

PRIVACY POLICY – June 2016

INTRODUCTION

The Online Lab is committed to protecting the personal information that we collect, use and disclose. This policy supports the Lab's need to collect information and the right of all Lab participants to privacy. It ensures that the Online Lab can collect personal and health information necessary for its program and functions, while recognising the right of individuals to have their information handled in ways that they would reasonably expect and in ways that protect their personal information.

The extent of personal information collected by the Online Lab will be limited to contact information and session notes that will allow for the safe engagement for all participants and effective management of the online program. Session notes are made by mentors at the conclusion of each online session and are general in nature aiming to support the effective development and progress of online engagement.

NOTE: This information will not be disclosed to any parties beyond the operation of the Online Lab without consent of parents or carers and di-identification of participants.

SCOPE

This policy sets out how the Online Lab is to collect, store, manage, use, disclose or transfer personal and health information in accordance with the Information and Health Privacy Principles contained within the *Privacy and Data Protection Act 2014* (Vic) and the *Health Records Act 2001* (Vic).

These principles cover the valid reasons for the collection of information essential to the operation of the activity where consent must be obtained and confidentiality maintained.

The linked document below outlines the Victorian *Health Privacy Principles* and are extracted from the *Health Records Act 2001* (Vic). (<http://www.health.vic.gov.au/hsc/downloads/hppextract.pdf>)

AUDIENCE

All organisers and mentors involved in the delivery of the Online Lab program must act in accordance with this policy.

COMPLIANCE

The Online Lab must collect and handle personal information in accordance with the *Privacy and Data Protection Act 2014* (Vic) and the *Health Records Act 2001* (Vic) unless otherwise required by law.

KEY DEFINITIONS

- **Health information** means information or opinion about a person's physical, mental or psychological health or disability that is also personal information. This includes information or opinion about a person's health status and medical history.
- **Personal information** means recorded information or opinion, whether true or not, about a person whose identity is apparent, or can reasonably be ascertained, from the information. The information or opinion can be recorded in any form.
- **Sensitive information** means information or opinion (that is also personal information) about a person's racial or ethnic origin, political opinions, religion, philosophical beliefs, sexual preferences or practices, membership of a political association, professional/trade association or trade union, or an individual's criminal record.
- **Victorian privacy law** means the *Privacy and Data Protection Act 2014* (Vic) and the *Health Records Act 2001* (Vic) collectively.

POLICY

Personal and health information is collected and used by the Online Lab for the following purposes:

- to plan, fund, implement, monitor, regulate and evaluate the Online Lab's services and functions
- to fulfil statutory and other legal functions and duties
- to comply with reporting requirements
- to investigate incidents during sessions and/or defend any legal claims against the Online Lab or its employees

The Online Lab has adopted the Information and Health Privacy Principles in the *Privacy and Data Protection Act 2014* (Vic) and the *Health Records Act 2001* (Vic) as minimum standards when dealing with personal and health information.

This means that, subject to some exceptions (see below), the Online Lab must not do an act, or engage in a practice, that contravenes an Information and/or Health Privacy Principle in respect of personal and/or health information collected, held, managed, used, disclosed or transferred by it.

INFORMATION & HEALTH PRIVACY PRINCIPLES

The Online Lab applies the key Information and Health Privacy Principles as follows. Refer to the Victorian privacy law for full details.

Collection of Personal Information

The Online Lab will only collect personal information if the information is necessary for one of its functions or activities.

Where the personal information of an individual is collected, reasonable steps should be taken to ensure that the individual is aware of:

- the identity of the Online Lab and how to contact it,
- the fact that the individual is able to gain access to the information,
- who the Online Lab usually discloses information of that kind to,
- any law that requires the particular information to be collected, and
- the main consequence (if any) for the individual if all or part of the information is not provided to the Online Lab.

Collection of Health Information

The Online Lab will only collect health information if the information is necessary for one of its functions or activities and:

- the Online Lab has gained consent from the individual, or
- collection is necessary to prevent or lessen a serious or imminent threat to the life, health, safety or welfare of any individual, or
- collection is necessary for the establishment, exercise or defence of a legal or equitable claim.

Where the health information of an individual is collected, reasonable steps should be taken to ensure that the individual is aware of:

- the identity of the Online Lab and how to contact it,
- the fact that the individual is able to gain access to the information,
- the purposes for which the information is being collected,
- who the Online Lab usually discloses information of that kind to,
- any law that requires the particular information to be collected, and
- the main consequence (if any) for the individual if all or part of the information is not provided to the Online Lab.

Use and Disclosure

The Department must only use or disclose personal and health information for the primary purpose for which it was collected, unless:

- use or disclosure is for a related secondary purpose and the individual would reasonably expect the Department to use or disclose the information for that secondary purpose, or
- the individual has provided consent, or
- use or disclosure is necessary for research, or the compilation of statistics, in the public interest, or

- use or disclosure is reasonably necessary to carry out a law enforcement function, or
- use or disclosure is otherwise required, permitted or authorised by law. For example, the Department may be required to share information to fulfil its duty of care to students, staff and visitors or the Department may be required to share information to provide a safe workplace in accordance with occupational health and safety law.

In cases where the use or disclosure is necessary for research or the compilation of statistics, in the public interest, the Department will usually only do so with the individual's consent. Where it is impracticable to seek the individual's consent, and when the research or the compilation of statistics cannot be undertaken with de-identified information, research or compilation of statistics will be carried out in accordance with the National Statement on Ethical Conduct in Research Involving Humans¹ or, for health information, in accordance with the Statutory Guidelines on Research.

Data Security

The Online Lab is guided by the principle that all information is well governed and managed. Accordingly, the Online Lab must take reasonable steps to protect the personal and/or health information it holds from misuse and loss and from unauthorised access, modification or disclosure. This includes destroying or permanently de-identifying personal and/or health information if it is no longer needed.

Openness

To enable greater access to government decisions, the Online Lab's information should be easy to find, access and use. This means that the Online Lab must have, and make available, clearly expressed policies on its management of personal and health information.

On request by a person, the Online Lab must take reasonable steps to let the person know, generally:

- what sort of personal information it holds,
- for what purposes such information has been collected, and
- how it collects, holds, uses and discloses that information.

Anonymity

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

Transborder Data Flows

The Online Lab will only transfer personal and/or health information about an individual to someone who is outside Victoria in limited circumstances. Specifically, the Online Lab should only transfer personal and/or health information outside Victoria if:

- the individual consents to the transfer, or
- the Online Lab reasonably believes that the recipient of the information is subject to a law, binding scheme or contract which is very similar to the Victorian privacy law, or
- the Online Lab has taken reasonable steps to ensure that the transferred information will not be held, used or disclosed inconsistently with the Victorian privacy law.

Complaints

The Online Lab will be efficient and fair when investigating and responding to information privacy complaints. The Online Lab will investigate and respond to complaints in accordance with the Department's *Information Privacy Complaints Handling Process*.

This document is based on the Information Privacy Policy of the Victorian Department of Education and Training. Melbourne. February, 2016.

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