An overview of the Information Privacy Act 2000

Steve Halliwell
Assistant University Secretary

hals@unimelb.edu.au
privacy-officer@unimelb.edu.au
8344 6398

http://www.unimelb.edu.au/unisec/privacy/
• What is Information Privacy?

• The 10 Information Privacy Principles

• The Three Key Areas
  – Collection
  – Use and disclosure
  – Management
The Privacy Protection Landscape

Privacy Act 1988 (Cth)
- Personal information handled by Federal govt agencies, e.g. Centrelink
- Much of the private sector

Health Records Act 2001 (Vic)
- All health related personal information held in public and private sectors
- Most of the personal info handled by health service providers

Information Privacy Act 2000 (Vic)
- All recorded personal information handled by State government agencies and local government (other than health related info)

Charter of Human Rights & Responsibilities Act 2006 (Vic)
- Victorian government departments & agencies must act compatibly with human rights – including explicitly, the right to privacy
What is Personal Information?

Recorded information or opinion whether **true or not** about an individual whose identity is apparent or can be **reasonably ascertained**
<table>
<thead>
<tr>
<th></th>
<th>Information Privacy Principles</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Collection</td>
</tr>
<tr>
<td>2</td>
<td>Use and Disclosure</td>
</tr>
<tr>
<td>3</td>
<td>Data Quality</td>
</tr>
<tr>
<td>4</td>
<td>Data Security</td>
</tr>
<tr>
<td>5</td>
<td>Openness</td>
</tr>
<tr>
<td>6</td>
<td>Access and Correction</td>
</tr>
<tr>
<td>7</td>
<td>Unique Identifiers</td>
</tr>
<tr>
<td>8</td>
<td>Anonymity</td>
</tr>
<tr>
<td>9</td>
<td>Transborder Data Flows</td>
</tr>
<tr>
<td>10</td>
<td>Sensitive Information</td>
</tr>
</tbody>
</table>
• IPPs are connected and set minimum standards for how personal information should be handled:

  – Collection (IPPs 1, 8, and 10)
  – Use and disclosure (IPPs 2 and 9)
  – Management (IPPs 3, 4, 5, 6 & 7)

• Remember COLLUDIMAN
When collecting personal information, include a Privacy Collection Notice that says:

- **who** is collecting the information;
- **what** it will be used for;
- **how** the person can get access to the information;
- **who else** usually has access to the information;
- **whether** it is required by law; and
- **what** the main consequences are, if any, for the person if they do not provide the information.
Use and Disclose only:

- For the **Primary Purpose** for which it was collected OR
- For a **Secondary Purpose** that is related and a person would expect OR
- With **Consent** that is
  - Voluntary
  - Informed
  - Specific
  - Current
Have policies and procedures in place to ensure:

• personal information is
  – accurate and up-to-date
  – physically secure
  – operationally secure

• individuals are provided with access to their personal information (FOI may apply)
The Three Key Areas

• **Collection**
  – collect only the information you need
  – advise people why you need the information and how it will be used and disclosed

• **Use and Disclosure**
  – use and disclose only for the primary purpose of collection, a reasonable secondary purpose or
  – with consent

• **Management**
  – Make sure it’s accurate and up-to-date
  – Make sure it’s secure
Addition to Privacy Procedure

1. Containing the breach
2. Evaluating the risks
3. Notifying the relevant people
4. Preventing future breaches
5. Reporting the breach
NOT
BOTPA
BUT
WHOTPA