Information Privacy Policy

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Purpose

The Victorian Public Sector Commission (VPSC) is aligned with the Victorian Government Privacy Statement (hyperlink to statement - vic.gov.au)

The VPSC is committed to ensuring it maintains responsible and transparent information handling practices. This policy refers to the use and management of personal and health information collected by the VPSC.

Personal and health information held by the VPSC is managed in accordance with the *Public Records Act 1973*, *Privacy and Data Protection Act 2014*, *Health Records Act 2001* and as required by other laws.

We may update this policy from time to time, any changes will be published on this website.

Definitions

**Personal information** is 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 reasonably be ascertained, from the information or opinion.

Examples of personal information include a person’s name, sex, date of birth, address, financial details, marital status and education and employment history.

Personal information does not include information of a kind to which the *Health Records Act 2001* applies.

**Sensitive information** is information about an individual’s racial or ethnic origin, political opinions and membership of political associations, religious or philosophical beliefs, sexual preferences or practices, criminal record, or membership of a professional or trade association. The law puts special restrictions on its collection.

**Health information** is personal information or an opinion about a living or deceased individual’s:

* physical, mental or psychological health;
* disability;
* expressed wishes about the future provision of health services to them; and
* access of a provided health service, or service to be provided to an individual.

Principles contained in the *Health Records Act 2001* will apply to the collection, use, storage and disclosure of health information.

What does the VPSC do?

The Victorian Government has vested the Victorian Public Sector Commission (VPSC) with functions designed to enhance the performance of the public sector in line with the *Public Administration Act 2004* (Vic). The key functions of the VPSC are to:

* strengthen the efficiency, effectiveness and capability of the public sector in order to meet existing and emerging needs and deliver high quality services; and
* maintain and advocate for and report on public sector professionalism and integrity.

VPSC programs and services include data collection and analysis, research, reporting, organisational and industry segment reviews, formulation of public sector codes and standards, workforce strategy and management and, executive leadership assessment and development. To undertake these functions, the VPSC collects, holds and uses personal and health information as necessary.

Some VPSC functions are carried out in consultation with other public sector organisations or contracted service providers.

Who does this policy apply to?

This policy applies to all VPSC employees and contractors. The VPSC undertakes that all VPSC employees and contractors will:

* collect, use and disclose only personal or health information that is necessary for the performance of their work or required by law. For sensitive information employees will first seek the consent of the individual(s) concerned and make sure that the information is accurate, complete and up to date;
* take reasonable steps to protect personal or health information from misuse and loss, and from unauthorised access, modification or disclosure;
* advise people that they have a right to access their personal or health information and make corrections to it; and
* not act in a way or engage in a practice that contravenes the *Privacy and Data Protection Act 2014*, the *Health Records Act 2001* or any other relevant law.

How we comply with privacy legislation

All areas of the VPSC must comply with privacy legislation at all times, except in certain situations. These situations include where:

* the provisions of another governing Act are more specific about how information should be managed;
* information relates to a generally available publication, for example, websites, or publicly accessible directories.

Specific areas of the VPSC may have additional privacy policies that explain in more detail their information management practices and how records are managed in accordance with privacy legislation.

What information is collected by the VPSC?

The VPSC collects personal and health information for statutory and administrative reasons. Typical collections include:

* solicited and unsolicited correspondence from the public;
* applications, enquiries, submissions, surveys and complaints;
* details of staff, volunteers, visitors, committee members and statutory office holders;
* research data.

Where lawful and practicable an individual may be anonymous when interacting with the VPSC, no identifying details will be collected.

How we use collected information

The VPSC uses and provides to other people or organisations, personal or health information for the purposes the VPSC collected it.

Occasionally, the VPSC may be authorised by law to use or provide personal or health information to others for other purposes. In other situations an individual’s consent may be sought to use or provide personal information to others.

The VPSC only assigns or adopts a unique identifier (e.g. employee number) for an individual if it is necessary, authorised by law or with consent. The VPSC ensures any transfer of personal or health information outside Victoria is in accordance with privacy legislation.

The VPSC takes reasonable steps to ensure that personal and heath information held is accurate, complete and up-to-date. Usually, the VPSC relies on individuals to provide accurate and current information to the VPSC in the first instance, and to notify when circumstances or details change.

How we keep information secure

All areas of the VPSC have security measures aimed at protecting personal and health information from misuse, loss, unauthorised access or disclosure.

Stored information is also archived in accordance with the *Public Records Act 1973*, which determines when it is appropriate to retain or dispose of it.

Accessing information held by the VPSC

Where appropriate an individual may ask for access to their personal or health information, without having to make a formal request under the *Freedom of Information Act 1982* (Vic) (FOI Act).

In some situations, such access outside the FOI Act will not be appropriate, and an individual will have to make a [formal FOI request (FOI page link)](https://ovic.vic.gov.au/freedom-of-information/for-the-public/making-an-access-request/). (For example, if a third party’s privacy is involved).

Individuals can access information held about them by the VPSC by:

* directly [contacting](https://www.justice.vic.gov.au/contact-us) the area of the VPSC that has the information;
* contacting the VPSC’s Corporate Services team;
* under the *Freedom of Information Act 1982* where appropriate.

What happens if there is a of breach this policy?

Information privacy complaints can be made verbally or in writing to the VPSC’s Corporate Services Manager. If the complaint is complex, the complainant will be invited to submit their complaint in writing.

Following receipt of a privacy complaint, the below actions will occur simultaneously or in quick succession:

1. breach containment and preliminary assessment/investigation;
2. evaluation of the risks associated with the breach;
3. notification to appropriate delegates and authorities.

The VPSC will endeavor to make a decision on all verbal complaints within 5 working days, and written complaints within 20 working days. The Corporate Services Manager will confirm the assessment and outcome to the complainant in writing. This may include accepting the complaint in full or part, declining to allow the complaint or referring the complaint to the Office of the Victorian Information Commissioner.

Information privacy complaints are recorded in a Privacy Complaints Register, maintained by VPSC’s Corporate Services branch.

Any breach of the policy by VPSC employees may result in disciplinary action being taken by the Commission. In addition, a breach of this policy may constitute a breach of the VPS Code of Conduct (link to Code).

Where can I get more information?

The VPSC undertakes to investigate and resolve privacy complaints with fairness, integrity and respect for the rights of the individual.

If you have a privacy complaint, or wish to discuss our information handling practices further please contact the Corporate Services Manager:

Manager, Governance and Corporate

Victorian Public Sector Commission

**Postal:** 3 Treasury Place, East Melbourne, Victoria 3002

**Phone:** (03) 9651 1842

**Email:** [info@vpsc.vic.gov.au](mailto:info@vpsc.vic.gov.au)

Detailed information and resources, including how to make a complaint about an act or practice regarding interference with information privacy, are available from:

Office of the Victorian Information Commissioner

**Postal:** PO Box 24274, Melbourne, Victoria 3001

**Phone:** 1300 006 842

**Email:** [enquiries@ovic.vic.gov.au](mailto:enquiries@ovic.vic.gov.au)

**Website:** [www.ovic.vic.gov.au](http://www.ovic.vic.gov.au)

Health Complaints Commissioner

**Postal:** Level 26, 570 Bourke Street, Melbourne Victoria 3000

**Phone:** 1300 582 113

**Email:** [hcc@hcc.vic.gov.au](mailto:hcc@hcc.vic.gov.au)

**Website:** [www.hcc.vic.gov.au](http://www.hcc.vic.gov.au)

Document control

Revision History

The following updates have been made to this document.

| Version | Revision Date | Author | Summary of Changes |
| --- | --- | --- | --- |
| 2.0  D16/1425 | November 2018 | Rowena Harding | Updated to reflect legislative changes, relevant authorities and to include outline of VPSC practices. |
| 2.1 | January 2020 | Rowena Harding | Updated to consolidate information contained in the Privacy Statement on the VPSC website. |
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Reviewers

This document has been reviewed by:

| Name | Title | Date | Version |
| --- | --- | --- | --- |
| Rowena Harding | Project Officer, People Matter Survey Reform | 23/11/2018 | 2.0 |
| Rowena Harding | Senior Adviser, People and Analytics | 20/01/2020 | 2.1 |

Approvals

This document has been approved by:

| Name | Title | Date | Version |
| --- | --- | --- | --- |
| Ahmed Kucukali | Manager, Governance and Corporate | 02/03/2020 | 2.1 |
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Distribution

In addition to the Reviewers and Approvers listed above, this document has been distributed to. This may not be necessary in all situations:

| Name | Title | Date | Version |
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