

Maddock Lonie & Chisholm
LAWYERS

Practical Approach to Information Privacy

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Introduction

- **Putting the Information Privacy Principles into Practice**
- **Compliance Strategies**

Personal Information

- **Means information or an opinion that is recorded in any form, whether true or not, about an individual whose identity is apparent or can be readily ascertained**
- **Does not include “health information”**

Principle 1 - Collection

Must only collect personal information:

- **that is necessary for functions or activities**
- **by lawful and fair means and not in an unreasonably intrusive way**
- **if reasonable and practicable, directly from the individual ...**

Principle 1 cont.

At or before collection, must take reasonable steps to ensure the individual is aware of certain matters, including purpose of collection, to whom disclosure will be made and right to gain access

Principle 2 - Use & Disclosure

May only use or disclose personal information for a purpose other than the primary purpose (“secondary purpose”) in certain circumstances (e.g. if related, consent etc)

Principle 3 - Data Quality

Must take reasonable steps to make sure personal information is accurate, complete and up to date

Principle 4 - Data Security

Must take reasonable steps to:

- **protect personal information from loss and unauthorised access, modification or disclosure**
- **destroy or de-identify personal information if no longer needed**

Principle 5 - Openness

- **Must have policies on management of personal information**
- **Must, on request, take reasonable steps to let individuals know what sort of personal information is held etc.**

Principle 6 - Access & Correction

- **Must provide access to information about an individual on request (except in specified circumstances)**
- **Must take reasonable steps to correct information and provide reasons for denial of access or correction**

Principle 7 - Unique Identifiers

As a general rule, must not assign, adopt, use, disclose or require unique identifiers

Principle 8 - Anonymity

Wherever lawful and practicable, individuals must have the option of not identifying themselves in transactions with organisations

Principle 9 - Transborder Data Flows

Governs the transfer of personal information outside Victoria

Principle 10 - Sensitive Information

- **As a general rule, must not collect sensitive information**
- **Includes information about an individual's racial or ethnic origin, political opinions, religious beliefs, trade union membership or sexual preferences**

Compliance Strategies

- **Implementation Plan**
- **Questionnaire / Audit**
- **Privacy Policy**
- **Complaints Handling Process**
- **Training**
- **Privacy Officer**

Implementation Plan

- **List tasks**
- **Assign responsibility**
- **Specify timing**

Questionnaire / Audit

- **What is collected?**
- **Why is it collected?**
- **How is it is used?**
- **When is it disclosed?**
- **How is it stored, accessed and destroyed?**
- **Is it collected or handled by a contractor?**

Privacy Policy

- **Statement of Commitment**
- **Incorporate own information handling procedures**
- **Refer to Complaints Procedure**
- **Include point of contact**
- **Consider application to website**

Complaints Handling

- **Acknowledgment of receipt**
- **Investigation process**
- **Report**
- **Follow up**

Training

- **General awareness session**
- **Targeted group sessions**
- **Induction process**
- **Cover IPPs and own procedures**

Privacy Officer

- **Assign someone with responsibility for privacy issues (eg contact person)**
- **But communicate that privacy is the responsibility of everyone**

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