



# Family Safety Victoria Privacy Policy

May 2018



# Contents

<b>Family Safety Victoria .....</b>	<b>2</b>
<b>Privacy Policy – Overview .....</b>	<b>2</b>
What are the Support and Safety Hubs? .....	2
What is the Central Information Point? .....	3
Who does this policy apply to? .....	3
Definitions .....	3
<b>Collection of information .....</b>	<b>4</b>
The kinds of information FSV collects .....	4
How FSV collects this information .....	4
Why FSV collects this information .....	4
<b>Use and disclosure of information .....</b>	<b>5</b>
Information is used and disclosed to administer and co-ordinate programs and services.....	5
Disclosure of information to third parties .....	5
Anonymity .....	6
Unique identifiers .....	6
<b>Storing and protecting information .....</b>	<b>6</b>
<b>Information shared outside Victoria .....</b>	<b>6</b>
<b>Accessing or correcting information.....</b>	<b>6</b>
<b>Privacy complaints .....</b>	<b>7</b>

# Family Safety Victoria

Family Safety Victoria is committed to keeping women, children and families safe. Family Safety Victoria was established in July 2017 to drive key elements of Victoria's family violence strategy and coordinate support for families to help them care for children and young people.

Our priority is the safety and wellbeing of women, children and young people. We are working to keep women, children and families safe, and to ensure children and young people grow up in families that can support their development, health and wellbeing needs. Family Safety Victoria will lead policy development and deliver several key reforms following the Royal Commission into Family Violence in 2016.

## Privacy Policy – Overview

Family Safety Victoria (**FSV**), together with the services and programs it administers or co-ordinates, has access to personal, health and sensitive information about staff, contractors and clients. Access to this information is often based on trust. Therefore, it is critical that FSV protects the privacy of this personal and health information.

To ensure the responsible and transparent management of personal and health information, the Victorian Government has enacted privacy laws to protect this information. The two main laws are the *Privacy and Data Protection Act 2014* (Vic), and *Health Records Act 2001* (Vic).

In addition, the following laws, regulations and guidelines also regulate and guide the handling of personal, health and sensitive information:

- *Family Violence Protection Act 2008* (Vic)
- *Family Violence Protection (Information Sharing) Regulations 2018* (Vic)
- Family Violence Information Sharing Guidelines 2017
- *Child Wellbeing and Safety Act 2005* (Vic)
- *Children Youth and Families Act 2005* (Vic)
- *Charter of Human Rights and Responsibilities Act 2006* (Vic)
- *Freedom of Information Act 1982* (Vic).

Sharing information about clients is a legitimate part of administering and co-ordinating FSV's services and programs and keeping people safe. Information will only be shared in accordance with applicable laws.

### What are the Support and Safety Hubs?

The Support and Safety Hubs (the **Hubs**) are a new way for women, children, and young people experiencing family violence and families in need of support with the care, wellbeing and development of children and young people, to access co-ordinated support from justice, health and social services.

FSV is responsible for establishing the Hubs, as well as co-ordinating the different Community Service Organisations (**CSOs**) who provide specialist services through the Hubs, including specialist family violence services, child and family services, and perpetrator services. FSV does not itself manage individual cases in the Hubs.

## What is the Central Information Point?

The Central Information Point (**CIP**) is responsible for receiving requests for information about perpetrators or alleged perpetrators of family violence, obtaining and consolidating the information requested and sharing that information with the person or body who requested the information.

The *Family Violence Protection Act 2008* establishes the CIP and sets out who is authorised to request information from the CIP and who is authorised to provide information to the CIP. FSV employees will undertake functions on behalf of the CIP and will have access to personal and health information (including sensitive information) when performing those functions.

## Who does this policy apply to?

This policy applies to FSV and all FSV staff and contractors who collect, use, disclose or otherwise handle personal, sensitive or health information including in the context of FSV's role in the Hubs and the CIP.

More information about the kinds of information a particular government agency or CSO (or their workers) collects and how that government agency or CSO (or their workers) uses, discloses, or otherwise handles that information can be obtained from the relevant government agency or CSO.

## Definitions

**Personal information** – information or an opinion recorded in any form (whether true or not) about an individual whose identity is apparent or can reasonably be ascertained from the information or opinion, but does not include information of a kind to which the *Health Records Act 2001* (Vic) applies.

**Health information** – includes personal information or an opinion about the physical, mental or psychological health or disability of an individual. For further detail see section 3(1) of the *Health Records Act 2001* (Vic).

**Sensitive information** – personal information that is information or an opinion about an individual's racial or ethnic origin, political opinions, membership of a political association, religious beliefs or affiliations, philosophical beliefs, membership of a professional or trade association, membership of a trade union, sexual preferences or practices, criminal record. For further detail see the definition of "sensitive information" in the Information Privacy Principles, set out in Schedule 1 of the *Privacy and Data Protection Act 2014* (Vic).

# Collection of information

## The kinds of information FSV collects

FSV may collect personal, health and sensitive information in connection with the administration and co-ordination of its services and programs, including the Hubs and the CIP.

The kinds of information collected by FSV and FSV staff and contractors, may include:

- name, address and contact details
- personal circumstances (age, gender and information about children)
- identity (date and country of birth)
- information relevant to family violence risk assessment and risk management, and
- information relating to child wellbeing and safety.

## How FSV collects this information

Information may be collected directly from individuals (for example, when an individual initially attends a Hub or contacts FSV or FSV staff or contractors directly by email or telephone) or indirectly from other entities, for example from CSOs involved with the Hubs (including where information is referred to FSV from other individuals, CSOs, or government agencies or entities), depending on the nature of the service or program. FSV staff and contractors who are part of the CIP will also collect information about perpetrators or alleged perpetrators of family violence from the other CSOs and government agencies, for the purposes of the CIP.

Where it is practicable and appropriate to do so, FSV will generally seek an individual's consent before collecting their personal, health or sensitive information. There may, however, be circumstances where it is not practicable or appropriate for FSV to seek consent. In these circumstances, FSV will only collect an individual's personal, health or sensitive information without consent where this is permitted by law.

## Why FSV collects this information

FSV collects personal, health and sensitive information for the purposes of administering and co-ordinating services working to keep women, children and families safe, and to ensure children and young people grow up in families that can support their development, health and wellbeing needs.

Some of the primary purposes for which FSV may collect personal, health and sensitive information, include:

- co-ordinating the provision of relevant services by CSOs (and their workers) to persons who contact or are referred to the Hubs
- managing audits and fraud and compliance investigations
- handling employment and personnel matters concerning staff and contractors
- reviewing correspondence from members of the public to FSV, Ministers and Parliamentary Secretaries
- reviewing complaints made and responses provided to members of the public
- referring enquiries or complaints to relevant departments and agencies
- considering requests made under the *Freedom of Information Act 1982*
- planning, monitoring and evaluating FSV functions and services
- meeting legislative and reporting requirements, and
- policy development and research.

# Use and disclosure of information

## Information is used and disclosed to administer and co-ordinate programs and services

In general, FSV will only use or disclose personal, health and sensitive information if it is relevant to one or more of the primary purposes set out above.

In some circumstances, and where permitted by law, FSV may use or disclose personal, health or sensitive information for purposes other than the primary purpose for which the information was collected. For example, this may occur when:

- the use and disclosure is between authorised Hub entities for a purpose relating to the provision, analysis, development, monitoring or oversight of one or more Hub services, as authorised under Part 5B of the *Family Violence Protection Act 2008*
- the use or disclosure is to a prescribed risk assessment entity or information sharing entity for a family violence risk assessment or family violence protection purpose, as authorised under Part 5A of the *Family Violence Protection Act 2008*
- the use or disclosure directly relates to the primary purpose of collection and an individual would reasonably expect FSV to use or disclose their information in this way (for example, sharing information about a person with their authorised representative, interpreter or legal advisers acting on their behalf)
- FSV has the consent of the individual to use and disclose the individual's information for a purpose other than the primary purpose for which that information was collected
- FSV reasonably believes that the use or disclosure is necessary to lessen or prevent a serious threat to an individual's life, health, safety or welfare, or
- The use or disclosure is otherwise permitted under the *Privacy and Data Protection Act 2014* or the *Health Records Act 2001*.

## Disclosure of information to third parties

To enable efficient and effective delivery of quality services, the information collected by FSV may be disclosed to other entities to meet the needs of individuals, including:

- within FSV or the DHHS;
- with CSOs and Aboriginal Services providing services to persons in the Hubs; and
- with other agencies or entities including Victoria Police, Corrections Victoria, Child Protection and the Courts.

As stated above, FSV will only disclose personal, health or sensitive information to a third party for one or more of the primary purposes for which that information was collected, or where the disclosure of that information to the third party is otherwise permitted by law.

## Anonymity

Individuals can choose to remain anonymous when interacting with FSV, except where this is not lawful or practicable. For some specific and integrated services, it may only be practicable for those services to be provided to an individual where the individual can be identified. Therefore, if an individual does choose to remain anonymous, this may affect the range of services the individual can access.

## Unique identifiers

FSV will only assign or adopt a unique identifier of an individual if the assignment of the unique identifier is necessary to enable FSV to carry out its functions effectively, or if the assignment or adoption of the unique identifier is otherwise permitted by law.

## Storing and protecting information

Information collected by FSV is stored on purpose-built IT systems that are used by workers within the Hubs and the CIP. FSV is responsible for providing and maintaining these IT systems, and has taken reasonable steps to ensure the systems have adequate security measures designed to protect personal, health or sensitive information from misuse, loss, unauthorised access, modification or disclosure.

FSV takes reasonable steps to ensure that any personal, health and sensitive information held by FSV on its IT systems is accurate, complete and up to date and is relevant to FSV's current functions and activities.

## Information shared outside Victoria

Personal and health information is only transferred outside of Victoria where permitted by the *Privacy and Data Protection Act 2014* and *Health Records Act 2001*. FSV will take reasonable steps to ensure that information transferred will not be held, used or disclosed by recipients in a manner inconsistent with the Information Privacy Principles or Health Privacy Principles, for example, by imposing contractual obligations on the recipients of such information requiring them to handle that information in accordance with the requirements under the *Privacy and Data Protection Act 2014* or *Health Records Act 2001* (as applicable).

## Accessing or correcting information

An individual may ask for access to their information or request a correction to their information by contacting FSV by [email](mailto:privacy@familysafety.vic.gov.au) [privacy@familysafety.vic.gov.au](mailto:privacy@familysafety.vic.gov.au).

People can request access to their information in accordance with the *Family Violence Protection Act 2008*, *Privacy and Data Protection Act 2014* and *Health Records Act 2001*. In some circumstances, FSV may lawfully refuse to provide access to your personal, health or sensitive information held by FSV. For example, FSV can refuse to provide access to information if FSV believes that providing access would pose a serious threat to the life or health of any individual, or if providing access would have an unreasonable impact on the privacy of other individuals.

# Privacy complaints

An individual can make a complaint about a potential privacy incident (breach) by contacting FSV by [email](mailto:privacy@familysafety.vic.gov.au) [privacy@familysafety.vic.gov.au](mailto:privacy@familysafety.vic.gov.au). FSV can also provide assistance in relation to privacy matters.

FSV undertakes to resolve privacy complaints in a timely, fair and reasonable way.

An individual may also make a privacy complaint to:

- the Office of the Victorian Information Commissioner in relation to a complaint relating to personal or sensitive information (PO Box 24274 Melbourne VIC 3001 or by email to [privacy@cpdp.vic.gov.au](mailto:privacy@cpdp.vic.gov.au)); and/or
- the Health Complaints Commissioner in relation to a complaint relating to health information (online at <https://hcc.vic.gov.au/make-complaint>).