

# Privacy Statement

As a valued participant of the Nursing and Midwifery Health Program (NMHPV) it is important you understand your rights and responsibilities as a participant in the program, and you understand NMHPV's obligations to protect your privacy.

Please read the **Privacy Statement and Participant Rights and Responsibility** document prior to your engagement with your NMHPV clinician, at this time you will be provided the opportunity to confirm you have read and understood this information and/or ask further questions if you require clarification.

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## 1. GENERAL PRIVACY INFORMATION

The Nursing and Midwifery Health Program Victoria (NMHPV) undertakes its obligations under the Privacy Act 1988 (Cth), the Australian Privacy Principles (APPs) and relevant State and Territory based laws seriously, and takes all reasonable steps to comply and protect the privacy of the information that it collects and holds.

NMHPV is committed to the protection of personal, sensitive and health information in accordance with relevant legislation, and recognises the critical importance of privacy and confidentiality when providing quality, responsive, legally compliant, safe services and programs.

In all circumstances NMHPV will seek to safeguard the privacy of personal information, except in circumstances where:

- There is a serious and immediate risk of harm to an individual including a child.
- An individual has provided specific informed consent to disclose information to a third party.
- The organisation has a legal obligation to disclose information.

## 2. DEFINITIONS

Personal information is information or an opinion about an identified individual, or an individual who is reasonably identifiable, whether that information or opinion is true or not, and whether the information or opinion is recorded in a material form or not.

Sensitive information is a type of personal information that is afforded a higher level of protection by privacy laws. It includes health, genetic and biometric information as well as information about race or ethnic origin, political opinions, membership of political, professional or trade associations or trade unions, religious beliefs, sexual orientation or practices and criminal record. (source: Privacy Act 1988 (Cth) s 6(1) as cited <https://www.oaic.gov.au/privacy/guidance-and-advice>)

Health information is information collected by NMHPV in the course of providing a service to an individual which relates to any information or opinion about their:

- Health or disability at any time (past, present or future).
- Expressed wishes about future health services.
- Health services provided or to be provided.
- Information collected in providing a health service.
- Information collected in connection with the donation or intended donation of body parts and substances (source: Health Records Act 2001).

References to personal information made by NMHPV may refer to personal, sensitive and/or health information.

### 3. COLLECTION

NMHPV will only collect information that is necessary and relevant to the scope of services we provide and will only collect sensitive information where we have consent to do so or as otherwise permitted under relevant legislation.

NMHPV seeks to collect personal information directly from the individual concerned wherever and whenever it is reasonably possible to do so.

### 4. DISCLOSURE OF PERSONAL INFORMATION

NMHPV will never disclose personal information without consent from the individual unless we are required to by law or under a duty of care.

Generally, personal information collected by NMHPV can only be disclosed for the particular purpose for which it was collected (known as the 'primary purpose') unless certain legislative exceptions apply.

However, at times, personal information may be disclosed for secondary or other purposes where:

- NMHPV have specific consent to do so where it is reasonably expected to be disclosed for a related purpose.
- Where required or authorised by law or a Court/Tribunal order.
- Where reasonably necessary for enforcement purposes conducted by or on behalf of an enforcement body
- Where 'permitted general situations' or 'permitted health situations' (as defined by relevant legislation) exist

Any personal information provided to NMHPV through any means including by phone, in person and electronically through channels such as our website, Telehealth or email will be used solely for the purpose intended.

### 5. COMPLAINTS

NMHPV supports the right of an individual to raise questions and concerns about privacy, or the way NMHPV manages their personal information. A privacy complaint relates to any concern or dispute that an individual may have with NMHPV's privacy practices as it relates to their personal information. This could include matters such as how personal information is collected, stored, used, disclosed or how access is provided.

All complaints regarding privacy and data will be dealt with directly by the CEO. Complaints can be raised by emailing: [ceo@nmhp.org.au](mailto:ceo@nmhp.org.au)

In circumstances where an individual is not satisfied with how NMHPV have handled their complaint, they can contact the following external organisations:

- Office of the Australian Information Commissioner: (OAIC) [www.oaic.gov.au](http://www.oaic.gov.au)
- Commissioner for Privacy and Data Protection: [www.cdp.vic.gov.au](http://www.cdp.vic.gov.au)
- Health Complaints Commissioner: [www.hcc.vic.gov.au](http://www.hcc.vic.gov.au)

### 6. ACCESS TO PERSONAL INFORMATION

Individuals have a right to access the personal information that NMHPV holds about them.

All requests for access to personal information held by NMHPV must be submitted to the CEO by emailing [ceo@nmhp.org.au](mailto:ceo@nmhp.org.au)

NMHPV will process and formally respond to a request for access to personal information within 30 days, unless any extension applies as permitted under the FOI Act.

### 7. NMHPV WEBSITE

NMHPV will endeavour to maintain a secure system for storing personal information and health information. Technological and operational policies and procedures are in place to protect personal information from misuse, loss and unauthorised modification or disclosure.

When using the NMHPV website, users must be aware that no data transmission over the Internet can be guaranteed as totally secure and although NMHPV strive to protect such information, we cannot guarantee the security of any information that is transmitted over the internet and users do so at their own risk.

NMHPV do not collect personal information when individuals simply browse the NMHPV website, however there are times when we may collect personal information that individuals choose to give via such things as online forms or by email.

When an individual accesses the NMHPV website, a non-identifying record is made of the visit and NMHPV logs the following information for statistical data collection purposes:

- The individual's server address.
- The individual's top-level domain name (e.g. .com, .org, au).
- The pages the individual accessed, and documents downloaded.
- The previous site the individual visited.
- The type of browser being used.

NMHPV do not identify users or their browsing activities except in the event of an investigation where a law enforcement agency may exercise a warrant to inspect server logs.

## 8. COOKIES

Cookies are pieces of information that a website transfers to your computer's hard disk for record keeping purposes. The cookies simply operate as a unique identifier, which help NMHPV to know what its website users find interesting and useful. Data collected from the website use does not identify the user, allowing them to remain anonymous in NMHPV data collection.

Most web browsers are set to accept cookies however, individuals who do not wish to receive any cookies may set their browser to refuse them. In some instances, this will mean that they will not be able to take full advantage of parts of the website.

When an individual closes their browser the session cookie set by NMHPV website is destroyed and no personal information is maintained which might identify an individual.

## 9. USE AND DISCLOSURE OF WEBSITE INFORMATION

NMHPV only use personal information collected via its website for the purposes for which it was provided.

NMHPV do not share personal information about individuals with other organisations or anyone else unless one of the following applies:

- The individual has consented
- The individual would reasonably expect, or has been told, that information of that kind is usually passed to those individuals, bodies or agencies
- It is required or authorised by law
- It will prevent or lessen a serious and imminent threat to somebody's life or health
- The disclosure is reasonably necessary for the enforcement of the criminal law or of a law imposing a pecuniary penalty, or for the protection of public revenue.

## 10. DATA SECURITY

Individuals who choose to join NMHPV email lists, complete online forms or lodge enquiries will have their contact details stored in secure databases.