



**Information Standard No 42A**

**Information Privacy for the Queensland Department of Health**

## DOCUMENT CONTROL

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## 1. Overview/Purpose

The purpose of this information standard is to establish a framework for the responsible collection and handling of personal information in the Queensland Department of Health.<sup>1</sup>

In September 2001 Cabinet decided that, in implementing an information privacy scheme for the Queensland public sector, the Queensland Department of Health would comply with the National Privacy Principles (NPPs) (rather than the Information Privacy Principles (IPPs)) contained in the Commonwealth *Privacy Act 1988*. The IPPs, which govern other Queensland public sector agencies are contained in Information Standard No. 42.

Information Standard No. 42A applies the NPPs to the Queensland Department of Health, but otherwise reflects the content and mandatory requirements contained in Information Standard No. 42.

### 1.1 Scope

Information standards are issued under the authority of ss. 22(2) and 56(1) of the *Financial Management Standard 1997*. This information standard applies only to the Queensland Department of Health.

Information Standard No. 42A requires personal information to be managed in accordance with a set of NPPs adapted from the Commonwealth NPPs contained in the *Privacy Act 1988 (Cth)*. It should be noted that the requirement for the Queensland Department of Health to comply with this Information Standard is administratively based. This means that:

- where conflicting requirements exist any legislative requirements will supersede compliance with the Information Standard; for example, Section 63 of the *Health Services Act 1991*; and
- compliance is subject to any existing outsourcing arrangements, contracts and licenses. Any future outsourcing arrangement, contracts and licenses will be expected to comply with Information Standard No. 42A.

### 1.2 Exempt Personal Information<sup>2</sup>

The following personal information is exempt from Information Standard No. 42A:

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<sup>1</sup> The Queensland Department of Health is bound by Information Standard No. 42A. Statutory bodies (within the meaning of the *Financial Administration and Audit Act 1977*) administered by the Minister for Health are bound by Information Standard No. 42.

<sup>2</sup> The provisions pertaining to exempt personal information do not relieve anyone from existing requirements to obtain that personal information through either a legislative authority or under subpoena or warrant.

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## **Covert activity**

- Personal information about an individual arising out of or in connection with a controlled operation or controlled activity within the meaning of the *Police Powers and Responsibilities Act 2000*;
- Personal information about an individual arising out of or in connection with a covert undertaking of an operation, investigation or function of a law enforcement agency;
- Personal information about an individual arising out of a warrant issued under the *Telecommunications (Interception) Act 1979* of the Commonwealth;

## **Witness protection**

Personal information about a witness who is included in a witness protection program under the *Witness Protection Act 2000* or who is subject to other witness protection arrangements made under an Act;

## **Disciplinary actions and misconduct**

- Personal information about an individual arising out of a complaint made under Part 7 of the *Police Service Administration 1990*;
- Personal information about an individual arising out of an investigation of misconduct or official misconduct under the *Criminal Justice Act 1989*.

## **Whistleblowers**

Personal information about an individual that is contained in a public interest disclosure within the meaning of the *Whistleblowers Protection Act 1994*, or that has been collected in the course of an investigation arising out of a public interest disclosure;

## **Cabinet and Executive Council documents**

Personal information about an individual that is contained in a document of a kind referred to in sections 36 and 37 of the *Freedom of Information Act 1992* (ie Cabinet and Executive Council documents).

## **Commissions of Inquiry**

Personal information about an individual arising out of a Royal Commission or commission or inquiry.

## **1.3 Codes of Practice**

Information Standard No. 42A permits a code of practice to be developed and approved for the Queensland Department of Health.

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A code of practice may modify the application of any one or more of the NPPs, but may not modify the NPPs themselves.

A code can apply to any one or more of the following:

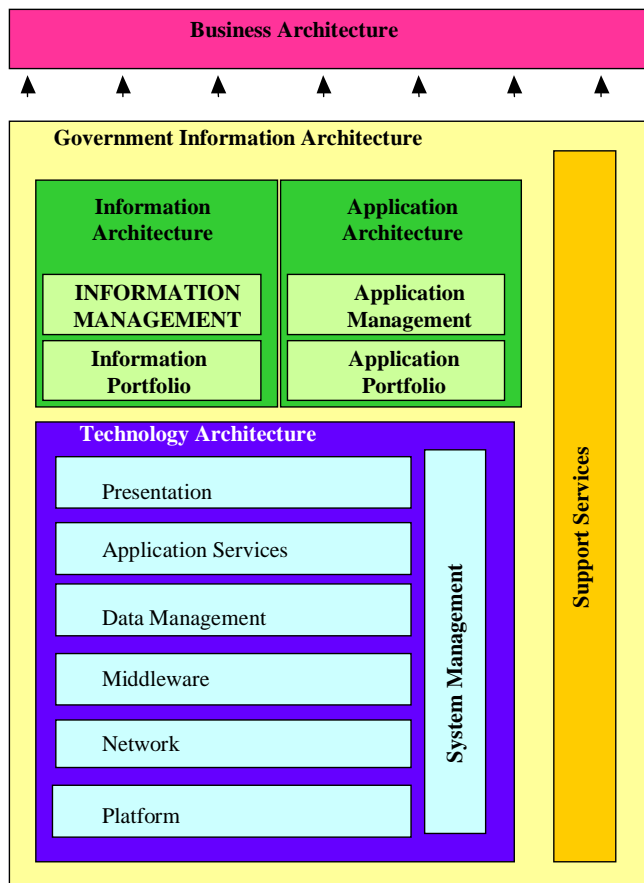
- any specified class of personal information,
- any specified activity or specified class of activity
- any class of designated person.

Codes of Practice may be developed by the Department of Health, approved by the Department of Justice and Attorney-General (after consultation with the Department of Innovation and Information Economy, Sport and Recreation Queensland, if appropriate) and then issued by the Department of Health.

REPEALED

This Information Standard fits within the Information Management Domain of the GIA Reference Framework (illustrated below).

## GIA Reference Framework



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## 2. Policy Statement

**Personal information held by the Queensland Department of Health must be responsibly and transparently collected and managed (including any transfer or sale of personal information held to other agencies, other levels of Government or the private sector) in accordance with the requirements of the National Privacy Principles.**

## 3. Policy Principles

The Queensland Department of Health must comply with ten NPPs, which govern how personal information is collected, stored, used and disclosed.

The NPPs deal with the following:

- Principle 1: Collection of personal information;
- Principle 2: Use and disclosure;
- Principle 3: Data quality;
- Principle 4: Data security;
- Principle 5: Openness;
- Principle 6: Access and correction;
- Principle 7: Identifiers;
- Principle 8: Anonymity;
- Principle 9: Transborder flows; and
- Principle 10: Sensitive information.

### 3.1 Mandatory Requirements

It is mandatory that the Queensland Department of Health:

- nominate a privacy contact officer who will be the first point of contact for privacy issues. The privacy contact officer may also, at the discretion of the chief executive, be the first point of contact for any privacy complaints made to the Queensland Department of Health;
- develop a privacy plan to give effect to the NPPs;
- publish their privacy plan on their website;
- implement the privacy plan according to a schedule developed in the privacy plan, subject to any existing contractual obligations, licenses or other outsourcing arrangements;
- review and update the privacy plan annually;
- develop and place on their website a privacy and security statement;

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- be responsible for accessing and correcting records; and
  - be responsible for ensuring mechanisms are in place for complaint resolution.

### 3.1.1 *National Privacy Principle 1*

- 1.1 An organisation must not collect personal information unless the information is necessary for one or more of its functions or activities.
- 1.2 An organisation must collect personal information only by lawful and fair means and not in an unreasonably intrusive way.
- 1.3 At or before the time (or, if that is not practicable, as soon as practicable after) an organisation collects personal information about an individual from the individual, the organisation must take reasonable steps to ensure that the individual is aware of:
  - (a) the identity of the organisation and how to contact it;
  - (b) the fact that he or she is able to gain access to the information;
  - (c) the purposes for which the information is collected;
  - (d) the organisations (or the types of organisations) to which the organisation usually discloses information of that kind;
  - (e) any law that requires the particular information to be collected; and
  - (f) the main consequences (if any) for the individual if all or part of the information is not provided.
- 1.4 If it is reasonable and practicable to do so, an organisation must collect personal information about an individual only from that individual.
- 1.5 If an organisation collects personal information about an individual from someone else, it must take reasonable steps to ensure that the individual is or has been made aware of the matters listed in sub-clause 1.3 except to the extent that making the individual aware of the matters would pose a serious threat to the life or health of any individual.
- 1.6 If the information is required under a statutory collection the organisation which collects the information is not required to ensure that the individual is or has been made aware of the matters listed in subclause 1.3.

### 3.1.2 *National Privacy Principle 2*

- 2.1 An organisation must not use or disclose personal information about an individual for a purpose (the *secondary purpose*) other than the primary purpose of collection unless:
  - (a) both of the following apply:
    - (i) the secondary purpose is related to the primary purpose of collection and, if the personal information is sensitive information, directly related to the primary purpose of collection;

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- (ii) the individual would reasonably expect the organisation to use or disclose the information for the secondary purpose; or
  - (b) the individual has consented to the use or disclosure; or
  - (c) if the information is not sensitive information and the use of the information is for the secondary purpose of direct marketing:
    - (i) it is impracticable for the organisation to seek the individual's consent before that particular use; and
    - (ii) the organisation will not charge the individual for giving effect to a request by the individual to the organisation not to receive direct marketing communications; and
    - (iii) the individual has not made a request to the organisation not to receive direct marketing communications; and
    - (iv) in each direct marketing communication with the individual, the organisation draws to the individual's attention, or prominently displays a notice, that he or she may express a wish not to receive any further direct marketing communications; and
    - (v) each written direct marketing communication by the organisation with the individual (up to and including the communication that involves the use) sets out the organisation's business address and telephone number and, if the communication with the individual is made by fax, telex or other electronic means, a number or address at which the organisation can be directly contacted electronically; or
  - (d) if the information is health information and the use or disclosure is necessary for research, or the compilation or analysis of statistics, relevant to public health or public safety:
    - (i) it is impracticable for the organisation to seek the individual's consent before the use or disclosure; and
    - (ii) the use or disclosure is conducted in accordance with guidelines approved for the purposes of this subparagraph; and
    - (iii) in the case of disclosure - the organisation reasonably believes that the recipient of the health information will not disclose the health information or personal information derived from the health information; or
  - (e) the organisation reasonably believes that the use or disclosure is necessary to lessen or prevent:
    - (i) a serious and imminent threat to an individual's life, health or safety; or
    - (ii) a serious threat to public health or public safety; or
  - (f) the organisation has reason to suspect that unlawful activity has been, is being or may be engaged in, and uses or discloses the personal information as a necessary part of its investigation of the matter or in reporting its concerns to relevant persons or authorities; or
  - (g) the use or disclosure is required or authorised by or under law; or

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(h) the organisation reasonably believes that the use or disclosure is reasonably necessary for one or more of the following by or on behalf of an enforcement body:

- (i) the prevention, detection, investigation, prosecution or punishment of criminal offences, breaches of a law imposing a penalty or sanction or breaches of a prescribed law;
- (ii) the enforcement of laws relating to the confiscation of the proceeds of crime;
- (iii) the protection of the public revenue;
- (iv) the prevention, detection, investigation or remedying of seriously improper conduct or prescribed conduct;
- (v) the preparation for, or conduct of, proceedings before any court or tribunal, or implementation of the orders of a court or tribunal.

(Note 1: It is not intended to deter organisations from lawfully co-operating with agencies performing law enforcement functions in the performance of their functions.

Note 2: Sub-clause 2.1 does not override any existing legal obligations not to disclose personal information (for example, section 63 of the *Health Services Act 1991*). Nothing in sub-clause 2.1 requires an organisation to disclose personal information; an organisation is always entitled not to disclose personal information in the absence of a legal obligation to disclose it.

Note 3: An organisation is also subject to the requirements of National Privacy Principle 9 if it transfers personal information to a person in a foreign country.)

2.2 If an organisation uses or discloses personal information under paragraph 2.1(h), it must make a written note of the use or disclosure.

2.3 **<Sub-clause 2.3 deleted – not relevant in the case of the Queensland Department of Health>.**

2.4 Despite sub-clause 2.1, an organisation that provides a health service to an individual may disclose health information about the individual to a person who is responsible for the individual if:

(a) the individual:

- (i) is physically or legally incapable of giving consent to the disclosure; or
- (ii) physically cannot communicate consent to the disclosure; and

(b) a natural person (the *carer*) providing the health service for the organisation is satisfied that either:

- (i) the disclosure is necessary to provide appropriate care or treatment of the individual; or
- (ii) the disclosure is made for compassionate reasons; and

(c) the disclosure is not contrary to any wish:

- (i) expressed by the individual before the individual became unable to give or communicate consent; and

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(ii) of which the carer is aware, or of which the carer could reasonably be expected to be aware; and

(d) the disclosure is limited to the extent reasonable and necessary for a purpose mentioned in paragraph (b).

2.5 For the purposes of sub-clause 2.4, a person is **responsible** for an individual if the person is:

(a) a parent of the individual; or

(b) a child or sibling of the individual and at least 18 years old; or

(c) a spouse or de facto spouse of the individual; or

(d) a relative of the individual, at least 18 years old and a member of the individual's household; or

(e) a guardian of the individual; or

(f) exercising an enduring power of attorney granted by the individual that is exercisable in relation to decisions about the individual's health; or

(g) a person who has an intimate personal relationship with the individual; or

(h) a person nominated by the individual to be contacted in case of emergency.

2.6 In sub-clause 2.5:

**child** of an individual includes an adopted child, a step-child and a foster-child, of the individual.

**parent** of an individual includes a step-parent, adoptive parent and a foster-parent, of the individual.

**relative** of an individual means a grandparent, grandchild, uncle, aunt, nephew or niece, of the individual.

**sibling** of an individual includes a half-brother, half-sister, adoptive brother, adoptive sister, step-brother, step-sister, foster-brother and foster-sister, of the individual.

(Note: Sub-clauses 2.4 – 2.6 do not override any law with respect to assisted and substitute decision making; for example, the *Guardianship and Administration Act 2000* and the *Powers of Attorney Act 1998*).

### 3.1.3 **National Privacy Principle 3**

An organisation must take reasonable steps to make sure that the personal information it collects, uses or discloses is accurate, complete and up-to-date.

### 3.1.4 **National Privacy Principle 4**

4.1 An organisation must take reasonable steps to protect the personal information it holds from misuse, loss and unauthorised access, modification or disclosure.

4.2 An organisation must take reasonable steps to destroy or permanently de-identify personal information if it is no longer needed for any purpose for which the information may be used or disclosed under National Privacy Principle 2.

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### 3.1.5 *National Privacy Principle 5*

5.1 An organisation must set out in a document clearly expressed policies on its management of personal information. The organisation must make the document available to anyone who asks for it.

5.2 On request by a person, an organisation 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.

(Note: Sub-clauses 5.1 – 5.2 do not affect the Department’s obligation to develop and make publicly available a privacy plan setting out:

- the nature of the records of personal information kept by or on behalf of the Department (including public registers managed within the Department);
- the purpose for which each type of record is kept;
- the classes or types of individuals about whom records are kept;
- the period for which each type of record is kept;
- the persons who are entitled to have access to personal information contained in the records and the conditions under which they are entitled to have that access; and
- the steps that should be taken by persons wishing to obtain access to that information.)

### 3.1.6 *National Privacy Principle 6*

**< The text of this principle has been deleted – right of access and correction is limited to the *Freedom of Information Act 1992* and/or the Department of Health’s Administrative Access to Health Records policy >**

### 3.1.7 *National Privacy Principle 7*

7.1 An organisation must not adopt as its own identifier of an individual an identifier of the individual that has been assigned by:

- (a) an agency; or
- (b) an agent of an agency acting in its capacity as agent; or
- (c) a contracted service provider for a Commonwealth contract acting in its capacity as contracted service provider for that contract.

7.1A **<Sub-clause 7.1A deleted – not relevant in the case of the Queensland Department of Health >**

7.2 An organisation must not use or disclose an identifier assigned to an individual by an agency, or by an agent or contracted service provider mentioned in sub-clause 7.1, unless:

- a) the use or disclosure is necessary for the organisation to fulfill its obligations to the agency; or

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- b) one or more of paragraphs 2.1(e) to 2.1(h) (inclusive) apply to the use or disclosure.
  - c) <Sub-clause 7.2(c) deleted – not relevant in the case of the Queensland Department of Health>

7.3 In this clause:

*identifier* includes a number assigned by an organisation to an individual to identify uniquely the individual for the purposes of the organisation's operations. However, an individual's name or ABN (as defined in the *A New Tax System (Australian Business Number) Act 1999*) is not an *identifier*.

### 3.1.8 National Privacy Principle 8

Wherever it is lawful and practicable, individuals must have the option of not identifying themselves when entering transactions with an organisation.

### 3.1.9 National Privacy Principle 9

An organisation in Australia or an external Territory may transfer personal information about an individual to someone (other than the organisation or the individual) who is in a foreign country only if:

- (a) the organisation reasonably believes that the recipient of the information is subject to a law, binding scheme or contract which effectively upholds principles for fair handling of the information that are substantially similar to the National Privacy Principles; or
- (b) the individual consents to the transfer; or
- (c) the transfer is necessary for the performance of a contract between the individual and the organisation, or for the implementation of pre-contractual measures taken in response to the individual's request; or
- (d) the transfer is necessary for the conclusion or performance of a contract concluded in the interest of the individual between the organisation and a third party; or
- (e) all of the following apply:
  - (i) the transfer is for the benefit of the individual;
  - (ii) it is impracticable to obtain the consent of the individual to that transfer;
  - (iii) if it were practicable to obtain such consent, the individual would be likely to give it; or
- (f) the organisation has taken reasonable steps to ensure that the information which it has transferred will not be held, used or disclosed by the recipient of the information inconsistently with the National Privacy Principles.

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### 3.1.10 *National Privacy Principle 10*

10.1 An organisation must not collect sensitive information about an individual unless:

- (a) the individual has consented; or
- (b) the collection is required by law; or
- (c) the collection is necessary to prevent or lessen a serious and imminent threat to the life or health of any individual, where the individual whom the information concerns:
  - (i) is physically or legally incapable of giving consent to the collection; or
  - (ii) physically cannot communicate consent to the collection; or
- (d) **<Sub-clause 10.1(d) deleted – not relevant in the case of the Queensland Department of Health>**
- (e) the collection is necessary for the establishment, exercise or defence of a legal or equitable claim.

10.2 Despite sub-clause 10.1, an organisation may collect health information about an individual if:

- (a) the information is necessary to provide a health service to the individual; and
- (b) the information is collected:
  - (i) as required or authorised by law; or
  - (ia) by a designated person with the approval of the chief executive; or
  - (ii) in accordance with rules established by competent health or medical bodies that deal with obligations of professional confidentiality which bind the organisation.

10.3 Despite sub-clause 10.1, an organisation may collect health information about an individual if:

- (a) the collection is necessary for any of the following purposes:
  - (i) research relevant to public health or public safety;
  - (ii) the compilation or analysis of statistics relevant to public health or public safety;
  - (iii) the management, funding or monitoring of a health service; and
- (b) that purpose cannot be served by the collection of information that does not identify the individual or from which the individual's identity cannot reasonably be ascertained; and
- (c) it is impracticable for the organisation to seek the individual's consent to the collection; and
- (d) the information is collected:
  - (i) as required or authorised by law; or
  - (ia) by a designated person with the approval of the chief executive;

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- (ii) in accordance with rules established by competent health or medical bodies that deal with obligations of professional confidentiality which bind the organisation; or
  - (iii) in accordance with guidelines approved for the purposes of this subparagraph.

10.4 If an organisation collects health information about an individual in accordance with sub-clause 10.3, the organisation must take reasonable steps to permanently de-identify the information before the organisation discloses it.

10.5 **<Subclause 10.5 deleted – not relevant in the case of the Queensland Department of Health>**

(Note: For the purpose of sub-clause 10.3, the chief executive may delegate the power to approve the collection of information by a designated person).

## 4. Authority

In September 2001 Cabinet decided that in implementing an information privacy scheme for the Queensland public sector the Queensland Department of Health would comply with the National Privacy Principles (NPPs) rather than the Information Privacy Principles (IPPs) contained in the Commonwealth *Privacy Act 1988*.

## 5. Guidelines

<Guidelines to be developed>

## 6. References/Supporting Documentation

Commonwealth Attorney-General's Department ( <http://www.law.gov.au/privacy> ) [2001, February 7]

Office of the Federal Privacy Commissioner (<http://www.privacy.gov.au>) [2001, February 7]

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## 7. Definition of Terms

**Agency** means:

- (a) a Minister of the Commonwealth; or
- (b) a Department of the Commonwealth; or
- (c) a body (whether incorporated or not), or a tribunal, established or appointed for a public purpose by or under a Commonwealth enactment, not being:
  - (i) an incorporated company, society or association; or
  - (ii) an organisation within the meaning of the *Conciliation and Arbitration Act 1904* or a branch of such an organisation; or
- (d) a body established or appointed by the Governor-General, or by a Minister of the Commonwealth, otherwise than by or under a Commonwealth enactment; or
- (e) a person holding or performing the duties of an office established by or under, or an appointment made under, a Commonwealth enactment, other than a person who, by virtue of holding that office, is the Secretary of a Department of the Commonwealth; or
- (f) a person holding or performing the duties of an appointment, being an appointment made by the Governor-General, or by a Minister of the Commonwealth, otherwise than under a Commonwealth enactment; or
- (g) a Federal Court; or
- (h) the Australian Federal Police; or
- (i) an eligible case manager; or
- (j) the nominated AGHS company; or
- (k) an eligible hearing service provider.

**Chief executive** means the Director-General of the Queensland Department of Health.

**Commonwealth contract** means a contract, to which the Commonwealth or an agency is or was a party, under which services are to be, or were to be, provided to an agency.

**Consent** means express consent or implied consent.

**Contracted service provider**, for a government contract, means:

- (a) an organisation that is or was a party to the government contract and that is or was responsible for the provision of services to an agency or a State or Territory Authority under the government contract; or
- (b) a subcontractor for the government contract.

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**Department** means the Queensland Department of Health

**Designated person** means:

- (a) a health service employee appointed under the *Health Services Act 1991 (Qld)*; or
- (b) a public service employee, within the meaning of the *Public Service Act 1996 (Qld)*, employed in the Queensland Department of Health under the *Public Service Act 1996 (Qld)*; or
- (c) the chief health officer appointed under the *Health Act 1937 (Qld)*; or
- (d) a health practitioner who works for a public sector health service, within the meaning of the *Health Services Act 1991 (Qld)*, but is not an employee (for example, an agency nurse or a contracted visiting medical officer); or
- (e) a person being educated or trained at a public sector health service within the meaning of the *Health Services Act 1991 (Qld)*;

who is subject to a statutory duty of confidentiality.

**Eligible hearing service provider** means an entity (within the meaning of the *Hearing Services Administration Act 1997*):

- (a) that is, or has at any time been, engaged under Part 3 of the *Hearing Services Administration Act 1997* to provide hearing services; and
- (b) that is not covered by paragraph (a), (b), (c), (d), (e), (f), (g), (h) or (j) of the definition of **agency**.

**Enforcement body** means:

- (a) the Australian Federal Police; or
- (b) the National Crime Authority; or
- (c) the Australian Customs Service; or
- (d) the Australian Prudential Regulation Authority; or
- (e) the Australian Securities and Investments Commission; or
- (f) another agency, to the extent that it is responsible for administering, or performing a function under, a law that imposes a penalty or sanction or a prescribed law; or
- (g) another agency, to the extent that it is responsible for administering a law relating to the protection of the public revenue; or
- (h) a police force or service of a State or a Territory; or
- (i) the New South Wales Crime Commission; or
- (j) the Independent Commission Against Corruption of New South Wales; or
- (k) the Police Integrity Commission of New South Wales; or

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- (l) the Criminal Justice Commission of Queensland; or
  - (m) the Queensland Crime Commission; or
  - (n) another prescribed authority or body that is established under a law of a State or Territory to conduct criminal investigations or inquiries; or
  - (o) a State or Territory authority, to the extent that it is responsible for administering, or performing a function under, a law that imposes a penalty or sanction or a prescribed law; or
  - (p) a State or Territory Authority, to the extent that it is responsible for administering a law relating to the protection of the public revenue.

**Generally available publication** means a magazine, book, newspaper or other publication (how ever published) that is or will be generally available to members of the public.

**Government contract** means a Commonwealth contract or a State contract.

**Health information** means:

- (a) information or an opinion about:
  - (i) the health or a disability (at any time) of an individual; or
  - (ii) an individual's expressed wishes about the future provision of health services to him or her; or
  - (iii) a health service provided, or to be provided, to an individual; that is also personal information; or
- (b) other personal information collected to provide, or in providing, a health service; or
- (c) other personal information about an individual collected in connection with the donation, or intended donation, by the individual of his or her body parts, organs or body substances.

**Health service** means:

- (a) an activity performed in relation to an individual that is intended or claimed (expressly or otherwise) by the individual or the person performing it:
  - (i) to assess, record, maintain or improve the individual's health; or
  - (ii) to diagnose the individual's illness or disability; or
  - (iv) to treat the individual's illness or disability or suspected illness or disability; or
- (b) the dispensing on prescription of a drug or medicinal preparation by a pharmacist.

**Individual** means a natural person.

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**Individual concerned**, in relation to personal information or a record of personal information, means the individual to whom the information relates.

**Lead agency** for the purposes of this Information Standard means the Department of Justice and Attorney-General.

**National Privacy Principle** means any of the National Privacy Principles set out in Section 3 of this Information Standard.

**NPP** means a National Privacy Principle

**Organisation** means the Queensland Department of Health or a designated person.

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

**Privacy Plan** means a plan setting out –

- the implementation schedule for giving effect to the NPP's;
- the legislation administered by the Department of Health and the legislative requirements, if any, related to personal information that will supercede the NPP's;
- the nature of the records of personal information kept by or on behalf of the Department (including public registers managed within the Department);
- the purpose for which each type of record is kept;
- the classes or types of individuals about whom records are kept;
- the period for which each type of record is kept;
- the persons who are entitled to have access to personal information contained in the records and the conditions under which they are entitled to have that access;
- the steps that should be taken by persons wishing to obtain access to that information; and
- the contact details for the Department's privacy contact officer.

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**Record** means:

- a document; or
- a database (how ever kept); or
- a photograph or other pictorial representation of a person;

but does not include:

- a generally available publication; or
- anything kept in a library, art gallery or museum for the purposes of reference, study or exhibition; or
- public records as defined by sub-section 2(2) of the *Libraries and Archives Act 1988* that are in the open access period as defined in the regulation to that Act; or
- letters or other articles in the course of transmission by post.

**Sensitive information** means:

- (a) Information or an opinion about an individual's:
  - (i) racial or ethnic origin; or
  - (ii) political opinions; or
  - (iii) membership of a political association; or
  - (iv) religious beliefs or affiliations; or
  - (v) philosophical beliefs; or
  - (vi) membership of a professional or trade association; or
  - (vii) membership of a trade union; or
  - (viii) sexual preferences or practices; or
  - (ix) criminal record;that is also personal information; or
- (b) health information about an individual.

**State contract** means a contract, to which a State or Territory or State or Territory Authority is or was a party, under which services are to be, or were to be, provided to a State or Territory Authority.

**Statutory collection** means:

- (a) a register or collection of personal information that an organisation is required or authorised to maintain under an Act for the purposes of monitoring public health issues, including morbidity and mortality trends, planning and evaluating health services or facilitating and evaluating treatment; or
- (b) personal information collected by an organisation pursuant to a provision of an Act which requires a person to give it to the organisation.

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**Use**, in relation to personal information, does not include mere disclosure of the information, but does include the inclusion of the information in a publication.

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REPEALED

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## ATTACHMENT A - Implementation Schedule

Department of Health privacy plan with implementation schedule completed and approved by CEO	[Date to be 6 months from date of Cabinet endorsement of Information Standard]
<ul style="list-style-type: none"><li>• Copy of privacy plan published on website</li><li>• Privacy and security statement placed on website</li></ul>	[Date to be 15 days after date privacy plan completed and approved]
Update privacy plan as appropriate	Annually