

Privacy Policy

Organisational Policy No. 2

This policy outlines how ACCS manages personal and health information and how a person can:

- Access personal and health information that ACCS holds about that person; and
- Ask ACCS to correct personal and health information that ACCS holds about that person.

SCOPE

This policy applies to all employees, directors, agency staff, and contractors (“Employees”).

KEY PRINCIPLES

This key policy principles are:

- ACCS must clearly express in this document its policies on its management of personal and health information
- This document must be made available to people who use our services
- ACCS must ensure that where it holds personal or health information about a person, that person can request access to, or the correction of, personal information held by ACCS.

COLLECTION OF PERSONAL AND HEALTH INFORMATION

ACCS collects personal information and health information to the extent necessary to exercise ACCS’ lawful powers and perform ACCS’ statutory functions. ACCS’ functions include providing independent conciliation services for the purposes of the *Workplace Injury Rehabilitation and Compensation Act 2013* and the *Accident Compensation Act 1985*.

In particular, ACCS collects personal and health information to enable ACCS to conduct conciliations for people who have requested that ACCS provide this service, through the completion of a ‘Request for Conciliation form’.

Personal information includes information such as a person’s name, date of birth, phone number, postal address and email address. **Health information** includes information such as symptoms or diagnosis and the treatment given to a person, medical reports, specialist reports, test results, pharmaceutical prescriptions and certificates of capacity. The type of information ACCS collects from a person depends on that person’s interaction with ACCS and the information that may be necessary to resolve the dispute. This may also include copies of accounts or receipts and payslips.

COLLECTION FROM A PERSON

ACCS collects personal and health information from a person when that person completes a Request for Conciliation form or provides personal and health information to ACCS.

COLLECTION FROM OTHER SOURCES

ACCS may also collect personal and health information about a person from other parties to the conciliation and from any other person if ACCS considers such information is necessary to conduct the conciliation. Those requested to provide documents or information could include employers, co-workers, authorised agents of WorkSafe, self-insurers, medical and health service providers, union representatives and family members.

COLLECTING SENSITIVE INFORMATION

Sometimes ACCS may collect sensitive information about a person. **Sensitive information** is a subset of personal information and includes information about a person's racial or ethnic origin, political opinions or membership of political associations, religious or philosophical beliefs, membership of professional or trade associations or trade unions, sexual preferences or practices and criminal record.

ACCS will only collect sensitive information about a person where ACCS has obtained that person's consent and in other circumstances where collection is otherwise required or authorised by law (for example, where collection is necessary to prevent a threat to life, health or safety).

USE AND DISCLOSURE OF PERSONAL AND HEALTH INFORMATION

ACCS uses and discloses personal and health information that ACCS collects to:

- process and assess a request for conciliation; and
- conduct a conciliation.

ACCS may also use personal and health information that ACCS has collected for other purposes related to the conciliation process, for example, evaluating ACCS' conciliation processes for better case management in the future.

A person's personal and health information may be disclosed to a number of different people and organisations, including:

- a union;
- legal practitioner or a representative;
- family member (if nominated by that person to assist them with the conciliation);
- other parties to the conciliation;
- courts or tribunals where they are authorised to obtain it; and
- other persons authorised by that person or by law to receive it.

Specifically:

- when a person completes a 'Request for Conciliation form', ACCS provides a copy of the request to that person's employer and the WorkSafe Agent or Self-Insurer; and
- unless ACCS' Conciliation Officer considers it would aggravate a dispute, or involve a breach of confidence, medical and circumstantial information a person provides to ACCS' Conciliation Officer will be made available to the parties to the conciliation who are legally entitled to receive the information in order that they may understand each other's position.

IDENTIFIERS

ACCS may assign a unique identifier to a person if ACCS believes it is necessary to enable ACCS to carry out its functions efficiently, for example, a case file number. ACCS will not use or disclose an identifier ACCS assigns to a person unless it is necessary for ACCS to fulfil its functions or its obligations to another organisation or where the disclosure is otherwise required or authorised by law.

STORAGE AND SECURITY OF INFORMATION

ACCS has privacy and security measures to avoid misuse, loss or unauthorised access or disclosure. ACCS Employees are bound by the applicable confidentiality clauses in the 'Code of Conduct for Victorian Public Sector Employees' and relevant contracts.

ACCESS AND CORRECTION OF PERSONAL AND HEALTH INFORMATION

A person has a right to request access to, or correction of, documents and data that contains their personal or health information and that are in ACCS' possession. A person may do so by contacting:

The Privacy Officer
Accident Compensation Conciliation Service
Level 2, 215 Spring Street, Melbourne 3000
GPO Box 251, Melbourne 3001
Telephone: (03) 9940 1111
Facsimile: (03) 9940 1144
Email: info@conciliation.vic.gov.au

BREACHES

Any breach of this policy must be notified immediately to the Privacy Officer.

Failure to behave in the ways described in this policy may lead to action under relevant performance management or misconduct processes as outlined in the 'Code of Conduct for Victoria Public Sector Employees'.

REVIEW

This policy will be reviewed every two years or more frequently if there is a significant change in business activities or to legal requirements.

VERSION CONTROL

Date	Author	Version	Change Summary
20 March 2019	Privacy Officer, Finance Team	1.2	Development

Document Owner	Privacy Officer
Version	1.2
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