



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 Privacy and Data Protection Act 2014 (Victoria), Health Records Act (Victoria) 2001 and Health Privacy Principles as a Victorian health service provider. 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 or authorised 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 including in the provision of the following services:

- Specialised General Practice Clinics
- Advanced training for health, allied health, youth and community workers
- Relationships and sexuality education for schools, teachers, parents and carers
- Research and advocacy.

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. SHV has additional obligations for the management of sensitive information (including health information). SHV may collect sensitive information if it is necessary for the provision of our services to you.

Personal information, including sensitive 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 or next of kin)

- relationship status
- sexual orientation
- country of origin
- government issued identifiers (such as you Medicare card number)
- cultural or religious needs
- whether the client identifies as being an Aboriginal and/or Torres Strait Islander person
- languages spoken at home
- social needs.

Health Information

Health information means information (or an opinion) about someone’s physical or mental 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 information about you held by our general practice clinics
- records of consultations and communications
- cultural background where relevant to providing health services, and
- lifestyle risk factors.

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.

We only collect sensitive or health information and government issued identifiers if required by law, or where you have provided consent and the information is reasonably necessary to provide you with our services.

4. HOW WE COLLECT PERSONAL INFORMATION

How we collect your personal information will vary depending on the circumstances of collection and how you engage with SHV or our services.

Personal information can be collected when you:

- phone, mail or email SHV
- access our website or use our online Contact Us form
- contact us on social media
- make a booking for one or more of our services
- use our services
- make enquiries or complaints.

SHV generally collects personal information directly from you but it may be collected from another person or organisation (within the requirements of applicable privacy laws). It is sometimes collected whether it has been requested by SHV or not, for example when you voluntarily send us your personal information when making an inquiry or contacting us.

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

SHV will always 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 in the course of providing our services to you.

In some cases, depending on how you have engaged with us or our services, we will also inform you about whether your personal information is likely to be disclosed to interstate or 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.

Clients

SHV collects clients 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 government agencies such as 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 personal information to evaluate applications for volunteer, trainee or employment and contact candidates. Personal information collected from applicants as part of recruitment and selection processes includes name, contact details, vaccination status (where relevant to the role), work history, educational or other qualifications, and work rights. Sensitive and health information is sometimes collected such as relevant background or medical histories necessary for candidate screening and employment purposes. SHV will retain unsuccessful applicant information for 12 months to facilitate future recruitment processes, including identifying candidates suitable for future position opportunities. Job applicants can nominate not to be contacted about future opportunities at the time of applying with SHV and can manage their preference to by contacting SHV at HR@shvic.org.au at any time.

SHV collects personal information about our employees, job applicants, volunteers and trainees either directly or when conducting background checks such as Working with Children Checks (WWCC) or policy checks, or referees or employment agencies to determine suitability for a position at SHV and comply with our legal obligations including child safety.

For employees, SHV collects and holds personal information to administer employment arrangements, personnel development and management responsibilities. Personal information about employees includes training records, competency assessments, salary details, performance assessments, counselling details and other personnel records (which may be sensitive or health information required to in to administer first aid, process sick or carers leave, or where injury or insurance claims arise). Employees can contact (HR email or number) for more information about how SHV manages their personal information.

Information about service provider 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.

5. HOW WE USE OR DISCLOSE YOUR PERSONAL INFORMATION

When SHV holds your personal information (including sensitive 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 (or directly related in the case of sensitive information)
- 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.

SHV, including SHV staff where necessary for the performance of their duties and only when authorised, may use and disclose your personal 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, registered teachers, registered psychologists and other professionals are required by law to disclose information in certain circumstances)
- 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)
- medical research. You will be informed when such activities are being conducted and your involvement will only take place if you provide express signed consent for each program.

Personal information may be disclosed to government agencies and other third-party service providers including security companies, insurance companies, debt collectors and health services. It will only be disclosed to third parties where permitted by law and in accordance with applicable privacy laws.

In the context of SHV's health services, there are 'permitted health situations' in which health 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 relevant privacy laws) 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 (information will be de-identified to the extent possible)
- 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 SHV provides a health service to an individual, 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 and prospective clients

SHV uses and discloses personal information about its clients for the primary purpose of providing care and services to its clients. When you enquire about our services or when you become a client, a contact record is made. When you access one of our health services, a health record is created and health information we hold about you is used and disclosed for a permitted health situation. 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' 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.

Service providers

We use and disclose information about our service providers for following purposes:

- to provide services to our clients
- for quality improvement and marketing purposes, or
- to meet our contractual or legal obligations.

6. WEBSITE PRIVACY

We collect information based on how you use our website including through cookies and other similar technologies to provide you with a good experience and improve our services. A cookie is a small file of letters and numbers that we store on your browser or the hard drive of your device, which is like computer memory.

When you visit the SHV website, we record a variety of information from interactions with our online services including IP address, locations data (where available and not disabled by the user), dates, times, and other user activity. In most cases, we will not be able to reasonably identify you from the information collected. However, if cookie information is linked with personal information we hold about you as set out above, this cookie information becomes personal information and will be treated in the same manner as the personal information to which it has been linked. For example, we may use cookies in marketing campaigns that notify us when you click on a link in an email and navigate to our website.

You may change your cookie settings at any time by adjusting the settings in your web browser.

Our website also uses interfaces with social media sites such as Facebook, LinkedIn, Twitter and others. You should review the privacy policy of those services if you choose to access them.

7. CHOICE NOT TO PROVIDE INFORMATION

SHV is required to use best endeavours to offer you the option to use an alias or not identifying yourself (except where required by law or a Court or Tribunal, or where otherwise impracticable). Wherever it is lawful and practicable, you may remain anonymous when receiving care from our clinics.

When registering or booking an appointment with our clinics, or communicating with us, you have the option to:

- not provide your name, or use an alias
- not provide your address
- not provide your Medicare number

You may choose to communicate and receive services anonymously if, for example, sensitive issues arise or you feel you may be at risk. In these circumstances, the use of an alias or 'disguised identity' may be the most appropriate approach.

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 and you may not be able to receive a rebate or be bulk-billed under Medicare.

For information about how to make a complaint or provide feedback anonymously, please see Section 13 Enquiries and Complaints.

8. CHILDREN'S PRIVACY

SHV provides services to children and young people under the age of 18 years. SHV has obligations to create a safe environment for children and young people accessing our services. Accordingly, SHV recognises that the rights of children and young people to the privacy of their health information, based on the law and professional judgement of their treating doctor, might restrict access to the child's/young person's personal, sensitive or health information by parents or guardians. SHV treating practitioners will respect requests for privacy where permitted and appropriate in the circumstances, having regard to the child's/young person's capacity to consent and maturity, and any legal obligations.

SHV's child safety commitment and obligations to comply with the Child Safe Standards require SHV to maintain records and meet information sharing and reporting obligations in response to suspected child abuse. For more information, please refer to our Child Safety Policy.

9. DIRECT MARKETING

SHV does not sell personal information. We may use or disclose personal information (other than sensitive information) for direct marketing purposes where:

- we have collected your personal information directly from you
- it would reasonably be expected that information would be used for that purpose, and
- a simple means to opt out is available for you to access any time to manage your preference.

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 for at least seven (7) years after a patient's last attendance at an SHV health service, or if they were last treated when they were under 18 years until they reach 25 years of age.

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:

- access would create an unreasonable impact on the privacy of others
- access would pose a serious threat to life or health of a person or any other 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 exception applies under the Victorian Health Records Act and Health Privacy Principles (HPPs), or the Commonwealth Privacy Act and Australian Privacy Principles (APPs) depending on the scope of the request.

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
- review your request 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. Where a request is made on behalf of another person, it must include evidence of the authority to act on behalf of the other person.

Costs and Charges

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

SHV may charge a reasonable fee to cover administrative costs such as photocopying, or for the doctor's time spent perusing the notes, rewriting or explaining them directly to a client. We will advise you of any charges before access is given.

For health information and health records, there are limits to the fees we can charge as prescribed in the Health Records Act 2002 (Vic), Health Records Regulations 2012 (Vic).

These charges cannot be claimed from Medicare or Private Health Funds.

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 (*see Contacting the Privacy Officer*). All complaints will be dealt with fairly and as quickly as possible.

If you would like to make a complaint or provide feedback anonymously, please use the links provided on our website www.shvic.org.au under the *Contact Us* section or available at reception.

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 relevant privacy laws, and any matters which are referred from the Office of the Australian Information Commissioner (OAIC), Victorian Information Commissioner, or Victorian Health Complaints Commissioner.

Your complaint will be promptly acknowledged (within five working days) and will be dealt with within a reasonable amount of time depending on the complexity of the matter. You will receive updates as to the progress of your complaint if the investigation takes longer than expected. Less complex complaints can usually be handled within 30 days, however more complex matters may take longer to resolve.

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

- the Victorian Health Complaints Commissioner hcc.vic.gov.au or Freecall 1800 136 066, or
- the Office of the Australian Information Commissioner (OAIC) www.oaic.gov.au.

14. 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

15. 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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