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| Privacy policy  |

# Purpose

This policy explains how we handle personal information.

For clarity, we use the words ‘personal information’ to include personal information and health information.

# Application

This policy applies to the:

* Victorian Disability Worker Commission
* Victorian Disability Worker Commissioner
* Disability Worker Registration Board of Victoria.

It covers all personal information collected, stored, used and disclosed by the Commission, Commissioner or Board about any individual. This includes disability workers, disability students, recipients of disability services and Commission staff.

# Key principles

We are privileged to be trusted with people’s personal information. We take great care to protect it. We look for opportunities to improve our privacy protection. If we make mistakes, we fix them quickly.

This policy summarises how we handle and protect information. We welcome questions or feedback. Contact us on info@vdwc.vic.gov.au or 1800 497 132.

# The law

We must handle personal information in accordance with the *Privacy and Data Protection Act 2014 (Vic)* and *Health Records Act 2001 (Vic)*.

Some information will be protected by other legal obligations, including the *Disability Services Safeguards Act 2018 (Vic)*. Privacy is also enshrined as a human right in the *Charter of Human Rights and Responsibilities 2006 (Vic)*.

# Definitions

Personal information is any information, including numbers or images, relating to an identifiable living person.

Some personal information is sensitive, such as ethnic origin, sexual orientation, religious belief or criminal record. This information has additional legal protections.

Health information is information relating to an identifiable living or deceased person that concerns their health, disability or genetic make-up.

# About us

We are responsible for the regulation of disability workers in Victoria.

We are established by the *Disability Service Safeguards Act 2018 (Vic).*

We are made up of three entities: the Disability Worker Registration Board of Victoria, Victorian Disability Worker Commissioner and Victorian Disability Worker Commission.

The Commissioner is responsible for leadership of the Commission and regulation of unregistered disability workers in particular.

The Commission’s responsibilities include:

* handling complaints, investigations and notifications
* maintaining registers of disability workers and students
* providing information and education to the public
* support to the Board and Commissioner.

The Board is responsible for registered workers and students, including:

* standards for registration and practice
* registering disability workers
* applications for registration students
* accrediting training programs and supervised practice arrangements
* notifications and complaints about disability workers and students
* data collection for workforce planning and system improvement.

# Collection of personal information

## How we collect

We only collect the information we need to do our job.

We take reasonable steps to advise:

* what we are collecting
* what we will do with it
* whether any law requires the collection
* what will happen if it is not provided.

We usually collect information directly from the relevant person. Sometimes we may collect it from a representative, third party or publicly available source. For example:

* a complainant
* organisations that assist with the confirmation of qualifications or provision of criminal history.

Whenever reasonably possible, we notify people if we collect information about them from a third party.

## What we collect

The main kinds of information we collect are:

* qualifications, experience, identification and criminal history of applicants for registration status
* complaints about disability workers. This may include information about the recipient of disability services
* education, identification and employment history from people who work for us, or apply to work for us
* contact details of applicants, complainants, staff, Board members, contractors and members of the public.

## Sensitive information

We collect ‘[sensitive information](https://ovic.vic.gov.au/privacy/information-privacy-principles-full-text/)’. This information is specially protected under the *Privacy and Data Protection Act 2014 (Vic)*. We only do so when the law permits it. Typically this will be when:

* the individual has consented to the collection
* the collection is required or authorised under law

The sensitive information we collect is usually disability or criminal history.

## Use and disclosure

The main ways we use and disclose personal information are to:

* handle complaints and notifications
* assess registration applications
* maintain registers of disability workers and students
* refer matters to the Victorian Civil and Administrative Tribunal
* maintain records of decisions
* recruit and manage staff
* uphold our workplace safety obligations.

We also use this information, after removing identifying details, to meet our reporting obligations.

We share information between the Board, Commission and Commissioner when:

* it is relevant to [our functions](#_About_us)
* it relates to the purpose for which we collected it (or directly relates, in the case of sensitive information) and
* individuals would reasonably expect us to do this.

In some cases, and in accordance with the law, we may disclose information to an external body. For example:

* a court, tribunal or the Victorian Ombudsman
* entities with functions relating to health practitioners or disability workers, worker screening or disability services
* Information Sharing Entities prescribed under the Family Violence Information Sharing Scheme or Child Information Sharing Scheme under the *Family Violence Protection Act 2008* and *Child Wellbeing and Safety Act 2005*.

# Quality

We take reasonable steps to ensure any personal information we collect, use and disclose is accurate, complete and current. We ask people to tell us when their personal or health information changes so we can update our records. Where possible, we check the accuracy of information before we use it.

# Security

We have security measures to protect personal information from misuse, loss, unauthorised access, modification or disclosure. We take reasonable steps to destroy or permanently de-identify personal information if it is no longer needed for any purpose in line with the *Public Records Act 1973 (Vic), Health Records Act*, or any other law.

# Sending information outside Victoria

We will sometimes send information outside Victoria. For example, this may arise if seeking information to assist in a complaint about a worker funded by the National Disability Insurance Scheme.

We only do this if:

* the recipient is covered by a scheme similar to the Information Privacy Principles
* we have direct or implied consent or
* it is required or permitted by law.

# Unique identifiers

We create unique identifier numbers for disability workers and students to assist us to efficiently manage registration applications.

We do not disclose these numbers without a lawful basis. We also do not collect unique identifiers from other entities unless permitted by law.

# Anonymous services

We provide an anonymous service through our website. We do not collect any personal information from people who browse the website, unless they choose to provide it through an online form.

People can be anonymous when contacting us, but it may limit the level of service we can provide.

# Access and correction

Anyone can contact us to request access to their personal information or to ask us to correct an error. We will arrange this as soon as possible. In some cases, we will assist the requester to put in a formal request under the *Freedom of Information Act 1982 (Vic)*.

To contact us to request access or correction use info@vdwc.vic.gov.au or 1800 497 132

# Complaints

We welcome complaints about how we handle personal information. We aim to resolve complaints reasonably and fairly and to use all as a chance to improve our services.

To make a complaint contact us on info@vdwc.vic.gov.au or 1800 497 132.

An individual can also complain to:

* the [Health Complaints Commissioner](https://hcc.vic.gov.au/) about handling of health information
* the [Office of the Victorian Information Commissioner](https://ovic.vic.gov.au/) about handling of personal information.

# Related documents

## Policies and guidelines

* [Freedom of information policy](https://dhhsvicgovau.sharepoint.com/%3Aw%3A/r/sites/VDWC/_layouts/15/Doc.aspx?sourcedoc=%7B23B64621-6F07-431D-966D-EC8C0F6B112F%7D&file=VDWC%20-%20Freedom%20of%20Information%20policy%20-%20September%202020.docx&action=default&mobileredirect=true)
* [Informal release of documents and information policy](https://dhhsvicgovau.sharepoint.com/%3Aw%3A/r/sites/VDWC/_layouts/15/Doc.aspx?sourcedoc=%7B3BF485AA-F659-46B4-94FD-C177B9E37A99%7D&file=VDWC%20-%20Informal%20release%20of%20information%20policy%20-%20September%202020.DOCX&action=default&mobileredirect=true)
* [Disability Worker Registration Board of Victoria Confidentiality and privacy policy](https://dhhsvicgovau.sharepoint.com/sites/DWRBV/Shared%20Documents/Forms/AllItems.aspx?csf=1&web=1&e=wd4h8H&cid=0637347c%2D6687%2D465a%2Da62c%2D926bc4f878ea&FolderCTID=0x012000C86A0F7E01AE5C40B83E1FB9A9275160&id=%2Fsites%2FDWRBV%2FShared%20Documents%2FBoard%20Administration%2FBoard%20SharePoint%20content%2FPolicies%20for%20the%20Board%2FConfidentiality%20and%20privacy%20policy%20%2D%20November%202020%2Epdf&parent=%2Fsites%2FDWRBV%2FShared%20Documents%2FBoard%20Administration%2FBoard%20SharePoint%20content%2FPolicies%20for%20the%20Board)

## Compliance

This policy is designed to comply with all relevant legislation, in particular:

* the *Disability Service Safeguards Act 2018*
* the *Privacy and Data Protection Act 2014*
* the *Health Records Act 2001*
* the *Family Violence Protection Act 2008*
* the *Child Wellbeing and Safety Act 2005*
* the *Charter of Human Rights and Responsibilities Act 2006* and
* the *Freedom of Information Act 1982*.

# Policy review and currency

This policy will be reviewed bi-annually from the last approved date, or when there is a significant change in the policy.

### Version history

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| Release notice |
| Version | Date of effect | Amendment details | Amended by |
| 1.0 | 6 August 2020 | Initial release |  |
| 2.0 | 15 April 2021 | Updated for FVISS and CISS requirements | General Counsel |
| 3.0 | 27 April 2022 | Updates for simplification | General Counsel |
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