with current legislation and best practice.

This Policy may be supplemented from time to time by written procedures and guidelines.

Approved by Council on 6 May 2002

Attachment: Health Privacy Principles