



PRIVACY POLICY

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1. AIM

The aim of this policy is to provide both employees and the public with clear guidelines regarding the privacy of personal information that is obtained or held by the PPWCMA. The policy is consistent with the *Privacy and Data Protection Act 2014* and details the PPWCMA's standards in relation to the collection, maintenance and release of the personal information of individuals and organisations involved with the PPWCMA.

The policy applies equally to all staff employed by the PPWCMA within all offices and controlled entities. Variations to the application of the policy may be considered in special circumstances. However all variations to the application of the policy require the approval of the CEO or, where the CEO is affected by the variation, the Chair.

2. PRIVACY STATEMENT

Personal information is defined as “information or an opinion (including information or an opinion forming part of a database) that is recorded in any form and whether true or not, about an individual whose identity is apparent, or can be reasonably ascertained from the information or opinion”. Personal information is not restricted to a name and includes the use of descriptors that would enable a person to be identified, such as nicknames, personal, gender or physical characteristics.

In the course of conducting its normal business activities, the PPWCMA collects, records, maintains and uses personal information. The PPWCMA understands and accepts the associated responsibility of trust and is committed to upholding the National Privacy Principles covering the collection, use, storage, and disclosure of personal information.

All personal information is collected by lawful and fair means. The PPWCMA does not collect unnecessary personal information or collect medical information without prior consent.

The PPWCMA seeks to protect personal information from misuse, loss, unauthorised access, modification or disclosure.

Other than as permitted by law, the PPWCMA will not disclose or use personal information for any purpose other than that for which the information is collected.

3. COLLECTION

The PPWCMA will not collect personal information unless the information is necessary for one or more of its functions or activities.

The PPWCMA will collect personal information only by lawful and fair means and not in an unreasonably intrusive way.

At or before the time (or, if that is not practicable, as soon as practicable after) the PPWCMA collects personal information about an individual from the individual, the PPWCMA will take reasonable steps to ensure that the individual is aware of:

- the identity of the PPWCMA and how to contact it;
- the fact that he or she is able to gain access to the information;
- the purposes for which the information is collected;
- the organisations (or the types of organisations) to which the PPWCMA 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 all or part of the information is not provided.

If it is reasonable and practicable to do so, the PPWCMA will collect personal information about an individual only from that individual.

If the PPWCMA collects personal information about an individual from a third party, it will take reasonable steps to ensure that the individual is or has been made aware of the matters listed in clause 3 except to the extent that making the individual aware of the matters would pose a serious threat to the life or health of any individual.

4. USE AND DISCLOSURE

4.1 The PPWCMA will not use or disclose personal information about an individual for a purpose (known as the secondary purpose) other than the primary purpose of collection unless:

(a) Both of the following apply:

- the secondary purpose is related to the primary purpose of collection and, if the personal information is sensitive information, is directly related to the primary purpose of collection; and
- the individual would reasonably expect the PPWCMA to use or disclose the information for the secondary purpose; or

(b) The individual has consented to the use or disclosure; or

(c) If the information is not sensitive information and the use of the information is for the secondary purpose of direct marketing, then:

- it is impracticable for the PPWCMA to seek the individual's consent before that particular use; and
- the PPWCMA does not charge the individual for requesting not to receive direct marketing communications; and
- the individual has not made a request to the PPWCMA not to receive direct marketing communications; and
- in each direct marketing communication with the individual, the PPWCMA draws to the individual's attention, or prominently displays a notice, that he or she may express a wish not to receive any further direct marketing communications; and
- each written direct marketing communication by the PPWCMA with the individual (up to and including the communication that involves the use) sets out the PPWCMA's business address and telephone number and, if the communication with the individual is made by fax, email or other electronic means, a number or address at which the PPWCMA can be directly contacted electronically; or

(d) If the information is health information and the use or disclosure is necessary for research, or the compilation or analysis of statistics, relevant to public health or public safety, then:

- it is impracticable for the PPWCMA to seek the individual’s consent before the use or disclosure; and
 - in the case of disclosure, the PPWCMA reasonably believes that the recipient of the health information will not disclose the health information, or personal information derived from the health information; or
- (e) the PPWCMA reasonably believes that the use or disclosure is necessary to lessen or prevent:
- a serious and imminent threat to an individual’s life, health or safety; or
 - a serious threat to public health or public safety; or
 - the PPWCMA has reason to suspect that unlawful activity has been, is being or may be engaged in, and uses or discloses the personal information as a necessary part of its investigation of the matter or in reporting its concerns to relevant persons or authorities; or
- (f) the use or disclosure is required or authorised by or under law; or
- (g) the PPWCMA reasonably believes that the use or disclosure is reasonably necessary for one or more of the following by or on behalf of an enforcement body:
- the prevention, detection, investigation, prosecution or punishment of criminal offences, breaches of a law imposing a penalty or sanction or breaches of a prescribed law;
 - the enforcement of laws relating to the confiscation of the proceeds of crime;
 - the protection of public revenue;
 - the prevention, detection, investigation or remedying of seriously improper conduct or prescribed conduct;
 - the preparation for, or conduct of, proceedings before any court or tribunal, or implementation of the orders of a court or tribunal.

4.2 If the PPWCMA uses or discloses personal information under Section 4 of this policy, it will make a written note of the use or disclosure.

4.3 Information collected from other sources will be treated by the PPWCMA as if it were collected by itself.

5. DATA QUALITY

The PPWCMA will take reasonable steps to make sure that the personal information it collects uses or discloses is accurate, complete and up-to-date.

6. DATA SECURITY

6.1 The PPWCMA will take reasonable steps to protect the personal information it holds from misuse and loss and from unauthorised access, modification or disclosure.

- 6.2 The PPWCMA will take reasonable steps to destroy or permanently de-identify personal information if it is no longer needed for any purpose for which the information may be used or disclosed under Section 4 of this policy.

7. OPENNESS

- 7.1 The PPWCMA is committed to openness and transparency and will make this policy available to anyone who ask to see it.
- 7.2 On request by a person, the PPWCMA will take reasonable steps to let the person know, generally, what sort of personal information it holds, for what purposes, and how it collects, holds, uses and discloses that information.

8. ACCESS AND CORRECTION

- 8.1 Individuals will be granted access to any information held about the individual, on their request, within 45 days of receiving the request, except to the extent that:
- (a) In the case of personal information other than health information, providing access would pose a serious and imminent threat to the life or health of any individual; or
 - (b) In the case of health information, providing access would pose a serious threat to the life or health of any individual; or
 - (c) Providing access would have an unreasonable impact on the privacy of other individuals; or
 - (d) The request for access is frivolous or vexatious; or
 - (e) The information relates to existing or anticipated legal proceedings between the PPWCMA and the individual, and the information would not be accessible by the process of discovery in those proceedings; or
 - (f) Providing access would reveal the intentions of the PPWCMA in relation to negotiations with the individual in such a way as to prejudice the negotiations; or
 - (g) Providing access would be unlawful; or
 - (h) Denying access is required or authorised by or under law; or
 - (i) Providing access would be likely to prejudice an investigation of possible unlawful activity; or
 - (j) Providing access would likely be to prejudice:
 - The prevention, detection, investigation, prosecution or punishment of criminal offences, breaches of law imposing a penalty or sanction or breaches of a prescribed law; or
 - An investigation of possible unlawful activity; or
 - The enforcement of laws relating to the confiscation of the proceeds of crime; or
 - The protection of the public revenue; or

- The prevention, detection, investigation or remedying of seriously improper conduct or prescribed conduct; or
- The preparation for, or conduct of, proceedings before any court or tribunal, or implementation of its orders, by or on behalf of an enforcement body; or
- An enforcement body performing a lawful security function asks the PPWCMA not to provide access to the information on the basis that providing access would be likely to cause damage to the security of Australia.

8.2 Where providing access would reveal evaluative information generated within the PPWCMA, in connection with a commercially sensitive decision-making process, the PPWCMA may give the individual an explanation for the commercially sensitive decision rather than direct access to the information.

Note: The PPWCMA would be in breach of Section 8, subsection 8.1 of this policy, if it were to rely on Section 8, subsection 8.2 of this policy, to give an individual an explanation for a commercially sensitive decision in circumstances where Section 8, subsection 8.2 of this policy, did not apply.

8.3 If the PPWCMA is not required to provide the individual with access to the information because of one or more items in Section 8, subsection 8.1 of this policy, the PPWCMA must, if reasonable, consider whether the use of mutually agreed intermediaries would allow sufficient access to meet the needs of both parties.

8.4 If the PPWCMA charges for providing access to personal information, those charges:

- (a) will not be excessive; and
- (b) will not apply to lodging a request for access.

8.5 If the PPWCMA holds personal information about an individual and the individual is able to establish that the information is not accurate, complete and up-to-date, the PPWCMA will take reasonable steps to correct the information so that it is accurate, complete and up-to-date.

8.6 If the individual and the PPWCMA disagree about whether the information is accurate, complete and up-to-date, and the individual asks the PPWCMA to associate with the information a statement claiming that the information is not accurate, complete or up-to-date, the PPWCMA will do so within seven days.

8.7 The PPWCMA will provide reasons for denial of access or a refusal to amend personal information.

9. UNIQUE IDENTIFIERS

9.1 In this clause:

Identifier includes a number assigned by an organisation to an individual to identify uniquely the individual for the purposes of the organisation's operations. However, an individual's name or Australian Business Number (ABN) is not an identifier.

9.2 The PPWCMA will not adopt as its own identifier of an individual, an identifier of the individual, which has been assigned by:

- (a) an agency; or

- (b) an agent of an agency acting in its capacity as agent; or
- (c) a contracted service provider for a Commonwealth contract acting in its capacity as contracted service provider for that contract.

9.3 The PPWCMA will not use or disclose an identifier assigned to an individual by an agency, or by an agent or contracted service provider mentioned in subclause 7.1, unless:

- (a) the use or disclosure is necessary for the PPWCMA to fulfil its obligations to the agency; or
- (b) one or more of paragraphs 4.1(e) to 4.1(h) (inclusive) apply to the use or disclosure.

10. ANONYMITY

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

11. TRANSBORDER DATA FLOWS

The PPWCMA may transfer personal information about an individual to someone (other than the PPWCMA or the individual) who is in a foreign country only if:

- (a) the PPWCMA reasonably believes that the recipient of the information is subject to a law, binding scheme or contract which effectively upholds principles for fair handling of the information that are substantially similar to the National Privacy Principles; or
- (b) the individual consents to the transfer; or
- (c) the transfer is necessary for the performance of a contract between the individual and the PPWCMA, or for the implementation of pre-contractual measures taken in response to the individual's request; or
- (d) the transfer is necessary for the conclusion or performance of a contract concluded in the interest of the individual between the PPWCMA and a third party; or
- (e) all of the following apply:
 - (i) the transfer is for the benefit of the individual;
 - (ii) it is impracticable to obtain the consent of the individual to that transfer;
 - (iii) if it were practicable to obtain such consent, the individual would be likely to give it; or
- (f) the PPWCMA has taken reasonable steps to ensure that the information which it has transferred will not be held, used or disclosed by the recipient of the information inconsistently with the National Privacy Principles.

12. SENSITIVE INFORMATION

Sensitive information is defined as “information about an individual’s racial or ethnic origin, political opinions, religious or philosophical beliefs, professional or trade association memberships, union membership, sexual preferences or practices, or criminal records.”

12.1 The PPWCMA will not collect sensitive information about an individual unless:

- (a) the individual has consented; or
- (b) the collection is required by law; or
- (c) the collection is necessary to prevent or lessen a serious and imminent threat to the life or health of any individual, where the individual whom the information concerns:
 - (i) is physically or legally incapable of giving consent to the collection; or
 - (ii) physically cannot communicate consent to the collection; or
- (d) the collection is necessary for the establishment, exercise or defence of a legal or equitable claim.

12.2 Despite Section 12, subsection 12.1 of this policy, the PPWCMA may collect health information about an individual if:

- (a) the information is necessary to provide a health service to the individual; and
- (b) the information is collected:
 - (i) as required by law (other than this Act); or
 - (ii) in accordance with rules established by competent health or medical bodies that deal with obligations of professional confidentiality which bind the PPWCMA

12.3 Despite Section 12, subsection 12.1 of this policy, the PPWCMA may collect health information about an individual if:

- (a) the collection is necessary for any of the following purposes:
 - (i) research relevant to public health or public safety;
 - (ii) the compilation or analysis of statistics relevant to public health or public safety;
 - (iii) the management, funding or monitoring of a health service; and
- (b) that purpose cannot be served by the collection of information that does not identify the individual or from which the individual’s identity cannot reasonably be ascertained; and
- (c) it is impracticable for the PPWCMA to seek the individual’s consent to the collection; and
- (d) the information is collected:
 - (i) as required by law (other than this Act); or
 - (ii) in accordance with rules established by competent health or medical bodies that deal with obligations of professional confidentiality which bind the PPWCMA; or

12.4 If the PPWCMA collects health information about an individual in accordance with Section 12, subsection 12.3 of this policy, the PPWCMA will take reasonable steps to permanently de-identify the information before the PPWCMA discloses it.

13. ACCESSING YOUR PERSONAL INFORMATION AND MAKING A COMPLIANT

To apply to access personal information about you held by the PPWCMA, or if an individual feels aggrieved by the PPWCMA's handling of their personal, sensitive or health information, he/she may make a complaint by contacting PPWCMA's Freedom of Information (FOI) Officer

Application for Access to Personal Information and Privacy Complaint Forms are available from the PPWCMA FOI Officer (Telephone: 8781 7900 or email enquiries @ppwcma.vic.gov.au)

Completed applications are to be sent to:

PPWCMA FOI Officer
Level One
454-472 Nepean Hwy
Frankston Vic 3199

14. COMMENCEMENT DATE

The Board of the PPWCMA ratified this policy on the 28th of April 2004.



Signed: _____
(Chief Executive Officer)