

Museum Victoria Policy Statement

Privacy Policy

Policy Register Number	IM/075/9~49
Date of Board Approval	30 June 2010
Responsibility	Director, Information, Multimedia and Technology
Review Cycle	Two-Yearly

1 Policy Objective/Intent

Museum Victoria acknowledges its obligations under the *Information Privacy Act 2000* in the protection of the privacy of individuals. This policy provides the basis for the establishment of practices in relation to Information about individuals that Museum Victoria collects, uses, stores, manages and disposes of. This policy provides a summary of the Information Privacy Principles contained within the Act.

2 Policy Statement

Museum Victoria respects the privacy of individuals and will comply with the *Information Privacy Act 2000* and the *Freedom of Information Act 1982* in the collection, use, storage, management, provision of Access to, amendment of and disposal of Information.

3 Key Policy Principles

- 3.1 Museum Victoria will only collect Information for the purpose of exercising its functions and lawful powers. In doing so, Museum Victoria will take reasonable steps (which may include requiring third parties who provide the information to take such steps) to make individuals aware of its identity, the purpose for collecting the Information and provide advice on how to contact the organisation in relation to the Information collected.
- 3.2 Museum Victoria collects Personal Information related to the following functions and services:
- Staff and volunteers - recruitment and employment;
 - Visitors - comments, participation in market research and evaluation, education, visitor programs, public enquiries;
 - Members;
 - Marketing and public relations;
 - Fundraising;
 - Museum governance;
 - Stakeholder management;
 - Collections, research and exhibitions;
 - Commercial management; and
 - General operations.
- Personal Information relating to these functions and services may be collected in electronic form through Museum Victoria's website.
- 3.3 Museum Victoria will collect Personal Information in a lawful, fair manner. Where practical and reasonable to do so, Information will be obtained direct from the individual to whom it pertains, although at times we may collect

Information about a person from someone else. Museum Victoria will not use Information for purposes other than those for which it was collected unless prior consent has been obtained. Museum Victoria will not disclose Information to third parties save in accordance with this privacy statement, or where it otherwise has Consent from the individual to whom it pertains, or if it is required to do so, or is authorised by law.

- 3.4 Museum Victoria will use its best efforts to ensure the Personal Information is accurate, complete and up-to-date.
- 3.5 In order to protect Information from misuse, loss or unauthorised Access, modification or disclosure, Museum Victoria will provide secure Information storage systems and procedures for the management of both physical and electronic Information. Information will be disposed of in accordance with approved disposal schedules under the *Public Records Act 1973*.
- 3.6 Museum Victoria will maintain procedures that openly specify how individuals may apply to Access, correct or update Information about them. Where lawful and reasonable, Museum Victoria will provide individuals with Access to the Information Museum Victoria holds about them, provided that such Access does not infringe upon the privacy of other individuals. If there are reasons for refusing Access to such Information, Museum Victoria will provide an explanation. The Freedom of Information request process may be required, in order for Museum Victoria to recover the costs of servicing the enquiry.
- 3.7 Museum Victoria will not assign or use Unique Identifiers in relation to individuals unless that is necessary in order to carry out one of its organisational functions, or if it is required by law. Museum Victoria will ensure that individuals to whom the data pertains are advised of any privacy implications and the purpose of these Unique Identifiers. Museum Victoria will not disclose these Unique Identifiers to third parties without the prior consent of the individual.
- 3.8 Where practicable, Museum Victoria will give individuals the option to remain anonymous when entering into transactions with Museum Victoria.
- 3.9 Unless compelled otherwise by law, Museum Victoria will not transfer Personal Information outside Victoria unless Museum Victoria reasonably believes the recipient is subject to a law or binding obligation which imposes restrictions on the use of that Information that are substantially similar to the Information Privacy Principles.
- 3.10 Museum Victoria may from time to time collect Sensitive Information and/or Health Information about persons when required or authorised to do so under law.. Where practicable, prior consent will be obtained from the individual for the collection of such Information. Where the Information relates to Children, Museum Victoria will seek Consent from a Parent.
- 3.11 Alleged breaches of this policy will be investigated by Museum Victoria under the supervision of the Museum Victoria Privacy Officer. Incidences of employee misconduct in relation to breaches of this policy will be managed through the discipline process as outlined in Part 4, Section 12 of the *Museum Victoria Staff Partnership Agreement 2009* and the Museum Victoria Discipline Policy. The Victorian Privacy Commissioner may investigate alleged breaches of the *Information Privacy Act 2000*, and refer the complaint to the Victorian Civil and Administrative Tribunal.
- 3.12 In accordance with section 6 of the *Information Privacy Act 2000*, if a provision made under the Act is inconsistent with a provision made by or under any other Act, that other provision prevails. For example, the provisions

within the *Information Privacy Act 2000* do not impact upon Museum Victoria's Information collection or management responsibilities under the *Freedom of Information Act 1982* or the *Occupational Health and Safety Act 2004* or the *Health Records Act 2001*.

4 Key Definitions

- 4.1 'Access' is provision of a copy of the Information or the provision of supervised Access to the Information.
- 4.2 'Children' means persons under the age of 18 years.
- 4.3 'Consent' means express Consent or implied Consent.
- 4.4 'Health Information' is defined in Section 3(1) of the *Health Records Act 2001*.
- 4.5 'Information' means Personal Information or Sensitive Information.
- 4.6 'Information Privacy Principles' means any of the Information Privacy Principles set out in Schedule 1 of the *Information Privacy Act 2000*.
- 4.7 'Parent' in relation to a child, includes –
- (a) a step-parent;
 - (b) an adoptive parent;
 - (c) a foster parent;
 - (d) a guardian;
 - (e) a person who has custody or daily care and control – of the child.
- 4.8 'Personal Information' is information that identifies you or could identify you. There are some obvious examples of Personal Information, such as your name or address. Personal Information can also include bank account details, photos, videos, and even information about what you like, your opinions and where you work - basically, any information where you are reasonably identifiable. Information does not have to include your name to be personal information. For example, in some cases, your date of birth and post code may be enough to identify you.
- To be precise, the Privacy Act definition of Personal Information is:
- ... information or an opinion (including information or an opinion forming part of a database), whether true or not, and whether recorded in a material form or not, about an individual whose identity is apparent, or can reasonably be ascertained, from the information or opinion, but does not include information of a kind to which the Health Records Act 2001 applies.
- 4.9 'Sensitive Information' means Information or an opinion about an individual's:
- (a) racial or ethnic origin; or
 - (b) political opinions; or
 - (c) membership of a political association; or
 - (d) religious beliefs or affiliations; or
 - (e) philosophical beliefs; or
 - (f) membership of a professional or trade association; or
 - (g) membership of a trade union; or
 - (h) sexual preferences or practices; or
 - (i) criminal record.
- 4.10 'Unique Identifiers' means an identifier (usually a number) assigned 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.

5 Related Policies

- Aboriginal Genealogy Access Policy
- Discipline Policy
- Records Management and Archives Policy
- Staff Use of Information Technology Resources Policy

6 Associated Documents, Guidelines and Procedures

- Code of Conduct for Victorian Public Sector Employees (No 1) 2007
- Museum Victoria Staff Partnership Agreement 2009
- Museum Victoria Website Privacy Statement
- Museum Victoria Information Privacy Handbook
- Museum Victoria Procedures for Managing Applications for Information under the Freedom of Information Act 1982

7 Legislation

- *Information Privacy Act 2000 (Vic)*
- *Health Records Act 2001 (Vic)*
- *Public Administration Act 2004 (Vic)*
- *Freedom of Information Act 1982 (Vic)*
- *Occupational Health and Safety Act 2004 (Vic)*
- *Public Records Act 1973 (Vic)*
- *Electronic Transactions Act 2000 (Vic)*