

Privacy Statements

A guide to compiling privacy statements

Last updated 6 June 2005

What are Privacy Statements?

Why When collecting personal information from an individual it is the law* to inform that individual of particular matters.

** Information Privacy Act 2000 (Vic), Information Privacy Principle (IPP) 1.3,
Health Records Act 2001 (Vic), Health Privacy Principle (HPP) 1.4*

What Privacy statements (presented in writing or verbally) inform the individual of:

- The identity of the organisation collecting their personal information
- Their right to access their personal information collected by the organisation
- The purpose for which their personal information is collected
- To whom their personal information is typically disclosed
- Any law requiring their personal information to be collected
- Consequences (if any) if all or part of their personal information is not provided

When An organisation must take reasonable steps to inform an individual of matters defined in a privacy statement at the time of collecting their personal information or before the time of collecting their personal information.

If it is not practicably possible to do so then the organisation must do so as soon as practicable after collecting their personal information

Purpose of Collection = Use and Disclosure

- Unless otherwise permissible under privacy laws, an organisation is prohibited from using and disclosing personal information collected from individuals other than for the primary purpose of the collection.
- Collection of personal information determines use and disclosure.
- If the purpose of collection is not understood and conveyed clearly in a privacy statement then problems may subsequently arise during use and disclosure.

Insert where indicated from the **reference table** (next page) to complete the following privacy statement.

La Trobe University respects the privacy of your personal information. We (insert 1) collect personal information about you to (insert 2 and 3). For this purpose, we will use this information and typically disclose it to (insert 4).

If your personal information is not provided to us then (insert 5).

You may have the right to access the personal information that we hold about you subject to any exceptions in relevant laws, by contacting us on (insert 6).

Please note, if there are no typical disclosures then change the third sentence of the first paragraph to: *We will only use this information for this purpose.*

- Insert 1** ➤ Enter the name of the organisation collecting personal information. However, you may not need to include this information if such details are provided elsewhere on the collection item.
- Insert 2** ➤ Enter the primary purpose as to why the personal information is being collected. The primary purpose is the fundamental reason for the collection of personal information.
- Insert 3** ➤ If applicable, enter any laws requiring the collection of information. If there is a law requiring collection then make reference to the name of the law. This entry does not require reference to specific sections of legislation.
- Insert 4** ➤ Enter organisations or types of organisations in which the collected personal information will be disclosed to. Disclosure refers to external organisations or when internal use does not fall within the primary purpose.
- If a typical disclosure does not occur then enter “*We will only use this information for this purpose*”.
- Insert 5** ➤ Enter the main consequence if all or part of the personal information is not provided. For example, what process will not take place because it is dependent upon the provision of personal information.
- Insert 6** ➤ Enter contact details (usually e-mail address and telephone number) of the organisation collecting the personal information so that the individual has reasonable opportunity to request access to their personal information.

Consider sensitive and health information

If sensitive or health information is collected from an individual then it is important to consider whether consent from the individual to collect such information is necessary.

Consideration must take into account whether exemptions to consent apply. Please refer to the **exemptions table** (next page). If collection does not fall within any of the exemptions then you will need to obtain consent from the individual.

Exemptions Table for Seeking Consent

Sensitive Information

- The collection is required under law
- The collection is necessary to prevent or lessen a serious and imminent threat to the life or health of any individual where the individual concerned is incapable of giving consent
- The collection is necessary for the establishment, exercise or defence of a legal or equitable claim
- The collection is necessary for research pertaining to government funded targeted welfare or education services in which the research cannot be served by not identifying the individual and seeking their consent is impracticable

Health Information

- The collection is required, authorised or permitted by law
- The collection is necessary to provide a health service to the individual and the individual is incapable of giving consent
- The collection is necessary to prevent or lessen a serious and imminent threat to the life, health, safety or welfare of any individual or public
- The collection is on behalf of a law enforcement agency and it is reasonably believed that the collection is necessary for a law enforcement function
- The collection is necessary for research in the public interest in which the research cannot be served by not identifying the individual and seeking their consent is impracticable

If consent is required for the collection of either sensitive or health information then the privacy statements can incorporate consent by marking which sections of the collection item collect such information.

For example:

Sensitive and health information that is collected is indicated with a “”. Tick this box if you consent to us collecting sensitive and health information about you.*

The manner in which the privacy statement is provided must also be considered to ensure that the individual providing their personal information is aware of the elements that form the privacy statement.

For example, if the collection item is in paper form then the privacy statement should be in a sufficiently prominent place and able to be clearly seen. If the privacy statement cannot fit on the form, it could be placed on a leaflet and supplied with and referred to in the form.

Please contact the University Privacy Officer for assistance regarding privacy statements.

Contact Details:

Email: Privacy@latrobe.edu.au

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