



Care
Education
Advocacy

Privacy Policy

1. PURPOSE

Sexual Health Victoria (SHV) is committed to protecting your privacy and handling your personal information in a respectful and responsible manner, and in accordance with privacy law. SHV recognises that privacy is a human right.

This Privacy Policy describes how SHV manages your personal information, including health and other sensitive information. It explains how SHV collects, uses, stores and discloses your personal information, and how you may access or correct that information. It also explains how you can make an enquiry or a complaint about a breach of privacy, and how complaints will be handled.

2. LAWS

SHV has privacy obligations set out under the Commonwealth Privacy Act 1988 (the Act) and the Australian Privacy Principles (the APPs) as well as the Health Records Act (Victoria) 2001. These laws govern how SHV collects, uses, stores and discloses personal information, and how you can access or correct your information.

3. INFORMATION WE COLLECT AND HOLD

SHV collects and holds the personal information of clients, their nominated representatives, employees, members of the public, volunteers, contractors, suppliers and service providers. SHV will only collect personal (including sensitive or health) information where it is necessary for, or directly related to, its functions or activities.

Personal Information

Personal information means information (or an opinion) about a person, which could reasonably identify them. A person's name does not have to be included for information to be personal. The test is whether the information considered as a whole would enable them to be identified.

Sensitive information is a category of personal information that can include race or ethnicity, political opinions or membership, religious or philosophical beliefs, professional or trade association or union membership, sexual preferences or practices, criminal records, health information or genetic/biometric information such as fingerprints. The Act has additional obligations for the management of sensitive information. SHV may collect sensitive information if it relates to provision of your services.

Personal information collected by SHV can include:

- name (legal and preferred/chosen)
- date of birth
- sex assigned at birth, or intersex status
- gender identity
- pronouns and honorifics (e.g., Ms, Mr, Mx)
- contact details, including address, email address and phone number
- name and contact details of a nominated representative (e.g., emergency contact)
- relationship status
- sexual orientation
- country of origin

- cultural or religious needs
- languages spoken at home
- social needs.

Health Information

Health information means information (or an opinion) about someone's health or disability, expressed wishes about their health care, or other personal information collected to provide, or in providing, a health service.

SHV collects information about our clients' health and care needs so that we may properly investigate, assess, diagnose or treat illnesses and be proactive in clients' sexual and reproductive health care needs. The information we ask for may be very personal, but not having it may restrict our capacity to provide with the standard of medical care that you expect. All members of the professional team involved in care will have access to personal and health information.

Health information collected includes client health records, which can contain:

- personal information (see above)
- all health information held by our practice
- records of consultations and communications
- whether the client identifies as being an Aboriginal and/or Torres Strait Islander person
- cultural background where relevant,
- lifestyle risk factors
- Medicare number (where available) for identification and claiming purposes
- healthcare identifiers and
- health fund details.

Health information can also include incident and accident reports, first aid records, workers compensation claims and documents, rehabilitation and attendance records, medical or other health service provider records, medical histories and assessments for insurance or employment purposes.

Employee information

Additional personal information concerning employees is collected including job applications, resumes, vaccination status, work histories, educational qualifications, training records, competency assessments, salary details, performance assessments, counselling details and personnel records. Sensitive and health information is sometimes collected when required, such as criminal record check details and relevant medical histories for employment purposes.

5. HOW WE COLLECT PERSONAL INFORMATION

Personal information can be collected when you:

- phone, mail or email SHV
- access our website or use our online Contact Us form
- make a booking for our services
- make enquiries or complaints.

SHV mostly collects information directly from you, but it may be collected from another person or organisation (within the requirements of the Act). It is sometimes collected whether it has been requested by SHV or not, for example when you send us your personal information without us asking for it. Our website uses cookies which collect user information and data for statistical and analytic purposes.

When personal information is being collected, SHV takes reasonable steps to let you know this (either at or before the time of collection, or as soon as possible after). 'Collection/Consent statements' are included on forms that SHV uses to collect personal information, displayed on our website at the point of collection, or given when you supply personal information to us.

SHV must notify you of its identity and contact details, where and in what circumstances your personal information may be collected from another source, whether the collection is required or authorised by law or a Court/Tribunal order, the purposes for which it is collected, the main consequences if some or all of the information is not collected, and to whom the personal information is usually disclosed.

You must also be informed whether your personal information is likely to be disclosed to overseas recipients, and if it is practicable to do so, in which countries they are located. SHV does periodically receive requests for personal information to be disclosed overseas and follows strict protocols for release of any information.

SHV is required to use best endeavours to offer you the option to use a pseudonym or not identifying yourself (except where required by law or a Court or Tribunal, or where otherwise impracticable).

Clients

SHV collects client's personal information directly from clients and/or if consent is provided, from their nominated representative. Information may also be collected from other care providers and care referral services, and from the Commonwealth Government in relation to a client's eligibility to pay certain fees and charges. In most cases, SHV will obtain the information directly from you or your treating doctors.

Employees and others

SHV collects information about our employees, job applicants, volunteers and trainees either directly or through background checks such as Working with Children or criminal history checks, or referees or employment agencies. Personal information of job applicants and employees is collected during the application process and during the period of employment, and may include sensitive information or health information when required (e.g. in event of first aid, sick or carers leave, or where injury or insurance claims arise).

Information about service providers and their employees is collected directly from our service providers. Personal and business details of suppliers, contractors and other service providers are collected when they interact with SHV, so that proper financial and business records can be kept.

6. HOW WE USE OR DISCLOSE YOUR PERSONAL INFORMATION

SHV may use and disclose your information in the following ways:

- for the purposes of fulfilling client requests, and providing personalised services
- administrative purposes in the running our clinical, education and other services
- compliance with legal obligations, insurance or accreditation requirements

- billing including providing information to Medicare and other relevant organisations
- maintaining accounts and records
- training and education of other health professionals. You will be informed when such activities are being conducted and your involvement will only take place if you provide express consent to your medical practitioner for each program
- disclosure to others involved in your health care, including doctors and specialists outside SHV who may become involved in treating you, pathology services, radiology services and in emergency situations. This may occur through referral to other doctors or specialists, or for medical tests and in the reports or results returned to us following the referrals. When making health referrals, we use automated technologies where possible so that only relevant information is provided to other health professionals
- mandatory reporting e.g. for child protection or management of communicable diseases (by law, doctors and other professionals are sometimes required to disclose information)
- disclosure to enable recording on medical registers to improve community health care (e.g. the National Cervical Screening Register, or sharing de-identified information with other government or local health organisations)
- for the purpose of medical research.

Personal information may be given to State and Commonwealth government agencies and other individuals/organisations including security companies, insurance companies, debt collectors and health service providers. It will only be disclosed to third parties where permitted by the Act, and only disclosed to SHV staff where necessary for the performance of their duties and where they are authorised to access it.

When SHV holds your personal information, it can only be used for the primary purpose for which it was collected, with certain exceptions including:

- where consent has been given
- as required or authorised by law or a Court/Tribunal order
- it is reasonably expected to be used for a related purpose
- it reasonably necessary for enforcement purposes
- where there is a serious threat to life, health or safety
- suspected unlawful activity or serious misconduct
- missing persons investigations
- legal investigations, claims and alternative dispute resolution processes.

There are 'permitted health situations' in which information can be used or disclosed where:

- the information is necessary to provide a health service
- collection, use or disclosure is authorised under Australian law (other than the Privacy Act) or in accordance with rules established by competent health or medical bodies that deal with their professional confidentiality obligations
- meeting occupational health and safety obligations
- the collection or disclosure is necessary for public health research or analysis
- the management, funding or monitoring of a health service, and the purpose cannot be served by collecting de-identified information, and it is impracticable to obtain consent
- in the case of disclosure – the organisation reasonably believes that the recipient of the information will not disclose the information, or personal information derived from that information
- when the organisation provides a health service to the person, and:

- the recipient of the information is a responsible person for the individual
- the individual is incapable of giving consent
- another individual providing the health service (the 'carer' or guardian) is satisfied that either the disclosure is necessary to provide appropriate care or treatment of the individual, or is made for compassionate reasons
- the disclosure is not contrary to any wish expressed by the individual before they became unable to give consent
- the disclosure is limited to the extent reasonable and necessary for providing appropriate care or fulfilling compassionate reasons.

Clients

SHV collects, holds, uses and discloses personal information about its clients for the primary purpose of providing care and services to its clients.

Where permissible, we disclose a client's relevant personal information to other persons/organisations who are involved in providing health services and other care and services to the client. This can include the client's doctor and allied health service providers. It can also include people such as personal care workers.

We also collect, hold, use and disclose clients' de-identified information for the following purposes:

- to receive funding from government agencies in respect of our clients
- to improve our services through quality improvement activities such as audits, surveys and other quality improvement activities
- for direct marketing, or
- for the purposes of obtaining professional advice.

Employees and service providers

We collect, hold, use and disclose information about our employees, volunteers, trainees and service providers for following purposes:

- to administer employment arrangements, personnel development and management responsibilities
- administration of job applications and employment, which may include criminal record checking and employment screening
- to provide services to our clients
- for quality improvement and marketing purposes, or
- to meet our legal obligations such as the requirement to obtain criminal record checks for employees involved in providing care to our clients and workplace laws obligations.

7. CHOICE NOT TO PROVIDE INFORMATION

You are not obliged to provide us your personal information. However, if you choose not to provide SHV with your personal details, we may not be able to provide you with the full range of our services.

8. CHILDREN'S INFORMATION

The rights of children to the privacy of their health information, based on the law and professional judgement of the doctor, might restrict access to the child's information by parents or guardians.

9. DIRECT MARKETING

SHV may use or disclose personal information (other than sensitive information) for direct marketing purposes where:

- it has collected the information directly from you
- it would reasonably be expected that information would be used for that purpose, and
- a simple means to opt out was provided but not used.

Direct marketing can also occur where SHV has obtained expressed consent from you to use personal or sensitive information for that purpose.

You may request not to receive direct marketing communications, and request that SHV inform you of the source of your personal information where practicable or reasonable. SHV must deal with these requests within five working days.

10. INFORMATION STORAGE AND SECURITY

SHV takes all reasonable steps to protect the security of the personal information that we hold. SHV stores personal, sensitive, health and other information securely, in paper and/or electronic form. Security and access protocols are in place to ensure that:

- personal information is protected from misuse, interference, loss, or unauthorised access, modification or disclosure
- only authorised staff can access personal information in circumstances where they are required to do so in the performance of their duties. Our IT system allows electronic file access to be tracked and audited to ensure that only authorised access to personal information has occurred
- the storage, use and, where necessary, the transfer of personal health information is undertaken in a secure manner that protects privacy.

It is necessary for medical practices to keep patient information after a patient's last attendance for as long as required by law or is prudent having regard to administrative requirements.

SHV is required to take reasonable steps to ensure that the personal information it collects, holds, uses and discloses is accurate, up to date and complete, with reference to the purpose for which it is collected, used or disclosed. Information held by SHV is subject to regular reviews and audits for this purpose. Where it is determined that it is no longer necessary or legally required for SHV to hold and store personal information, reasonable steps are taken to de-identify or destroy the information.

11. HOW YOU CAN ACCESS YOUR PERSONAL INFORMATION

You have a right to request access to your personal information and to request its correction.

Information requests

To request access to your personal information, please contact SHV's Privacy Officer (see *Contacting the Privacy Officer*).

Access requests will be treated seriously, dealt with promptly and in a confidential manner. SHV will provide access where possible. It may do so by providing access to the appropriate parts of, and not the entire record. Access requests will generally be granted except in certain circumstances.

When will access be denied?

Access will be denied if:

- the request does not relate to the personal information of the person requesting it
- access would create an unreasonable impact on the privacy of others or pose a serious and imminent threat to life or health of a person
- the request is frivolous or vexatious
- the information is 'commercially sensitive', or commercial negotiations or decision-making processes may be prejudiced
- denial is authorised or required by law, or access would prejudice law enforcement activities
- the request relates to legal proceedings with SHV
- unlawful activity or serious misconduct is suspected
- where enforcement related activities may be prejudiced, or
- any other reason under the Health Privacy Principles (HPPs), Victorian Health Records Act and the Australian Privacy Principles (APPs) set out under the Commonwealth Privacy Act.

If access is denied, SHV will give written notice which sets out the reasons for refusal and how to appeal or complain about the refusal.

Providing access

If you request access to your personal information, SHV will:

- acknowledge your request within five working days
- investigate and where possible provide the requested access, usually within 30 days.

Information will be provided in the manner requested where it is reasonable and practicable. If access is refused due to one of the above exceptions, SHV will take reasonable steps in the circumstances to provide access that meets the needs of SHV and the person, including through using a mutually agreed intermediary.

SHV will provide access by allowing you to inspect, take notes of or receive copies or printouts of the personal information that SHV holds about you.

You can make your request in writing by filling out the form supplied by us which can be obtained by contacting the Privacy Officer.

To obtain access you will have to provide proof of your identity. This is necessary to ensure that personal information is provided only to the correct person and that the privacy of others is not undermined.

Costs and Charges

There is no fee to lodge a request for access to your information.

12. HOW TO UPDATE OR CORRECT YOUR PERSONAL INFORMATION

SHV's goal is to ensure that your information is accurate, complete and up-to-date. To assist us with this, please contact us if any of the details you have provided change. Further, if you believe that the information, we have about you is not accurate, complete or up-to-date, contact us and we will use all reasonable efforts to correct the information.

If you request your personal information to be updated, or if SHV identifies that the information is inaccurate, out of date, incomplete, irrelevant or misleading (having regard to the purpose for which it is held), then SHV will take reasonable steps to correct the information promptly to ensure that it is accurate, up to date, complete, relevant and not misleading.

If you request SHV to correct your personal information (that it previously disclosed to someone else), and to notify them, SHV will take reasonable steps to do so unless it is impracticable or unlawful to do so.

If SHV is unable to correct personal information as requested, you can request SHV to add a statement to your record that the information is inaccurate, out of date, incomplete, irrelevant or misleading, and SHV will take reasonable steps to do this in a way that will make it apparent to users of the information. SHV will respond to requests to correct/update or add a statement within a reasonable period and will not charge you for this.

If in some circumstances SHV is unable to correct information, SHV will provide you with a written notice that sets out the reasons why, and how you can make a complaint.

Requests to update or correct personal information can be made by contacting our Privacy Officer (*see Contacting the Privacy Officer*). Requests will be acknowledged within five days and will usually be handled within 30 days.

13. ENQUIRIES AND COMPLAINTS

A privacy complaint relates to any concern or dispute that you have with our privacy practices as it relates to your personal information. This could include matters such as how personal information is collected, stored, used, disclosed or how access is provided.

If you have any complaints about our privacy practices or wish to enquire about how your personal information is managed, please write to the Privacy Officer via email or post. All complaints will be dealt with fairly and as quickly as possible.

All complaints concerning breaches of privacy will be examined, and if warranted, will be investigated by SHV's Privacy Officer. The Privacy Officer can investigate complaints concerning the mishandling of personal information, security breaches, allegations of breaches of the Act and the APPs, and any matters which are referred from the Office of the Australian Information Commissioner (OAIC).

SHV follows procedures for identifying and reporting privacy breaches, and for receiving and responding to complaints.

A preliminary assessment will be conducted, and any necessary actions taken. These actions may include notifying the person(s) whose personal information is subject of the breach/complaint.

If the preliminary assessment finds that the matter is complex or of a serious nature, independent investigators and/or legal advisors may assist with the investigation. All investigations will determine if there appears to have been a breach of SHV's obligations under the Act. At the conclusion of the investigation, recommendations may be made as to changes to information handling practices and protocols within SHV. The complainant (or if the matter was referred by it, the OAIC) will be informed of the outcome of the investigation, any relevant findings, and any actions taken as a result.

Your complaint will be promptly acknowledged (within five working days) and will usually be handled with usually within 30 days. More complex matters may take longer to resolve, and you will receive updates as to the progress of your complaint if the investigation takes longer than expected.

14. HANDLING PRIVACY BREACHES

If there has been a breach of privacy, the Privacy Officer will take immediate steps to contain the breach, which may involve securing or quarantining personal information or SHV files which contain the personal information.

If a privacy breach has occurred or is suspected, SHV will respond in accordance with the Data Breach Response Plan and Procedure, in line with processes outlined by the Office of the Australian Information Commissioner (OAIC).

If you are dissatisfied with the outcome of our handling of your complaint, you may contact:

- the Victorian Health Services Commissioner www.health.vic.gov.au or Freecall 1800 136 066, or
 - the Office of the Australian Information Commissioner (OAIC) www.oaic.gov.au.
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15. CONTACTING THE PRIVACY OFFICER

To contact SHV about information privacy or your personal information, or to make a complaint, please contact the Privacy Officer at:

Post Privacy Officer
Sexual Health Victoria
901 Whitehorse Rd
Box Hill VIC 3128

Phone 03 9257 0128

Email PrivacyOfficer@shvic.org.au

16. THIS DOCUMENT

This Policy is available for free and can be accessed via www.shvic.org.au. If you would like a printed copy, please contact the Privacy Officer. SHV will also take reasonable steps to provide a copy of the Privacy Policy in the form requested (e.g. in another language, or suitable for the vision impaired).

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