

PRIVACY VICTORIA

Privacy Victoria is the Office of the Victorian Privacy Commissioner, an independent statutory office created by the Information Privacy Act. Paul Chadwick is Victoria's first Privacy Commissioner. He reports to the Victorian Parliament through the Attorney General.

WHO ELSE PROTECTS PRIVACY?

For protection of your personal information held by federal government agencies and parts of the private sector, visit the Federal Privacy Commissioner's website at www.privacy.gov.au or telephone 1300 363 992.

For protection of your health information visit the Victorian Health Services Commissioner's website at www.health.vic.gov.au/hsc or telephone (03) 8601 5200.

"Information privacy laws are about much more than who gets to see what data. If they work well, these laws increase the quality of government and council services. Decisions based on inaccurate data about people will often be bad decisions that cost time and money to fix. Everyone gets frustrated. The right information in the right hands at the right time can lead to results that give everyone confidence."

Paul Chadwick, Victorian Privacy Commissioner

Do they really
need to ask that?
How did they get
your details?

Office of the Victorian Privacy Commissioner

GPO Box 5057
Melbourne Victoria 3001
Australia
DX 210643 Melbourne

Level 11
10-16 Queen Street
Melbourne Victoria 3000
Australia

Telephone +61 3 8619 8750
Local Call 1300 666 444
Facsimile +61 3 8619 8700
Local Fax 1300 666 445

www.privacy.vic.gov.au
enquiries@privacy.vic.gov.au

Privacy laws protect you



State and local government collect so much of your personal information it could fill a **magazine**.

a magazine
JUNK MAIL
How did they get your details?
filling in forms.
Do they really need to ask that?
CHECKS
does yours?

The Information Privacy Act gives Victorians privacy rights.

The law requires State government and local councils to protect the privacy of your personal information.



Office of the
Victorian Privacy
Commissioner



Office of the
Victorian Privacy
Commissioner

WHY PROTECT PRIVACY BETTER?

State and local government collect your personal information for many good reasons – eg. electoral roll, vehicle registration, drivers licence, council rates, property records, permits and schooling. With the privacy law, Parliament recognises that a lot of that information is private, and not just anyone is entitled to it for just any reason. More care for privacy is also important because computers increasingly make it easier to copy and spread personal information.

Ten Information Privacy Principles are the practical core of the Information Privacy Act. Government can adapt to them. Proper public administration can continue, but with greater care and respect for your privacy.

WHO HAS TO COMPLY?

With limited exceptions, all Victorian government organisations, including local councils must comply with the Information Privacy Principles or have an approved code of practice. Non-government organisations that work for government under contract may also be covered.

WHAT IS 'PERSONAL INFORMATION'?

'Personal information' means recorded information or opinion, whether true or not, about an identifiable individual. Personal information can be almost any information linked to an individual, including name, address, sex, age, financial details, marital status, education, criminal record or employment history.



Office of the
Victorian Privacy
Commissioner

THE NEW PRIVACY STANDARDS

This is a short summary of the Information Privacy Principles:

- 1 Collection** A government organisation can only collect your personal information if it is necessary to fulfil the organisation's functions.
- 2 Use and disclosure** Your personal information should be used and disclosed for the primary purpose for which it was collected or for a secondary purpose that a person would reasonably expect. Your consent may be requested to use the information for purposes unrelated to why it was collected. The law also allows some uses and disclosures without consent, such as to protect safety.
- 3 Data quality** Organisations must keep your personal information accurate, complete and up to date.
- 4 Data security** Personal information must be protected from misuse, loss and unauthorised access, modification or disclosure.
- 5 Openness** Organisations must have clearly expressed policies on the way they manage personal information. You can ask to have a look at an organisation's privacy policy.
- 6 Access and correction** You have a right to seek access to your own personal information and to seek corrections if necessary. Access and correction will be handled mostly under the Victorian Freedom of Information Act.
- 7 Unique identifiers** Unique identifiers, usually a number, can facilitate data matching. Use of unique identifiers by organisations is only allowed under certain conditions.
- 8 Anonymity** Where lawful and feasible, you should have the option of transacting with an organisation without identifying yourself.
- 9 Transborder data flows** If your personal information travels outside Victoria, your privacy protection should travel with it.
- 10 Sensitive information** This includes your racial or ethnic origin, political views, religious beliefs, sexual preferences, membership of groups or criminal record. The law puts special restrictions on the collection of this information.

WHAT TO DO ABOUT A POSSIBLE PRIVACY BREACH?

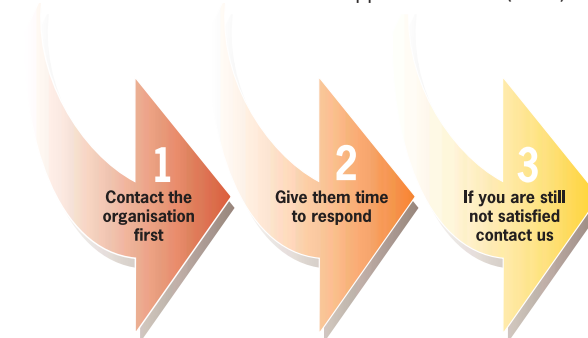
If you believe an organisation has breached one or more of the Information Privacy Principles you should first attempt to resolve the matter with the organisation.

Ask to speak to the Privacy Officer or someone who deals with complaints. Write to the organisation, explaining the situation and what you would like to see happen. Give the organisation an adequate opportunity to respond.

If you are still not satisfied, you have the right to complain to the Privacy Commissioner. Complaints should be made within 45 days of you first finding out about the alleged breach. Complaints must be in writing. You can do this by letter, fax or our secure online complaints facility at www.privacy.vic.gov.au.

The complaint can relate to personal information collected before 1 September 2002, but the alleged breach has to have been after that date.

The Commissioner will make all reasonable efforts to conciliate complaints. Where conciliation is not reasonably possible, or is tried but fails, complaints may go to the Victorian Civil and Administrative Appeals Tribunal (VCAT).



REMEDIES FOR A PRIVACY BREACH

If VCAT upholds a breach of one or more of the Information Privacy Principles, potential remedies include orders requiring the organisation to make an apology, change a procedure, correct or delete personal information, or pay compensation of up to \$100,000.