

PURPOSE

The intent of this policy is to demonstrate how Bellarine Community Health Ltd. (BCH) meets the Australian Privacy principles.
 The Australian Privacy Principles (APPs) replaced the National Privacy Principles and these spell out “**What**” is required, this Policy spells out “**How**” BCH will meet these requirements.
 This is achieved by:

- a) deliver services to clients under appropriate Clinical Governance frameworks that ensure services are Safe, Effective, Accessible, Acceptable, Appropriate and Efficient;
- b) Ensure our staff, volunteers and clients have the right information, at the right place and at the right time to make an informed decision;
- c) balance the public interest in the free flow of information with the need to protect the privacy of personal and health information;
- d) promote an understanding and acceptance of responsible personal and health information handling practices throughout BCH;
- e) collect only the required information;
- f) promote responsible and transparent handling of personal and health information handling throughout BCH;
- g) educate employees, volunteers and contractors throughout BCH about information privacy;
- h) handle any complaints received relating to privacy matters in an efficient, fair and appropriate manner; and
- i) monitor privacy compliance and ensure BCH is informed of legislative updates and changes;

The intent of this policy is reinforced by the following principles:

- **Openness & Transparency**

BCH will seek to ensure that individuals are made aware of the information held about them, why it is held and that they are able to access this information and correct it if necessary.

- **Balance**

BCH will only collect personal and/or health information as is necessary and will seek to minimise intrusion into privacy.

- **Purpose Limitation**

Through safeguards and guidelines for collection, use and disclosure, BCH will seek to ensure that an individual’s personal and/or health information will be used **only** for the purpose for which it was collected.

SCOPE

Bellarine Community Health (BCH) Privacy Policy and practice guidelines, all reflect a genuine commitment from BCH to both meet our legal compliance obligations and improve the quality of services to our clients. The commitment of this Policy is to ensure our staff and clients have the right information, at the right place and at the right time in order to make decisions.

Personal information of our clients will only be collected to the extent required for BCH:

- to deliver services and
- as a required under the Privacy Act 2014 (Cth), this includes the legislation which gave affect to these changes *Privacy Amendment (Enhancing Privacy Protection) Act 2012 (Cth)*.

POLICY

The aim of this section is to ensure that clients, staff and volunteers of BCH understand:

- a) Why we collect information
- b) What information we collect
- c) What the information will be used for
- d) What steps a person can take if they have concerns about BCH collection, use, disclosure and storage of their personal and/or health information.

PROCEDURE

Process Steps	Responsibilities
1. Australian Privacy Principle 1 — open and transparent management of personal information	

<p>1.1 The object of this principle is to ensure that BCH manages personal information in an open and transparent way.</p> <p>Compliance with the Australian Privacy Principles etc.</p> <p>1.2 BCH must take such steps as are reasonable in the circumstances to implement practices, procedures and systems relating to BCHs functions or activities that:</p> <ul style="list-style-type: none"> a. will ensure that BCH complies with the Australian Privacy Principles and a registered APP code (if any) that binds BCH; and b. will enable BCH to deal with inquiries or complaints from individuals about BCHs compliance with the Australian Privacy Principles or such a code. <p>This is covered by this Policy.</p> <p>Australian Privacy Principles Privacy policy.</p> <p>1.3 As required under APP 1.3 BCH has this clearly expressed and up to date policy (the APP privacy policy) about the management of personal information by BCH.</p> <p>1.4 As required within APP 1.4 Privacy Policy of BCH contains the following information:</p> <ul style="list-style-type: none"> a. the kinds of personal information that BCH collects and holds; b. how BCH collects and holds personal information; c. the purposes for which BCH collects, holds, uses and discloses personal information; d. how an individual may access personal information about the individual that is held by BCH and seek the correction of such information; e. how an individual may complain about a breach of the Australian Privacy Principles, or a registered APP code (if any) that binds BCH, and how BCH will deal with such a complaint; f. whether BCH is likely to disclose personal information to overseas recipients; g. if BCH is likely to disclose personal information to overseas recipients—the countries in which such recipients are likely to be located if it is practicable to specify those countries in the policy. <p>Availability of APP privacy policy etc.</p> <p>1.5 BCH does take such steps as are reasonable in the circumstances to make its APP privacy policy available:</p> <ul style="list-style-type: none"> a. free of charge; and b. in such form as is appropriate. <p><i>Note: BCH will usually make its APP privacy policy available on BCHs website and this may be updated from time to time to reflect practices and change in processes to meet these requirements.</i></p> <p>1.6 If a person or body requests a copy of the APP privacy policy of BCH in a particular form, BCH must take such steps as are reasonable in the circumstances to give the person or body a copy in that form.</p>	<p>All</p>
<p>2. Australian Privacy Principle 2 — anonymity and pseudonymity</p>	
<p>2.1 Individuals must have the option of not identifying themselves, or of using a pseudonym, when dealing with BCH in relation to a particular matter.</p> <p>2.2 Subclause 2.1 does not apply if, in relation to that matter:</p> <ul style="list-style-type: none"> a. BCH is required or authorised by or under an Australian law, or a court/tribunal order, to deal with individuals who have identified themselves; or b. it is impracticable for BCH to deal with individuals who have not identified themselves or who have used a pseudonym. <p>Part 2 — Collection of personal information</p>	<p>All</p>

3. Australian Privacy Principle 3 — collection of solicited personal information	
<p>Personal information other than sensitive information</p> <p>3.1 BCH must not collect personal information (other than sensitive information) unless the information is reasonably necessary for, or directly related to, one or more of BCHs functions or activities.</p> <p>3.2 BCH must not collect personal information (other than sensitive information) unless the information is reasonably necessary for one or more of BCHs functions or activities.</p> <p>Sensitive information</p> <p>3.3 BCH must not collect sensitive information about an individual unless:</p> <p>a. the individual consents to the collection of the information and:</p> <ul style="list-style-type: none"> i. the information is reasonably necessary for, or directly related to, one or more of BCHs functions or activities; or ii. the information is reasonably necessary for one or more of BCHs functions or activities. <p>3.4 This subclause applies in relation to sensitive information about an individual if:</p> <p>a. the collection of the information is required or authorised by or under an Australian law or a court/tribunal order; or</p> <p>b. a permitted general situation exists in relation to the collection of the information by BCH; or</p> <p>c. BCH is an organisation and a permitted health situation exists in relation to the collection of the information by BCH; or</p> <p>d. BCH is a non-profit organisation and both of the following apply:</p> <ul style="list-style-type: none"> i. the information relates to the activities of the organisation; ii. the information relates solely to the members of the organisation, or to individuals who have regular contact with the organisation in connection with its activities. <p>Means of collection</p> <p>3.5 BCH must collect personal information only by lawful and fair means.</p> <p>3.6 BCH must collect personal information about an individual only from the individual unless:</p> <p>a. if BCH is an agency:</p> <ul style="list-style-type: none"> i. the individual consents to the collection of the information from someone other than the individual; or ii. BCH is required or authorised by or under an Australian law, or a court/tribunal order, to collect the information from someone other than the individual; or <p>b. it is unreasonable or impracticable to do so.</p> <p>Solicited personal information</p> <p>3.7 This principle applies to the collection of personal information that is solicited by BCH.</p>	All
4. Australian Privacy Principle 4 — dealing with unsolicited personal information	
<p>4.1 If:</p> <p>a. BCH receives personal information; and</p> <p>b. BCH did not solicit the information;</p> <p>BCH must, within a reasonable period after receiving the information, determine whether or not BCH could have collected the information under Australian Privacy Principle 3 if BCH had solicited the information.</p> <p>4.2 BCH may use or disclose the personal information for the purposes of making the determination under subclause 4.1.</p> <p>4.3 If:</p> <p>a. BCH determines that BCH could not have collected the personal information; and</p> <p>b. the information is not contained in a Commonwealth record;</p> <p>BCH must, as soon as practicable but only if it is lawful and reasonable to do so, destroy the information or ensure that the information is de-identified.</p>	All

<p>4.4 If subclause 4.3 does not apply in relation to the personal information, Australian Privacy Principles 5 to 13 apply in relation to the information as if BCH had collected the information under Australian Privacy Principle 3.</p>	
<p>5. Australian Privacy Principle 5 — notification of the collection of personal information</p>	
<p>5.1 At or before the time or, if that is not practicable, as soon as practicable after, BCH collects personal information about an individual, BCH must take such steps (if any) as are reasonable in the circumstances:</p> <ul style="list-style-type: none"> a. to notify the individual of such matters referred to in subclause 5.2 as are reasonable in the circumstances; or b. to otherwise ensure that the individual is aware of any such matters. <p>5.2 The matters for the purposes of subclause 5.1 are as follows:</p> <ul style="list-style-type: none"> a. the identity and contact details of BCH; b. if: <ul style="list-style-type: none"> i. BCH collects the personal information from someone other than the individual; or ii. the individual may not be aware that BCH has collected the personal information; the fact that BCH so collects, or has collected, the information and the circumstances of that collection; c. if the collection of the personal information is required or authorised by or under an Australian law or a court/tribunal order — the fact that the collection is so required or authorised (including the name of the Australian law, or details of the court/tribunal order, that requires or authorises the collection); d. the purposes for which BCH collects the personal information; e. the main consequences (if any) for the individual if all or some of the personal information is not collected by BCH; f. any other BCH, body or person, or the types of any other BCH, bodies or persons, to which BCH usually discloses personal information of the kind collected by BCH; g. that the APP privacy policy of BCH contains information about how the individual may access the personal information about the individual that is held by BCH and seek the correction of such information; h. that the APP privacy policy of BCH contains information about how the individual may complain about a breach of the Australian Privacy Principles, or a registered APP code (if any) that binds BCH, and how BCH will deal with such a complaint; <ul style="list-style-type: none"> i. whether BCH is likely to disclose the personal information to overseas recipients; i. if BCH is likely to disclose the personal information to overseas recipients — the countries in which such recipients are likely to be located if it is practicable to specify those countries in the notification or to otherwise make the individual aware of them. <p>Part 3 — Dealing with personal information</p>	<p>All</p>

6. Australian Privacy Principle 6 — use or disclosure of personal information

Use or disclosure

6.1 If BCH holds personal information about an individual that was collected for a particular purpose (the primary purpose), BCH must not use or disclose the information for another purpose (the secondary purpose) unless:

- a. the individual has consented to the use or disclosure of the information; or
- b. subclause 6.2 or 6.3 applies in relation to the use or disclosure of the information.

Note: Australian Privacy Principle 8 sets out requirements for the disclosure of personal information to a person who is not in Australia or an external Territory.

6.2 This subclause applies in relation to the use or disclosure of personal information about an individual if:

- a. the individual would reasonably expect BCH to use or disclose the information for the secondary purpose and the secondary purpose is:
 - i. if the information is sensitive information — directly related to the primary purpose; or
 - ii. if the information is not sensitive information — related to the primary purpose; or
- b. the use or disclosure of the information is required or authorised by or under an Australian law or a court/tribunal order; or
- c. a permitted general situation exists in relation to the use or disclosure of the information by BCH; or
- d. BCH is an organisation and a permitted health situation exists in relation to the use or disclosure of the information by BCH; or
- e. BCH reasonably believes that the use or disclosure of the information is reasonably necessary for one or more enforcement related activities conducted by, or on behalf of, an enforcement body.

Note: For permitted general situation, see section 16A. For permitted health situation, see section 16B.

6.3 This subclause applies in relation to the disclosure of personal information about an individual by BCH that is an agency if:

- a. the agency is not an enforcement body; and
- b. the information is biometric information or biometric templates; and
- c. the recipient of the information is an enforcement body; and
- d. the disclosure is conducted in accordance with the guidelines made by the Commissioner for the purposes of this paragraph.

6.4 If:

- a. BCH is an organisation; and
- b. subsection 16B(2) applied in relation to the collection of the personal information by BCH;

BCH must take such steps as are reasonable in the circumstances to ensure that the information is de-identified before BCH discloses it in accordance with subclause 6.1 or 6.2.

Written note of use or disclosure

6.5 If BCH uses or discloses personal information in accordance with paragraph 6.2(e), BCH must make a written note of the use or disclosure.

Related bodies corporate

6.6 If:

- a. BCH is a body corporate; and
- b. BCH collects personal information from a related body corporate;

this principle applies as if BCH's primary purpose for the collection of the information were the primary purpose for which the related body corporate collected the information.

Exceptions

6.7 This principle does not apply to the use or disclosure by an organisation of:

- a. personal information for the purpose of direct marketing; or
- b. government related identifiers.

All

7. Australian Privacy Principle 7 — direct marketing

Direct marketing

7.1 If an organisation holds personal information about an individual, the organisation must not use or disclose the information for the purpose of direct marketing.

Note: An act or practice of an agency may be treated as an act or practice of an organisation, see section 7A.

Exceptions — personal information other than sensitive information

7.2 Despite subclause 7.1, an organisation may use or disclose personal information (other than sensitive information) about an individual for the purpose of direct marketing if:

- a. the organisation collected the information from the individual; and
- b. the individual would reasonably expect the organisation to use or disclose the information for that purpose; and
- c. the organisation provides a simple means by which the individual may easily request not to receive direct marketing communications from the organisation; and
- d. the individual has not made such a request to the organisation.

7.3 Despite subclause 7.1, an organisation may use or disclose personal information (other than sensitive information) about an individual for the purpose of direct marketing if:

- a. the organisation collected the information from:
 - i. the individual and the individual would not reasonably expect the organisation to use or disclose the information for that purpose; or
 - ii. someone other than the individual; and
- b. either:
 - i. the individual has consented to the use or disclosure of the information for that purpose; or
 - ii. it is impracticable to obtain that consent; and
- c. the organisation provides a simple means by which the individual may easily request not to receive direct marketing communications from the organisation; and
- d. in each direct marketing communication with the individual:
 - i. the organisation includes a prominent statement that the individual may make such a request; or
 - ii. the organisation otherwise draws the individual's attention to the fact that the individual may make such a request; and
- e. the individual has not made such a request to the organisation.

Exception — sensitive information

7.4 Despite subclause 7.1, an organisation may use or disclose sensitive information about an individual for the purpose of direct marketing if the individual has consented to the use or disclosure of the information for that purpose.

Exception — contracted service providers

7.5 Despite subclause 7.1, an organisation may use or disclose personal information for the purpose of direct marketing if:

- a. the organisation is a contracted service provider for a Commonwealth contract; and
- b. the organisation collected the information for the purpose of meeting (directly or indirectly) an obligation under the contract; and
- c. the use or disclosure is necessary to meet (directly or indirectly) such an obligation.

Individual may request not to receive direct marketing communications etc.

7.6 If an organisation (the first organisation) uses or discloses personal information

All

<p>about an individual:</p> <ul style="list-style-type: none"> a. for the purpose of direct marketing by the first organisation; or b. for the purpose of facilitating direct marketing by other organisations; <p>the individual may:</p> <ul style="list-style-type: none"> c. if paragraph (a) applies — request not to receive direct marketing communications from the first organisation; and d. if paragraph (b) applies — request the organisation not to use or disclose the information for the purpose referred to in that paragraph; and e. request the first organisation to provide its source of the information. <p>7.7 If an individual makes a request under subclause 7.6, the first organisation must not charge the individual for the making of, or to give effect to, the request and:</p> <ul style="list-style-type: none"> a. if the request is of a kind referred to in paragraph 7.6(c) or (d) — the first organisation must give effect to the request within a reasonable period after the request is made; and b. if the request is of a kind referred to in paragraph 7.6(e) — the organisation must, within a reasonable period after the request is made, notify the individual of its source unless it is impracticable or unreasonable to do so. <p>Interaction with other legislation</p> <p>7.8 This principle does not apply to the extent that any of the following apply:</p> <ul style="list-style-type: none"> a. the <i>Do Not Call Register Act 2006</i>; b. the <i>Spam Act 2003</i>; <p>any other Act of the Commonwealth, or a Norfolk Island enactment, prescribed by the regulations.</p>	
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8. Australian Privacy Principle 8 — cross-border disclosure of personal information

<p>8.1 Before BCH discloses personal information about an individual to a person (the overseas recipient):</p> <ul style="list-style-type: none"> a. who is not in Australia or an external Territory; and b. who is not BCH or the individual; <p>BCH must take such steps as are reasonable in the circumstances to ensure that the overseas recipient does not breach the Australian Privacy Principles (other than Australian Privacy Principle 1) in relation to the information.</p> <p><i>Note: In certain circumstances, an act done, or a practice engaged in, by the overseas recipient is taken, under section 16C, to have been done or engaged in, by BCH and to be a breach of the Australian Privacy Principles.</i></p> <p>8.2 Subclause 8.1 does not apply to the disclosure of personal information about an individual by BCH to the overseas recipient if:</p> <ul style="list-style-type: none"> a. BCH reasonably believes that: <ul style="list-style-type: none"> i. the recipient of the information is subject to a law, or binding scheme, that has the effect of protecting the information in a way that, overall, is at least substantially similar to the way in which the Australian Privacy Principles protect the information; and ii. there are mechanisms that the individual can access to take action to enforce that protection of the law or binding scheme; or b. both of the following apply: <ul style="list-style-type: none"> i. BCH expressly informs the individual that if he or she consents to the disclosure of the information, subclause 8.1 will not apply to the disclosure; ii. after being so informed, the individual consents to the disclosure; or c. the disclosure of the information is required or authorised by or under an Australian law or a court/tribunal order; or d. a permitted general situation (other than the situation referred to in item 4 or 5 of the table in subsection 16A(1)) exists in relation to the disclosure of the information by BCH; or e. BCH is an agency and the disclosure of the information is required or authorised by or under an international agreement relating to information sharing to which Australia is a party; or f. BCH is an agency and both of the following apply: <ul style="list-style-type: none"> i. BCH reasonably believes that the disclosure of the information is reasonably necessary for one or more enforcement related activities conducted by, or on behalf of, an enforcement body; 	<p>All</p>
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<p>ii. the recipient is a body that performs functions, or exercises powers, that are similar to those performed or exercised by an enforcement body. Note: For permitted general situation, see section 16A.</p>	
<p>9. Australian Privacy Principle 9 — adoption, use or disclosure of government related identifiers</p>	
<p>Adoption of government related identifiers 9.1 An organisation must not adopt a government related identifier of an individual as its own identifier of the individual unless: a. the adoption of the government related identifier is required or authorised by or under an Australian law or a court/tribunal order; or b. subclause 9.3 applies in relation to the adoption. <i>Note: An act or practice of an agency may be treated as an act or practice of an organisation, see section 7A.</i></p> <p>Use or disclosure of government related identifiers 9.2 An organisation must not use or disclose a government related identifier of an individual unless: a. the use or disclosure of the identifier is reasonably necessary for the organisation to verify the identity of the individual for the purposes of the organisation's activities or functions; or b. the use or disclosure of the identifier is reasonably necessary for the organisation to fulfil its obligations to an agency or a State or Territory authority; or c. the use or disclosure of the identifier is required or authorised by or under an Australian law or a court/tribunal order; or d. a permitted general situation (other than the situation referred to in item 4 or 5 of the table in subsection 16A(1)) exists in relation to the use or disclosure of the identifier; or e. the organisation reasonably believes that the use or disclosure of the identifier is reasonably necessary for one or more enforcement related activities conducted by, or on behalf of, an enforcement body; or f. subclause 9.3 applies in relation to the use or disclosure. <i>Note 1: An act or practice of an agency may be treated as an act or practice of an organisation, see section 7A.</i> <i>Note 2: For permitted general situation, see section 16A.</i></p> <p>Regulations about adoption, use or disclosure 9.3 This subclause applies in relation to the adoption, use or disclosure by an organisation of a government related identifier of an individual if: a. the identifier is prescribed by the regulations; and b. the organisation is prescribed by the regulations, or is included in a class of organisations prescribed by the regulations; and c. the adoption, use or disclosure occurs in the circumstances prescribed by the regulations. <i>Note: There are prerequisites that must be satisfied before the matters mentioned in this subclause are prescribed, see subsections 100(2) and (3).</i></p> <p>Part 4 — Integrity of personal information</p>	<p>All</p>
<p>10. Australian Privacy Principle 10 — quality of personal information</p>	
<p>10.1 BCH must take such steps (if any) as are reasonable in the circumstances to ensure that the personal information that BCH collects is accurate, up-to-date and complete. 10.2 BCH must take such steps (if any) as are reasonable in the circumstances to ensure that the personal information that BCH uses or discloses is, having regard to the purpose of the use or disclosure, accurate, up-to-date, complete and relevant.</p>	<p>All</p>
<p>11. Australian Privacy Principle 11 — security of personal information</p>	
<p>11.1 If BCH holds personal information, BCH must take such steps as are reasonable in the circumstances to protect the information: a. from misuse, interference and loss; and</p>	<p>All</p>

<p>b. from unauthorised access, modification or disclosure.</p> <p>11.2 If:</p> <ul style="list-style-type: none"> a. BCH holds personal information about an individual; and b. BCH no longer needs the information for any purpose for which the information may be used or disclosed by BCH under this Schedule; and c. the information is not contained in a Commonwealth record; and d. BCH is not required by or under an Australian law, or a court/tribunal order, to retain the information; <p>BCH must take such steps as are reasonable in the circumstances to destroy the information or to ensure that the information is de-identified.</p> <p>Part 5 — Access to, and correction of, personal information</p>	
<p>12. Australian Privacy Principle 12 — access to personal information</p>	
<p>Access</p> <p>12.1 If BCH holds personal information about an individual, BCH must, on request by the individual, give the individual access to the information.</p> <p>Exception to access — agency</p> <p>12.2 If:</p> <ul style="list-style-type: none"> a. BCH is an agency; and b. BCH is required or authorised to refuse to give the individual access to the personal information by or under: <ul style="list-style-type: none"> i. the Freedom of Information Act; or ii. any other Act of the Commonwealth, or a Norfolk Island enactment, that provides for access by persons to documents; then, despite subclause 12.1, BCH is not required to give access to the extent that BCH is required or authorised to refuse to give access. <p>Exception to access — organisation</p> <p>12.3 If BCH is an organisation then, despite subclause 12.1, BCH is not required to give the individual access to the personal information to the extent that:</p> <ul style="list-style-type: none"> a. BCH reasonably believes that giving access would pose a serious threat to the life, health or safety of any individual, or to public health or public safety; or b. giving access would have an unreasonable impact on the privacy of other individuals; or c. the request for access is frivolous or vexatious; or d. the information relates to existing or anticipated legal proceedings between BCH and the individual, and would not be accessible by the process of discovery in those proceedings; or e. giving access would reveal the intentions of BCH in relation to negotiations with the individual in such a way as to prejudice those negotiations; or f. giving access would be unlawful; or g. denying access is required or authorised by or under an Australian law or a court/tribunal order; or h. both of the following apply: <ul style="list-style-type: none"> i. BCH has reason to suspect that unlawful activity, or misconduct of a serious nature, that relates to BCHs functions or activities has been, is being or may be engaged in; ii. giving access would be likely to prejudice the taking of appropriate action in relation to the matter; or i. giving access would be likely to prejudice one or more enforcement related activities conducted by, or on behalf of, an enforcement body; or j. giving access would reveal evaluative information generated within BCH in connection with a commercially sensitive decision-making process. <p>Dealing with requests for access</p> <p>12.4 BCH must:</p> <ul style="list-style-type: none"> a. respond to the request for access to the personal information: <ul style="list-style-type: none"> i. if BCH is an agency — within 30 days after the request is made; or 	<p>All</p>

<p>ii. if BCH is an organisation — within a reasonable period after the request is made; and</p> <p>b. give access to the information in the manner requested by the individual, if it is reasonable and practicable to do so.</p> <p>Other means of access</p> <p>12.5 If BCH refuses:</p> <p>a. to give access to the personal information because of subclause 12.2 or 12.3; or</p> <p>b. to give access in the manner requested by the individual;</p> <p>BCH must take such steps (if any) as are reasonable in the circumstances to give access in a way that meets the needs of BCH and the individual.</p> <p>12.6 Without limiting subclause 12.5, access may be given through the use of a mutually agreed intermediary.</p> <p>Access charges</p> <p>12.7 If BCH is an agency, BCH must not charge the individual for the making of the request or for giving access to the personal information.</p> <p>12.8 If:</p> <p>a. BCH is an organisation; and</p> <p>b. BCH charges the individual for giving access to the personal information; the charge must not be excessive and must not apply to the making of the request.</p> <p>Refusal to give access</p> <p>12.9 If BCH refuses to give access to the personal information because of subclause 12.2 or 12.3, or to give access in the manner requested by the individual, BCH must give the individual a written notice that sets out:</p> <p>a. the reasons for the refusal except to the extent that, having regard to the grounds for the refusal, it would be unreasonable to do so; and</p> <p>b. the mechanisms available to complain about the refusal; and</p> <p>c. any other matter prescribed by the regulations.</p> <p>12.10 If BCH refuses to give access to the personal information because of paragraph 12.3(j), the reasons for the refusal may include an explanation for the commercially sensitive decision.</p>	
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13. Australian Privacy Principle 13 — correction of personal information

<p>Correction</p> <p>13.1 If:</p> <p>a. BCH holds personal information about an individual; and</p> <p>b. either:</p> <p>i. BCH is satisfied that, having regard to a purpose for which the information is held, the information is inaccurate, out of date, incomplete, irrelevant or misleading; or</p> <p>ii. the individual requests BCH to correct the information;</p> <p>BCH must take such steps (if any) as are reasonable in the circumstances to correct that information to ensure that, having regard to the purpose for which it is held, the information is accurate, up to date, complete, relevant and not misleading.</p> <p>Notification of correction to third parties</p> <p>13.2 If:</p> <p>a. BCH corrects personal information about an individual that BCH previously disclosed to another BCH; and</p> <p>b. the individual requests BCH to notify the other BCH of the correction;</p> <p>BCH must take such steps (if any) as are reasonable in the circumstances to give that notification unless it is impracticable or unlawful to do so.</p> <p>Refusal to correct information</p> <p>13.3 If BCH refuses to correct the personal information as requested by the individual, BCH must give the individual a written notice that sets out:</p> <p>a. the reasons for the refusal except to the extent that it would be unreasonable to do so; and</p>	<p>All</p>
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<p>b. the mechanisms available to complain about the refusal; and c. any other matter prescribed by the regulations.</p> <p>Request to associate a statement</p> <p>13.4 If:</p> <p>a. BCH refuses to correct the personal information as requested by the individual; and b. the individual requests BCH to associate with the information a statement that the information is inaccurate, out-of-date, incomplete, irrelevant or misleading; BCH must take such steps as are reasonable in the circumstances to associate the statement in such a way that will make the statement apparent to users of the information.</p> <p>Dealing with requests</p> <p>13.5 If a request is made under subclause 13.1 or 13.4, BCH:</p> <p>a. must respond to the request: i. if BCH is an agency — within 30 days after the request is made; or ii. if BCH is an organisation — within a reasonable period after the request is made; and b. must not charge the individual for the making of the request, for correcting the personal information or for associating the statement with the personal information (as the case may be).</p>	
14. Children, Young People and Privacy	
<p>In circumstances where a child or young person is asked to provide consent, BCH will assess and make a decision about the child or young person’s maturity and intellectual capacity to understand the general nature of the issue of consent and the consequences for them.</p> <p>This means assessing and deciding if:</p> <p>a) the child or the young person understands the issues related to giving consent; b) the child or the young person has the capacity and ability to form views based on reasoned judgement about the issue; c) the child or the young person can communicate the consent or refusal to consent.</p> <p>Where the child or young person is not able to provide consent: BCH must seek the permission of the child or the young person’s parent (s) or legal advocate or authorised representative or legal guardian.</p>	All
15. Acknowledgement and Distribution Policy	
<p>It is the responsibility of all BCH employees to keep up to date and seek information regarding BCH Policies and Practice Guidelines as they change from time to time. BCH shall ensure, as far as is reasonably practicable, that this policy and its associated amendments is distributed to existing and new employees – clients shall be provided with a simple to read and understand BCH privacy FACT sheet and contact details. If requested, any member of the public shall be provided with a copy of BCH Privacy Policy. All employees shall be required to sign a form indicating their receipt of this policy and that they have read the policy.</p>	All
16. Breach of this policy	
<p>Any breach of this BCH Policy may result in disciplinary action up to and including termination of employment. Disciplinary procedures that can be actioned by BCH will be in line with BCH <i>Disciplinary Policy and Procedure</i>. If an individual’s conduct results in a breach under law they may also be personally liable.</p>	All
17. Reporting privacy breaches to Department Health & Human Services	
<p>Funded organisations have access to personal, health and sensitive information about clients. It is critical that agencies protect the privacy of this information. Under service agreement clause 17.3(i), funded agencies must immediately notify the department when becoming aware of a breach, or possible breach, of the organisation’s obligations under the Privacy and Data Protection Act 2014 of the Health Records Act 2001. The purpose of this is to ensure timely and effective management of privacy incidents and to learn from incidents to improve how client</p>	All

information is handled.	
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DEFINITIONS

APP: Australian Privacy Principles

RELATED POLICIES PROCEDURES AND FORMS

National Quality & Safety Health Services standards
 Quality Improvement Council standards
 Home Care Common standards
 National Standards Assessment Program
 Privacy Incident Report Form – DHHS document for privacy breaches

REFERENCES

Privacy and Data Protection Act 2014
Health Records Act 2001
Charter of Human Rights and Responsibilities Act 2006
Freedom of Information Act 1982.
Data breach preparation and response – A guide to managing data breaches in accordance with the Privacy Act 1988 (Cth)-February 2018
Department of Health & Human Services – Reporting privacy breaches to the department fact sheet <https://www.vic.gov.au/>
Federal Privacy Commissioner
 Office of the Australian Information Commissioner (OAIC) <http://www.oaic.gov.au>
DHS Privacy Website
 Corporate Integrity, Information and Resolutions unit <http://www.dhs.vic.gov.au/privacy>
Victorian Privacy Commissioner – For information about the Information Privacy Act 2000, visit: www.privacy.vic.gov.au
Victorian Health Services Commissioner – For information about the Health records Act 2001(vic) visit: www.health.vic.gov.au/hsc.

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