

Privacy

Category:	Compliance	Policy Number:	PRO140.3
Reviewer:	Chief Financial Officer	Revision:	005
Date Approved:	November 2024	Review Date:	November 2026

1. About Us

- 1.1 HealthShare Victoria (HSV) was established on 1 January 2021 as an independent public sector and commercially oriented provider of supply chain, procurement and corporate services. We partner with Victoria's public health services and suppliers in delivering best-value health-related goods and services and ensuring health purchasing policies are duly complied with.
- 1.2 HSV is responsible to the Minister for Health and works closely with the Department of Health. HSV is an independent statutory authority established under Section 129 of the *Health Services Act 1988* (Vic).

2. Purpose

- 2.1 HealthShare Victoria (HSV) values the privacy of every individual and is committed to protection of personal information.
- 2.2 HSV is bound by and complies with the *Privacy and Data Protection Act 2014* (Vic) (PDP Act), the *Public Records Act 1973* (Vic) and the *Health Records Act 2001* (Vic) (HR Act), to the extent it applies to HSV's business and activities.
- 2.3 This Privacy Procedure explains how HSV collects, stores, handles, uses and discloses personal information in carrying out its functions, including how to access and amend personal information and who to contact in relation to any privacy matters.
- 2.4 This Procedure promotes the purpose and objectives of the POL140 Legislative Compliance Policy drafted under the FRWK140 Legal Compliance Framework.

3. Scope

- 3.1 HSV employees, contractors and agents acting on behalf of HSV, are expected to comply with HSV's Privacy Procedure and relevant privacy legislation including the Information Privacy Principles (IPPs) and the Health Privacy Principles (HPPs). The IPPs and HPPs are contained in schedules to the PDP Act, and the HR Act.
- 3.2 This Procedure is intended to assist with compliance and is not a substitute for Victorian privacy legislation. Where individuals are in any doubt about their privacy obligations, they should refer to the IPPs (or HPPs as appropriate) and/or seek advice from HSV's Privacy Officer who is the General Counsel.

4. Collection of Personal Information

4.1 Personal Information

- a. Personal information, as defined in PDP Act, is information or an opinion (whether true or not) about an individual whose identity is apparent or can reasonably be ascertained from the information or the opinion and whether recorded in material form or not but does not include information of a kind to which the HR Act applies.
- b. Some personal information is classed as 'sensitive information.' Sensitive information is information about an individual's racial or ethnic origin, political opinions, membership of a political association, religious beliefs or affiliations, philosophical beliefs, membership of a professional or trade association or a trade union, sexual orientation or practices and criminal record.
- c. The types of personal information HSV may collect includes name, gender, sex, marital status, date of birth, contact details, financial details and other information relevant to the business activities and functions undertaken by HSV.

4.2 Collection of Personal Information

- a. Personal information should only be collected where:
 - i. it is necessary for HSV's functions and activities, including facilitating the supply of goods and services, monitoring compliance with HSV purchasing policies, training access and records of learning and ensuring probity is maintained in the purchasing, tendering and contracting of public hospitals and health services;
 - ii. reasonably practicable, it is collected directly from the individual concerned;

- iii. the information is collected lawfully, securely and fairly;
 - iv. the collection is not unreasonably intrusive; and
 - v. individuals are advised that their information is being collected, why it is being collected and how it is to be used.
- b. When collecting personal information from an individual, you must make the individual aware of:
- i. the information is being collected by HSV;
 - ii. why the information is being collected (i.e. the purpose for collection);
 - iii. who it may be disclosed to;
 - iv. any law that requires the particular information to be collected;
 - v. main consequences of not disclosing the personal information to HSV; and
 - vi. how the individual may contact HSV and gain access to the collected personal information.
 - A. HSV's Privacy Statement (Appendix A) is available on the HSV website for communicating HSV's approach to handling personal information to external individuals.
- c. If you believe a different privacy collection statement is required to cover the information to be collected, you must consult with HSV Legal to draft a specific collection statement containing the information described in 4.2.b above.
- d. If information about an individual is to be collected from someone other than the individual, HSV must take reasonable steps to ensure that the individual is made aware of the matters in 4.5 above.
- e. HSV may collect sensitive information about you (for example, information about your racial or ethnic origin) in limited circumstances and only if:
- i. HSV first obtains your informed consent;
 - ii. the collection is required by law;
 - iii. it is necessary to prevent or lessen a serious and imminent threat to the life or health of any individual; or
 - iv. it is necessary for the establishment, exercise or defence of a legal or equitable claim.
- f. Where lawful and practical, individuals should be provided with the option of not identifying themselves when dealing with HSV. However, the individual may be advised that HSV may not be able to provide services to them if they choose to remain anonymous.
- g. HSV will not assign unique identifiers unless it is necessary to carry out its functions efficiently. HSV's use or disclosure of a unique identifier assigned to an individual by another organisation will be in accordance with IPP7 or other applicable legislation.

5. Use and Disclosure of Personal Information

- 5.1 HSV uses and discloses personal information solely for the purpose for which it was collected ('primary purpose'), or for a secondary purpose, if the secondary purpose is related to the primary purpose (in the case of personal information) or directly related to the primary purpose (in the case of sensitive information or health information).
- 5.2 Information may be used and disclosed for a different purpose from that for which it was collected if:
- a. the individual has consented; or
 - b. it is reasonably believed that the use or disclosure is necessary to lessen or prevent a serious or imminent threat to an individual's life, health, safety or welfare and/or a serious threat to public health, safety or welfare; or
 - c. the use/disclosure is otherwise authorised or required by law.
- 5.3 Unless an individual has consented to the use/disclosure of their information, advice should be sought from the Privacy Officer before a disclosure is made.
- 5.4 Information must only be sent outside of Victoria as part HSV's functions and activities if:
- a. the recipient of the information is subject to privacy principles for fair handling of information that are substantially similar to Victoria's; or
 - b. with the individual's consent, or if it is impracticable to obtain their consent if the transfer is for their benefit and they would be likely to consent if they could; or
 - c. if contracting with the individual, or with a third party for the individual's benefit; or
 - d. in accordance with the applicable legislation.

6. Collection, Use and Disclosure of Health Information

- 6.1 Health information is defined in the HR Act and includes information or an opinion about the physical, mental or psychological health of an individual or a disability or a health service provided to an individual. The collection of health information is subject to very stringent legislative requirements, and it must only be collected if it is essential for HSV's operations. Health information should not be collected unless the individual has provided their consent or in accordance with the limited exceptions set out in HPP1.
- 6.2 In addition to the above requirements regarding the use and disclosure of personal information, the HR Act has additional requirements regarding the disclosure of health information. Health information must not be used or disclosed unless in accordance with HPP2.

7. Request for information

- 7.1 Individuals have a right to access their personal information held by or on behalf of HSV and also request for corrections to such personal information.
- 7.2 Requests for access and correction should be made to HSV via the contact details listed under section 12 'Contacting Us' of this Procedure.
- 7.3 Where a request for access is denied, reasons must be provided.
- 7.4 If HSV holds information about an individual, staff must take reasonable steps to correct the information where an individual is able to satisfactorily demonstrate that it is inaccurate.
- 7.5 If an individual and HSV disagree about whether their information is inaccurate, the individual may request that HSV attach a statement to the information setting out that the individual believes the information to be inaccurate. HSV must take reasonable steps to accommodate such a request.
- 7.6 Where a request for a correction is denied, reasons must be provided.
- 7.7 The HR Act contains additional requirements which HSV must comply with when correcting health information. See HPP6 for further information.
- 7.8 In certain situations, personal information may not be able to be disclosed. If a request for information about an individual is not straightforward, it may need to be considered in the context of a formal *Freedom of Information Act 1982* (Vic) (FOI) application.
- 7.9 If a third party requests information about an individual, they must either have the individual's permission to disclose the information, or a legal right to obtain it.
- 7.10 Requests for information about individuals from law enforcement organisations (e.g. Federal or State Police, Police task forces, etc) must be forwarded to HSV Legal as soon as possible. HSV Legal will consider the request and, advise whether a disclosure can be made.
- 7.11 Personal information may be disclosed in certain emergency situations, such as to a health service. Advice should be obtained from the Privacy Officer where there is any uncertainty.
- 7.12 Examples of common requests for information, and the standard response in each case are listed below:
 - a. Government agencies (e.g. Department of Health, Victoria Police, Office of the Victorian Information Commissioner) – refer to HSV Legal;
 - b. Requests from lawyers on behalf of suppliers or stakeholders engaging with HSV - refer to HSV Legal;
 - c. Subpoenas or other court correspondence - refer to HSV Legal.

8. Maintaining data quality

- 8.1 HSV takes reasonable steps to destroy or permanently de-identify personal information, if it is no longer needed for the purpose for which it was collected or in keeping with the *Public Records Act 1973* (Vic).

9. Securing, storing and retaining data

- 9.1 HSV stores information using electronic and hardcopy record systems. All staff must take reasonable steps to ensure that:
 - a. information is protected from misuse, loss, unauthorised access or modification, or improper disclosure;
 - b. practices, procedures and systems (including electronic and physical) are in place to ensure that the information is stored (and if necessary, moved) safely and securely;
 - c. the information has not been changed or been tampered with;
 - d. all records containing personal, sensitive and health information are kept in a secure location and cannot be accessed by unauthorised persons;

- e. authentication processes (for identification) are adhered to, in that a person accessing or providing information are who they claim to be; and
 - f. requirements around retention of information are complied with, according to IT policies, and related HSV policies and procedures.
- 9.2 HSV must take reasonable steps to ensure that any personal information held is accurate, complete and up to date and is relevant to HSV's functions and activities.

10. Privacy impact assessments

- 10.1 If staff is seeking to change, develop or implement new IT systems or projects which involve the collection, storage and/or disclosure of individuals' information, a Privacy Impact Assessment (PIA) should be prepared at the planning stage.
- 10.2 A PIA is a detailed consideration of the potential privacy impact and risk posed by a project or initiative. The purpose of a PIA is to assess whether it is safe to proceed to the implementation stage of a project, in light of HSV's privacy obligations.
- 10.3 HSV uses the PIA template developed by the Office of Victorian Information Commissioner that is found at: <https://ovic.vic.gov.au/privacy/resources-for-organisations/privacy-impact-assessment>, along with additional information and guidance on completing the PIA template.
- 10.4 The project manager of the IT system or project is responsible for completing the PIA template during the planning stage and liaising with relevant subject matter experts including HSV Legal and HSV Enterprise Risk to complete the PIA template.
- 10.5 The Governance Manager must maintain an internal register of PIAs.

11. Disposing and destroying information

- 11.1 HSV takes reasonable steps to destroy or permanently de-identify information which is no longer required for any purpose in accordance with the *Public Records Act 1973* (Vic), applicable legislation and HSV policies and procedures.
- 11.2 No one at HSV should destroy the information unless they are confident that they are permitted to do so. Staff should consult with HSV Legal if they are unsure about destroying any information.

12. Contacting Us

- 12.1 Any questions relating to this Procedure or your personal information should be directed to:

Privacy Officer
HealthShare Victoria
Level 11, Spring Place
50 Lonsdale Street
Melbourne VIC 3000
Ph: +61 (03) 9947 3988
Email: privacy@healthsharevic.org.au

13. Appendices

- 13.1 Appendix 1: Privacy Statement

14. Related Documents

- 14.1 POL140 Legislative Compliance Policy

15. References

- 15.1 Financial Management Compliance Framework (FMCF) Direction 3.9
- 15.2 *Privacy & Data Protection Act 2014* (Vic)
- 15.3 *Health Records Act 2001* (Vic)
- 15.4 *Public Records Act 1973* (Vic).
- 15.5 *Freedom of Information Act 1982* (Vic).

Appendix A Privacy statement

1. Overview and purpose

- 1.1 HealthShare Victoria (HSV) was established on 1 January 2021 as an independent public sector and commercially oriented provider of supply chain, procurement and corporate services. HSV partners with Victoria's public health services and suppliers in delivering best-value health-related goods and services and ensuring health purchasing policies are duly complied with.
- 1.2 This Privacy Statement explains how HealthShare Victoria (HSV) handles your personal information (being information capable of identifying you as an individual). This includes how HSV collects, stores, secures, accesses, uses and discloses such personal information.
- 1.3 HSV endorses fair information handling practices and use of personal information, in compliance with HSV's obligations under the *Privacy and Data Protection Act 2014* (Vic) (PDP Act) and other applicable legislation, policies and frameworks.
- 1.4 Further information as to how HSV manages personal information can be found in the HSV PRO140.3 Privacy Procedure.

2. Information we collect

- 2.1 HSV collects personal information necessary to its functions and activities, including facilitating the supply of goods and services, monitoring compliance with HSV purchasing policies, training access and records of learning and ensuring probity is maintained in the purchasing, tendering and contracting of public hospitals and health services.
- 2.2 Information which HSV may collect includes:
 - (1) your name, contact details and organisation details;
 - (2) information about the goods and services you or your organisation provides to HSV;
 - (3) online requests to seek any services or information from HSV;
 - (4) information collected during the course of employment with HSV;
 - (5) information you submit when you participate in an online survey; and
 - (6) any messages or comments you submit to HSV, which may include personal information such as name, email address and telephone number.
- 2.3 HSV will only collect sensitive information in limited circumstances.
- 2.4 Where lawful and practicable, you may choose not to identify yourself when dealing with HSV. However, HSV may be unable to provide services in these circumstances.

3. Purpose of collection

- 3.1 As part of HSV's functions and activities, HSV collects the information for various purposes, including for:
 - (1) the purchase or supply of goods and services;
 - (2) providing procurement and logistics services, including undertaking tender activities;
 - (3) providing training to health services and other stakeholders;
 - (4) seeking feedback from stakeholders;
 - (5) the recruitment and employment of staff; and
 - (6) improving our services.

4. Using and disclosing information

- 4.1 In most cases, HSV will only use or disclose an individual's information for the primary purpose for which it was collected.
- 4.2 However, HSV may use and disclose information for a secondary purpose if the secondary purpose is:
 - (1) related to the primary purpose in the case of personal information; or
 - (2) directly related to the primary purpose in the case of health and sensitive information; and
 - (3) the individual would reasonably expect HSV to use or disclose the information for that secondary purpose.
- 4.3 In all other cases, HSV may use and disclose the information if:
 - (1) the individual has consented to the use and disclosure; or
 - (2) the disclosure is authorised or required by law.
- 4.4 HSV may disclose information to third parties engaged by HSV in the provisions of services to you. Such third parties include:

- (1) third service providers, including logistics providers and technology providers;
 - (2) professional services firms;
 - (3) health services and related services; and
 - (4) probity advisers and auditors.
- 4.5 HSV staff and agents sending information outside of Victoria as part of HSV's functions and activities must only do so:
- (1) if the recipient is subject to principles for fair handling of information that are substantially similar to Victoria's;
 - (2) with the individual's consent, or if it is impracticable to obtain their consent if the transfer is for their benefit and they would be likely to consent if they could;
 - (3) if contracting with the individual, or with a third party for the individual's benefit; or
 - (4) in accordance with the applicable legislation.
- 4.6 HSV will only assign identifiers to individuals, or use or disclose identifiers assigned by other organisations, in accordance with Information Privacy Principles (IPPs) or other applicable legislation.
- 4.7 HSV is subject to the *Freedom of Information Act 1982* (Vic) (FOI Act) and may be required to disclose personal information as required by that Act. HSV applies the Freedom of Information Guidelines published by the Office of the Victorian Information Commission in its approach to freedom of information requests and when making freedom of information decisions.

5. Securing, storing and retaining data

- 5.1 HSV will take reasonable steps to ensure that information it handles is protected from misuse, loss, unauthorised access, modification and disclosure.
- 5.2 HSV will take reasonable steps to destroy or permanently de-identify information which is no longer required for any purpose in accordance with applicable legislation and HSV policies and procedures.

6. Access to information

- 6.1 HSV will provide individuals with access to information it holds about them, subject to legal requirements.
- 6.2 Requests for access to information will be considered in accordance with the applicable legislation, HSV's Privacy Procedure and other applicable HSV policies and procedures.
- 6.3 In some cases, requests for access to information will need to be made through HSV's Freedom of Information process.
- 6.4 If an individual establishes and notifies HSV that their information is inaccurate, incomplete or not up to date, HSV will take reasonable steps to correct the information or to record that the individual disagrees with the information held by HSV.

7. Contacting Us

- 7.1 Any questions relating to the Privacy Statement or your personal information should be directed to:
- Privacy Officer
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50 Lonsdale Street
Melbourne VIC 3000
Ph: +61 (03) 9947 3988
Email: privacy@healthsharevic.org.au