

MUSEUM VICTORIA POLICY STATEMENT

PRIVACY POLICY

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Predecessor Policy(ies)	IN2001/13~0001
NARC approval on behalf of the Board	18 October 2005
Board Ratification	31 October 2005
Responsibility	Director, Information, Multimedia and Technology, Privacy Officer
Authorship	Rose Bollen
Review Cycle	Bi-annually

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* in the collection, use, storage, management, provision of access to and disposal of Information.

3 KEY POLICY PRINCIPLES

3.1 Collection of Information Museum Victoria will collect personal information in a lawful, fair and un-intrusive manner. Museum Victoria will collect personal information with the knowledge and consent of the person to whom the data relates. Where practical, Information will be obtained from the individual to whom it pertains.

Museum Victoria will only collect Information that is necessary for the achievement of its mission and for the purpose of exercising its functions and lawful powers. In doing so, Museum Victoria will 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.

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
- Museum governance

- Stakeholder management
 - Collections, research and exhibitions
 - Commercial management
 - General operations
- 3.2 Use and Disclosure 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 without Consent from the individual to whom it pertains, unless required to do so by law.
- 3.3 Data Quality Museum Victoria will use its best efforts to ensure the personal Information is accurate, complete and up- to-date.
- 3.4 Data Security 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*.
- 3.5 Openness, Access and Correction 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.
- 3.6 Unique Identifiers 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.
- 3.7 Anonymity Where practicable Museum Victoria will give individuals the option to remain anonymous when entering into transactions with Museum Victoria.
- 3.8 Transborder Data Flows 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.
- 3.9 Sensitive Information Museum Victoria may from time to time collect Sensitive Information and/or Health Information about persons when required under law, or for its mission related government-funded targeted education purposes. 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.
- 3.10 Alleged breaches 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 section B49 of the *Museum Victoria Staff Partnership Agreement 2004 to 2007* 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.

- 3.11 Relationship to other laws 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*.

4 KEY DEFINITIONS

Access is defined as the provision of a copy of the Information or the provision of supervised access to the Information.

Children means persons under the age of 18 years.

Consent means express consent or implied consent.

Health Information is that outlined in Schedule 2 of the *Information Privacy Act 2000*.

Information means Personal Information or Sensitive Information.

Information Privacy Principles means any of the Information Privacy Principles set out in Schedule 1 of the *Information Privacy Act 2000*.

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.

Personal Information means information or an opinion (including information or an opinion forming part of a database), that is recorded in any form and whether true or not, about an individual whose identity is apparent, or can reasonably be ascertained, from the information or opinion.

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.

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
- Archives and Records Policy
- Access to Corporate Records Policy
- Discipline Policy
- Infectious Diseases/Dangerous Medical Conditions Policy
- Museum Victoria Employee Code of Conduct
- Staff Use of Information Technology Resources Policy

6 ASSOCIATED DOCUMENTS, GUIDELINES/PROCEDURES

- Information Privacy Act (Victoria) 2000
- Health Records Act (Victoria) 2001
- Public Sector Management and Employment Act (Victoria) 1998
- Freedom of Information Act (Victoria) 1982
- Occupational Health and Safety Act (Victoria) 2004
- Public Records Act (Victoria) 1973
- Electronic Transactions (Victoria) Act 2000
- Museum Victoria Staff Partnership Agreement 2004 to 2007
- Museum Victoria Website Privacy Statement
- Museum Victoria Information Privacy Handbook
- Museum Victoria Personal Information Access and Correction Procedures
- Museum Victoria Application for Access to Personal Information Form
- Museum Victoria Procedures for Managing Applications for Information under the Freedom of Information Act 1982