

INFORMATION SHEET 2: PRIVACY PRINCIPLES - A SUMMARY

This general information is intended for Executive Officers/Managers, Administrative Staff and Health Practitioners and sets out in summary form definitions and key Privacy Principles from the new Victorian privacy laws:

- The Health Records Act 2001(HRA) and
- The Information Privacy Act 2000 (IPA).

This summary is provided as a quick-reference tool and as such sets out only selected Principles in abbreviated form. It does **not** include all the Principles, nor the full form of those selected -- so it excludes the **exceptions** that qualify many Principles. Those are set out in the Principles themselves (Schedule 1 to the respective Acts). They are also explained in practical terms in the Information Sheets in this Privacy Pack.

SUMMARY DEFINITIONS

Term	Summary Definition (from Section 3 of the HRA AND Section 3 of the IPA)
personal information	information or an opinion recorded in any form about an individual whose identity is apparent, or can reasonably be ascertained, from the information or opinion – but does not include health information as defined below.
health information	(a) information or an opinion about: <ul style="list-style-type: none"> (i) the physical, mental or psychological health of an individual; or (ii) a disability (at any time) of an individual; or (iii) an individual's expressed wishes about the future provision of health services to him or her; or (iv) a health service provided, or to be provided, to an individual-- that is also personal (identifying or potentially identifying, recorded) information; or (b) other personal information collected to provide, or in providing, a health service ; or (c) other personal information about an individual collected in connection with the donation, or intended donation, by the individual of his or her body parts, organs or body substances.
health service	(a) an activity performed in relation to an individual that is intended or claimed -- <ul style="list-style-type: none"> (i) to assess, record, maintain or improve the individual's health; or (ii) to diagnose the individual's illness or disability; or (iii) to treat the individual's illness or disability or suspected illness or disability; or (b) a disability, palliative care or aged care service; or (c) the dispensing on prescription of a drug or medicinal preparation by a pharmacist.
sensitive information	information or an opinion about an individual's-- <ul style="list-style-type: none"> (i) racial or ethnic origin; or (ii) political opinions; or (iii) membership of a political association; or (iv) religious beliefs or affiliations; or (v) philosophical beliefs; or (vi) membership of a professional or trade association; or (vii) membership of a trade union; or (viii) sexual preferences or practices; or (ix) criminal record-- that is also personal information.
unique identifier	an identifier (usually a number) assigned by an organisation to an individual uniquely to identify that individual for the purposes of the operations of the organisation but does not include an identifier that consists only of the individual's name.

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HEALTH RECORDS ACT 2001 (HRA) HEALTH INFORMATION PRIVACY PRINCIPLES (HPPs) IN SUMMARY

No.	Subject	Key Principles
HPP1	Collection <i>Refer to: Information Sheet 4</i>	1.1 An organisation (including a person) must not collect health information about an individual unless the information is necessary for one or more of its functions or activities. 1.4 At or near the time of collection, the organisation must notify the individual of a range of prescribed matters including the purpose, proposed use and disclosure, right to access, etc.
HPP2	Use & Disclosure <i>Refer to: Information Sheet 5</i>	2.1 An organisation may use or disclose health information about an individual only for the primary purpose for which the information was collected.
HPP3	Data Quality	3.1 An organisation must take reasonable steps to ensure that the health information it collects, uses, holds or discloses is accurate, complete, up to date and relevant to its functions.
HPP4	Data Security & Retention <i>Refer to: Information Sheet 8 Information Sheet 9</i>	4.1 An organisation must take reasonable steps to protect the health information it holds from misuse and loss and from unauthorised access, modification or disclosure. 4.2 A health service provider must not delete health information relating to an individual, even if it is later found or claimed to be inaccurate, unless prescribed conditions apply.
HPP5	Openness <i>Refer to: Information Sheet 3 Information Sheet 4 Information Sheet 5 Information Sheet 10</i>	5.1 An organisation must set out in a document its health information management policies, and access rights, and must make the document available to anyone who asks for it. 5.2 On request by an individual, an organisation must take reasonable steps to advise the individual about whether it holds their health information, how and why it is held, and the process for seeking access.
HPP6	Access & Correction <i>Refer to: Information Sheet 7</i>	6.1 If an organisation holds health information about an individual, it must provide the individual with access to the information on request by the individual, unless prescribed exceptions apply. 6.5 If an individual is able to establish that their information held by an organisation is inaccurate, incomplete, misleading or out of date, the organisation must take reasonable steps to correct the information.
HPP7	Identifiers	7.1 An organisation may only assign identifiers to individuals if the assignment of identifiers is reasonably necessary to enable the organisation to carry out any of its functions efficiently. 7.2 A private sector organisation may not adopt as its own identifier of an individual an identifier that has been assigned to that person by a public sector organisation unless prescribed exceptions apply.
HPP8	Anonymity	8.1 Wherever it is lawful and practicable, individuals must have the option of not identifying themselves when entering transactions with an organisation.
HPP9	Transborder Data Flows	9.1 An organisation may transfer health information about an individual to someone (other than the organisation or the individual) who is outside Victoria only if prescribed conditions apply.
HPP10	Transfer or Closure of Practice of Health Service Provider	10.1 If the practice or business of a health service provider is to be transferred or closed, the provider must comply with a prescribed set of procedures, centring on notification to former clients and the public.
HPP11	Making Information Available to Another Provider	11.1 If an individual requests a health service provider to make their health information available to another provider, the former must comply with the request.

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INFORMATION PRIVACY ACT 2000 (IPA) NON-HEALTH INFORMATION PRIVACY PRINCIPLES (IPPs) IN SUMMARY

No.	Subject	Key Principles
IPP1	Collection <i>Refer to: Information Sheet 4</i>	1.1 An organisation (including a person) must not collect personal information about an individual unless the information is necessary for one or more of its functions or activities. 1.3 At or near the time of collection, the organisation must notify the individual of a range of prescribed matters including the purpose, proposed use and disclosure, right to access, etc.
IPP2	Use & Disclosure <i>Refer to: Information Sheet 5</i>	2.1 An organisation must not use or disclose personal information about an individual for a purpose (the secondary purpose) other than the primary purpose of collection unless a prescribed exception applies.
IPP3	Data Quality	3.1 An organisation must take reasonable steps to make sure that the personal information it collects, uses or discloses is accurate, complete and up to date.
IPP4	Data Security <i>Refer to: Information Sheet 8 Information Sheet 9</i>	4.1 An organisation must take reasonable steps to protect the personal information it holds from misuse and loss and from unauthorised access, modification or disclosure.
IPP5	Openness <i>Refer to: Information Sheet 3 Information Sheet 4 Information Sheet 5 Information Sheet 10</i>	5.1 An organisation must set out in a document clearly expressed policies on its management of personal information. The organisation must make the document available to anyone who asks for it. 5.2 On request by a person, an organisation must take reasonable steps to let the person know, generally, what sort of personal information it holds, for what purposes, and how it collects, holds, uses and discloses that information.
IPP6	Access & Correction <i>Refer to: Information Sheet 7</i>	6.1 If an organisation holds personal information about an individual, it must provide the individual with access to the information on request by the individual, except to the extent that prescribed exceptions apply. 6.5 If an organisation holds personal information about an individual and the individual is able to establish that the information is not accurate, complete and up to date, the organisation must take reasonable steps to correct the information so that it is accurate, complete and up to date.
IPP7	Unique Identifiers	7.1 An organisation must not assign unique identifiers to individuals unless the assignment of unique identifiers is necessary to enable the organisation to carry out any of its functions efficiently. 7.2 An organisation must not adopt as its own unique identifier of an individual a unique identifier of the individual that has been assigned by another organisation unless prescribed exceptions apply.
IPP8	Anonymity	8.1 Wherever it is lawful and practicable, individuals must have the option of not identifying themselves when entering transactions with an organisation.
IPP9	Transborder Data Flows	9.1 An organisation may transfer personal information about an individual to someone (other than the organisation or the individual) who is outside Victoria only if prescribed conditions apply.
IPP10	Sensitive Information	10.1 An organisation must not collect sensitive information about an individual unless prescribed exceptions apply.

LEGAL ADVICE: DISCLAIMER

Information contained within this information sheet is not intended to substitute for legal advice. Primary Care Partnerships and / or member agencies should take advice from their legal advisors in determining whether their policies and practices comply with all relevant legislation.

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This Information Sheet has been developed to support Primary Care Partnership member agencies in implementing the broad requirements of the Victorian Health Records Act 2001(HRA) and Information Privacy Act 2000 (IPA)