



Privacy Policy

2019

Family Safety Victoria

Family Safety Victoria (FSV) was established in 2017 as an Administrative Office in relation to the Victorian Department of Health and Human Services. It was set up to drive key elements of Victoria's family violence strategy and to coordinate support for families to help them care for children and young people.

FSV's vision is to create a future where all Victorians are safe and where children grow up in environments that are built on gender equality and respectful relationships. FSV is committed to keeping women, children and families safe.

FSV has access to personal, health and sensitive information about its staff and contractors which FSV is committed to protecting.

FSV, together with the services and programs it administers or coordinates, also has access to personal, sensitive and health information about family violence clients and related persons. This information is usually either provided on trust or, in the case of perpetrators or alleged perpetrators, without their knowledge or consent by virtue of information sharing provisions. It is critical that FSV balances the right to be safe from family violence with the right to privacy by only collecting, using and disclosing a person's information to the extent necessary.

In order for FSV to carry out its functions and activities, it collects, uses, discloses and handles personal information including sensitive and health information in accordance with relevant laws, regulations and guidelines, including:

- *Privacy and Data Protection Act 2014* (Vic) (**PDP Act**);
- *Health Records Act 2001* (Vic) (**HR Act**);
- *Family Violence Protection Act 2008* (Vic) (**FVP Act**);
- *Family Violence Protection (Information Sharing and Risk Management) Regulations 2018* (Vic);
- *Family Violence Information Sharing Guidelines 2017, updated September 2018* (Vic);
- *Child Wellbeing and Safety Act 2005* (Vic);
- *Child Wellbeing and Safety (Information Sharing) Regulations 2018* (Vic);
- *Child Information Sharing Scheme Ministerial Guidelines 2018*;
- *Children Youth and Families Act 2005*;

- *Freedom of Information Act 1982*;
- *Charter of Human Rights and Responsibilities Act 2006*; and
- *Public Records Act 1973*.

Who does this policy apply to?

This policy is designed to outline how FSV and all FSV staff and contractors, collect, use disclose or otherwise handle personal, sensitive or health information. It includes staff from entities that handle information in The Orange Door and the Central Information Point.

FSV's Functions

FSV's functions include:

- establishment and coordination of The Orange Door (also known as Support and Safety Hubs) across Victoria;
- enhancing existing specialist services for victims of family violence;
- the establishment and operation of the Central Information Point, which connects police, corrections, the courts and services to help keep victims safe and hold perpetrators to account;
- implementing the Family Violence Information Sharing Scheme and Multi-agency Risk Assessment and Management (MARAM) framework;
- establishment and management of the Centre for Workforce Excellence to determine the best means of delivering comprehensive workforce development and interdisciplinary learning about family violence;
- leading engagement with sector, victim survivors, diverse communities and the broader Victorian community;
- support for Committees and Working Groups.

What is The Orange Door?

The Orange Door is a partnership between the Victorian government, Community Service Organisations (CSOs) and Aboriginal Services. The Orange Door provides an integrated entry point to women's and children's family violence services, services for men who use violence and family services. It offers a new way for women, children and young people who are experiencing family violence or families who need assistance with the care and wellbeing of children to access the services they need to be safe and supported.

The Orange Door also holds perpetrators to account by planning interventions to address the risk they pose and challenging their controlling, violent and abusive behaviour.

FSV is responsible for establishing and overseeing The Orange Door across Victoria, as well as coordinating the different CSOs who provide specialist services through The Orange Door, including specialist family violence services, child and family services, and perpetrator services. FSV provides some IT infrastructure for The Orange Door, including the Client Relationship Management (CRM) system which hosts client records. FSV does not provide direct service delivery to clients of The Orange Door.

What is the Central Information Point?

The Central Information Point (CIP) was established under the FVP Act to prepare consolidated reports using information from Court Services Victoria, Victoria Police, Corrections Victoria and the Department of Health and Human Services. The CIP receives and responds to requests for confidential information from family violence support workers who use the information to conduct a family violence risk assessment or for a family violence protection purpose.

The FVP Act sets out who is authorised to request information from the CIP (known as CIP requesters). These entities will have access to confidential information contained in the CIP report and have authority to provide relevant confidential information to the CIP to enable the CIP to perform its functions.

The Chief Executive Officer of FSV has been prescribed under regulations as the CIP. FSV employees and employees of other agencies (known as data custodians) are co-located to perform functions on behalf of the CIP. The CIP staff, including data custodians, also have access to confidential information when performing those functions.

CIP reports allow frontline workers to quickly access the critical information they need to assess the risk posed by a perpetrator or alleged perpetrator of family violence. They also help services keep the perpetrator or alleged perpetrator in view and hold them accountable.

Definitions

There are a number of definitions relevant to this policy, which differ depending on the legislation and scheme under which the collection, use and disclosure occurs.

Under the *Privacy and Data Protection Act* (PDP Act), **personal information** is information or an opinion (including information or an opinion forming part of a database), that is recorded in any form and whether true or not, about an individual whose identity is apparent, or can reasonably be ascertained, from **the** information or opinion.

Sensitive information is a subset of personal information that is information or an opinion about an individual's:

- (a) racial or ethnic origin; or
- (b) political opinions; or
- (c) membership of a political association; or
- (d) religious beliefs or affiliations; or
- (e) philosophical beliefs; or
- (f) membership of a professional or trade association; or
- (g) membership of a trade union; or
- (h) sexual preferences or practices; or
- (i) criminal record.

The PDP Act does not apply to information of a kind to which the *Health Records Act* (HR Act) applies.

Under the HR Act, **personal information** is information or an opinion (including information or an opinion forming part of a database), whether true or not, and whether recorded in a material form or not, about an individual whose identity is apparent, or can reasonably be ascertained, from the information or opinion, but does not include information about an individual who has been dead for more than 30 years.

Health information is defined in the HR Act as:

- Personal information that is also:
 - (a) information or an opinion about the physical, mental or psychological health (at any time) of an individual; or
 - (b) information or an opinion about a disability (at any time) of an individual; or
 - (c) information or an opinion about an individual's expressed wishes about the future provision of health services to him or her; or

(d) information or an opinion about a health service provided, or to be provided, to an individual.

Or

- Other personal information collected to provide, or in providing, a health service.

Or

- Other personal information about an individual collected in connection with the donation, or intended donation, by the individual of his or her body parts, organs or body substances.

Or

- Other personal information that is genetic information about an individual in a form which is or could be predictive of the health (at any time) of the individual or of any of his or her descendants.

Some information may be expressly excluded from the definition of health information as it is prescribed as exempt health information for the purposes of the HR Act generally or for the purposes of specified provisions of the HR Act.

Part 5A of FVP Act provides for the sharing of **confidential information** between specified persons and bodies (including entities within The Orange Door) for the purposes of establishing, assessing and managing risks of family violence. The FVP Act also provides for the CIP to handle confidential information for a CIP purpose.

Part 5B of the FVP Act provides for the lawful collection, use and disclosure of confidential information by specified persons and bodies for the purposes of The Orange Door, in a way that gives precedence to safety and wellbeing over privacy.

The FVP Act defines confidential information as:

- (a) health information (under the HR Act); or
- (b) personal information, including sensitive information (under the PDP Act); or
- (c) unique identifiers (under the PDP Act); or
- (d) identifiers (under the HR Act).

Collection of information

FSV only collects personal, health and sensitive information which is reasonably necessary for the performance of its functions. This includes for the purposes of administering and coordinating 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. FSV also collects information to help services to keep perpetrators or alleged perpetrators in view and to hold them to account.

FSV, including its staff and contractors, may collect information for more than one purpose. Information may also be collected for a purpose that involves lawfully sharing information with one or more partner agency and other Victorian Government agencies. FSV has responsibility to maintain the Client Relationship Management system (CRM) that is used by CSOs and Aboriginal Services working in The Orange Door.

The primary purposes for which FSV may collect personal, health and sensitive information include:

- delivery of family violence reform projects;
- supporting CSOs, including CSOs within The Orange Door, to use the Family Violence Multi-Agency Risk Assessment and Management Framework (MARAM), including an IT tool referred to as TRAM;
- analysis, development, monitoring or oversight of Hub services at The Orange Door under Part 5B of the FVP Act;
- handling employment and personnel matters concerning staff and contractors;
- reviewing and responding to correspondence from members of the public to FSV, Ministers and Parliamentary Secretaries;
- managing complaints made and developing responses to members of the public;
- referring enquiries or complaints to relevant departments and agencies;
- considering requests for information, including those made under the *Freedom of Information Act 1982*;
- planning, monitoring and evaluating FSV functions and services;
- meeting legislative and reporting requirements;
- managing audits and fraud and compliance investigations; and
- policy development and research.

The kinds of personal or confidential 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

At The Orange Door, workers will take steps to explain to a client what information they are collecting, why they need it and what it will be used for. Where possible, The Orange Door will collect information directly from clients, however, to provide the best service, The Orange Door may seek information from the CIP or a service provider about a client or a perpetrator/alleged perpetrator. Where information is stored in the CRM, it is accessible by FSV and The Orange Door.

Where possible, FSV will collect information directly from individuals (for example, when an individual contacts FSV or FSV staff/contractors directly by email or telephone). Collection will be undertaken using lawful and fair means, and not in an unreasonably intrusive way.

Where it is safe, practicable and appropriate to do so, FSV will seek an individual's consent before collecting their personal, health or sensitive information. There may, however, be circumstances where it is not safe, 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.

FSV may also collect information directly or indirectly, through the department or through a CSO involved with The Orange Door (including where information is shared with FSV from other CSOs, individuals, or government agencies or entities), depending on the nature of the service or program. Staff from CSOs and Aboriginal Services who partner with The Orange Door collect information and share it with FSV and each other through the CRM which is owned and managed by FSV.

FSV staff and CIP data custodians will also collect information about perpetrators or alleged perpetrators of family violence from CSOs and government agencies, for the purposes of the CIP.

Use and disclosure of information

In general, FSV will only use or disclose personal, health and sensitive information for the same purpose or purposes that it was collected. 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 entities for a purpose relating to the provision, analysis, development, monitoring or oversight of one or more services in The Orange Door, as authorised under Part 5B of the FVP Act;
- the use or disclosure is authorised under Part 5A of the FVP Act or Part 6A of the *Child Wellbeing and Safety Act 2005*;
- the secondary use or disclosure is related to the primary purpose of collection (or directly related if its sensitive information) 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);
- the individual has consented to the secondary use or disclosure;
- 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 applicable laws, e.g. PDP Act, the HR Act, or the FVP Act.

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:

- to the Department of Health and Human Services;
- with CSOs and Aboriginal Services providing services through The Orange Door; 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 they can access.

Unique identifiers

FSV will only assign or adopt a unique identifier to 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 that is collected by FSV is stored on purpose-built IT systems. FSV is responsible for providing and maintaining these IT systems and takes 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 under applicable laws, e.g. the PDP Act and the HR Act.

FSV takes reasonable steps to ensure that any information transferred outside Victoria is not 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 applicable laws, e.g. the PDP Act or the HR Act (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 through:

1. The relevant Hub Manager, if information was collected at or by The Orange Door (if applicable)
2. The manager of the relevant FSV branch or team (where known)
3. The FSV Privacy Coordinator by email to privacy@familysafety.vic.gov.au, or
4. The Department of Health and Human Services' Freedom of Information (FOI) Officer by email to foi@dhhs.vic.gov.au or by telephone on 03 9096 8449.

When contacted, FSV will let the individual know, if safe to do so, whether it holds information about the individual and any further steps they need to take to obtain access to that information.

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, health, safety or wellbeing of any individual,
- would have an unreasonable impact on the privacy of other individuals, or
- would increase the risk of family violence to an affected person.

Privacy incidents or privacy complaints

A privacy incident (also known as a breach of privacy) occurs where there has been an act or omission by FSV that results in loss, theft, misuse, unauthorised access to or disclosure of personal, sensitive or health information, or has the potential to do so. You can also make a complaint about the handling of your personal or health information.

An individual can notify FSV about a possible privacy incident or make a privacy complaint by contacting the relevant FSV Privacy Contact Officer. For The Orange Door this is the Hub Manager and for FSV head office this is the Privacy Coordinator who can be contacted by email at privacy@familysafety.vic.gov.au. The Privacy Coordinator can also be contacted if you are not sure who the relevant Hub Manager is.

FSV will respond to privacy complaints in a timely, fair and reasonable way. If you do not believe your issue has been resolved, you may make a 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 enquiries@ovic.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>).