

UMSU Advocacy Service Privacy Policy

The Advocacy Service manages personal and health information in accordance with the *Information Privacy Act 2000* (Vic), the *Health Records Act 2001* (Vic), and the *Privacy Act 1988* (Cth).

The Divisional manager, Advocacy & Legal is responsible for the implementation of this policy, for monitoring changes in Privacy legislation, and for advising on the need to review or revise this policy as and when the need arises.

All students using the Advocacy Service the right to expect that the information they present to anyone within the Service will remain confidential unless the material relates to a potentially life-threatening situation, or due to any overriding legal requirements. Staff have a responsibility to inform students of the limits of this confidentiality at the outset of their first contact.

Implementation

Information obtained from students will remain confidential at all times unless the information concerns any of the following:

1. Life threatening situation (such as an expressed intention to self-harm or to commit harm to another individual);
2. Information concerning serious criminal behaviour;
3. A matter regarded as sufficiently serious to warrant the information being communicated to another person or service; and/or
4. An overriding legal requirement such as a court subpoena or order.

Where staff are in doubt as to whether to divulge information of a serious nature, they should discuss this with the Divisional Manager, Advocacy & Legal prior to making any decision.

Notwithstanding the exceptions noted above, staff will ensure that they have the student's authority to pass on information to a third party, and will ensure that any information received from a third party about a student is with the prior approval of the student.

Staff cannot discuss student matters with parents or other family members without the express consent of the student. Where a legal representative of the student wishes to consult with staff on the student's behalf, they are required to produce a written authority to act.

Records Management – file retention and disposal

Records held by the Advocacy Service are classified as temporary and are to be destroyed six years after the last action was completed. These records are held securely in the Advocacy Service until they are due for destruction.

Hard copy records will be destroyed by being placed in a secure record destruction bin for shredding. Electronic records will be permanently deleted.

A previous service user may - at any time prior to its destruction - obtain a copy of their own file by contacting the Divisional Manager, Advocacy & Legal and requesting it.

Collection

The Advocacy Service will:

- Only collect information that is necessary for the performance and primary function of advocacy service delivery.
- Collect personal information only by lawful and fair means and not in an unreasonably intrusive way.
- Notify service users about why we collect the information and how it is administered.
- Notify service users that this information is accessible to them.
- Collect personal information from the student themselves wherever possible.
- If collecting personal information from a third party, be able to advise the student whom the information concerns, from whom their personal information has been collected.
- Collect Sensitive information only with the student's consent or if required by law. (Sensitive information includes health information and information about religious beliefs, race, gender and others).

Use and Disclosure

The Advocacy Service will:

- Only use or disclose information for the primary purpose for which it was collected or a directly related secondary purpose.
- For other uses, the Advocacy Service will obtain consent from the affected person.
- In relation to a secondary purpose, use or disclose the personal information only where:
 - a secondary purpose is related to the primary purpose and the individual would reasonably have expected us to use it for purposes; or
 - the person has consented; or
 - certain other legal reasons exist, or disclosure is required to prevent serious and imminent threat to life, health or safety.
- Provide all individuals access to personal information except where it is a threat to life or health or it is authorised by law to refuse and, if a person is able to establish that the personal information is not accurate, then the Advocacy Service must take steps to correct it. The Advocacy Service may allow a person to attach a statement to their information if the Advocacy Service disagrees it is inaccurate.
- Where for a legal or other reason we are not required to provide a person with access to the information, consider whether a mutually agreed intermediary would allow sufficient access to meet the needs of both parties.
- Make no charge for making a request for personal information, correcting the information or associating a statement regarding accuracy with the personal information.
- If the Advocacy Service has sufficient reasons to believe that an unlawful activity has been, is being or may be engaged in, and the disclosure of personal information becomes a necessary part of its investigation of the matter or in reporting its concerns to relevant persons or authorities, the organisation may make such disclosures.

Openness

The Advocacy Service will:

- Ensure stakeholders are aware of our Privacy Policy and its purposes.
- Make this information freely available on the organisation's website.
- On request by a person, the Advocacy Service 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.

Access and Correction

The Advocacy Service will:

- Ensure individuals have a right to seek access to information held about them and to correct it if it is inaccurate, incomplete, misleading or not up to date.
- If the individual and the Advocacy Service disagree about whether the information is accurate, complete and up to date, and the individual asks us to associate with the information a statement claiming that the information is not accurate, complete or up to date, the Advocacy Service will take reasonable steps to do so.
- The Advocacy Service will provide the individual its reasons for denial of access or a refusal to correct personal information.
- The Advocacy Service can withhold the access of an individual to his/her information if:
 - providing access would pose a serious and imminent threat to the life or health of any individual; or
 - providing access would have an unreasonable impact upon the privacy of other individuals; or
 - the request for access is frivolous or vexatious; or
 - the information relates to existing or anticipated legal proceedings between the organisation and the individual, and the information would not be accessible by the process of discovery in those proceedings; or
 - providing access would reveal the intentions of the organisation in relation to negotiations with the individual in such a way as to prejudice those negotiations; or
 - providing access would be unlawful; or
 - providing access would be likely to prejudice an investigation of possible unlawful activity; or
 - an enforcement body performing a lawful security function asks the Advocacy Service not to provide access to the information on the basis that providing access would be likely to cause damage to the security of Australia.

Making information available to other organisations

The Advocacy Service can:

- Release information to third parties where it is requested by the person concerned.

Related Documents

- UMSU Advocacy Confidentiality Policy