University of Wollongong

PRIVACY: An Introduction and Guide to Your Responsibilities
Legislation

• Privacy and Personal Information Protection Act 1998 (NSW)

• Health Records and Information Privacy Act 2002 (NSW)

• Privacy Act 1988 (Commonwealth)
University Privacy Policy

- Policy approved by Council
- You must adhere with policy
- Policy may be found at:
  
  www.uow.edu.au/about/privacy
Important Definitions

“Personal Information”

- Personal Information is information or opinion about a person whose identity is apparent or can reasonably be ascertained from the information or opinion.

- Personal Information includes:
  - paper or electronic files (including e-mails),
  - diary notes,
  - fingerprints, retina prints, body samples or genetic characteristics
Important Definitions

“Sensitive Information”

• Sensitive Information is information that relates to a person’s:
  ✓ ethnic or racial origin,
  ✓ political opinions,
  ✓ religious or philosophical beliefs,
  ✓ sexual preferences or
  ✓ criminal record
Your Responsibilities

Must adhere to law regarding:

• Collection
• Use
• Disclosure
• Storage
Collection

- Cannot collect without the consent of the individual

- The person must be aware of the reason for which the information is collected, rights of access, intended recipients of information, etc

- Collection must be for a lawful purpose and directly related to function of the agency
Use

- Must have the consent of the person
- Must use only for the purpose collected
- Ensure the information is accurate and up to date
- Must alter information at the request of the person
Disclosure

- Only to person from whom information collected
- Cannot disclose to third parties unless:
  - Consent is obtained from the person to whom the information relates
  - Threat to life or health
  - Required by law (e.g., subpoena)
  - ANY SUBPOENA MUST BE URGENTLY REFERRED TO LEGAL UNIT
Storage and Access

• Must be secure, not kept longer than necessary and disposed of appropriately

• Follow data destruction schedules – see the UOW Records Management Policy at: www.uow.edu.au/admin/personnel/policy/RecordsManagement.html

• See also IT Policies at: www.uow.edu.au/its/policies/

• Must allow individual access to information to update, correct or amend their Personal Information
Other Developments

Health Records and Information Privacy Act 2002

- Prescribes Health Privacy Principles
- Came into force on 1 September 2004
- Defines health information as personal information regarding a person’s:
  - Physical or mental health or disability
  - Express wishes regarding the future provision of health services to him/her
  - Health services to be provided to the person
  - Other information, including information collected to provide health service, including genetic information, organ donation
HELP!

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