

Policy Statement

The NGV is committed to valuing and protecting the personal information collected, used, stored, managed and disposed of in accordance with the NGV values of access, integrity and excellence and to comply with legislation enacted to protect privacy.

The objectives of the NGV Privacy Policy are to:

- establish practices that NGV staff must follow when collecting, using, maintaining, disclosing and destroying personal information;
- promote awareness of responsible personal information handling practices; and
- ensure a free-flow of information for the public good and the protection of privacy of personal information.

Application

The Privacy Policy applies to all Personal Information which directly or indirectly identifies an individual. The NGV will only collect Personal Information that is necessary for the achievement of its vision and strategic objectives and for the purpose of exercising its functions or services. To achieve this, the NGV 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 collection. Information is collected wherever possible from the individuals concerned.

This Policy replaces the previous Privacy Policy and combined Procedures document. The Privacy Policy is now a separate document.

Context

This Policy is informed by the legislative requirements of the:

- [Federal Privacy Act 1988 \(extended in 2001\)](#)
- [Public Records Act 1973](#)
- [Victorian Health Records Act 2001](#)
- [Victorian Freedom of Information Act 1982](#)
- [Victorian Information Privacy Act 2000](#)

Where a provision of the *Victorian Information Privacy Act 2000* is inconsistent with another Act, then the other Act will prevail.

Key Principles

All NGV staff under the *Victorian Information Privacy Act 2000* are responsible for the way they collect, manage and use Personal Information.

The Head of the Corporate Office has been assigned the role of NGV Privacy Officer. The NGV Privacy Officer is responsible for coordinating responses to any privacy issues raised by members of the public and providing advice to staff on their responsibilities under the Act.

The *Victorian Information Privacy Act 2000* empowers the Privacy Commissioner to educate, advise, audit, enquire, consult, conciliate and comment. For more information about the Office of the Victorian Privacy Commissioner, contact 1300 666 444 or visit their website on www.privacy.vic.gov.au.

The *Victorian Information Privacy Act 2000* states that an act undertaken by a member of staff in their capacity as an employee of the organisation will be taken to be an act of the organisation unless that organisation can demonstrate due diligence to avoid inappropriate use or management of personal information.

The following daily activities undertaken by NGV staff are subject to the *Victorian Information Privacy Act 2000*:

- handling of Personal Information about staff in the organisation;
- dealings with clients or potential clients and the management of their personal information;
- development and management of contracts;
- creation and maintenance of databases;
- management of data obtained via online visitors;
- management of data related to individuals involved with NGV loyalty programs; and
- maintenance of effective network security.

Collection, storage, use, disclosure and disposal

- The NGV may only collect information that is necessary for the achievement of its vision and strategic objectives and for the purpose of exercising its functions and lawful powers.
- Anyone from whom the NGV collects information must be made aware that it is being collected, the purpose for collecting the information and be advised as to how to contact the organisation in relation to the information collected.
- The NGV 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*.
- The NGV will not use information for purposes other than those for which it was collected unless prior consent has been obtained. Information will not be disclosed to third parties without consent from the individual to whom it pertains unless required to do so by law.
- Unless compelled otherwise by law the NGV will not transfer Personal Information outside Victoria unless it 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.

Complaints

If an individual has a complaint about the conduct of the NGV in relation to the collection, storage, use or disclosure of personal information, they should be asked to send details in writing to the NGV Privacy Officer. The NGV Privacy Officer under the supervision of the Director will investigate alleged breaches of the *Victorian Information Privacy Act 2000*.

Definitions

Privacy

The term privacy may be used to describe a number of related human rights:

- **Personal privacy**, which considers the integrity of an individual's body;
- **Privacy of personal behaviour**, which incorporate sensitive social issues such as sexual preference, political activities and religious practices;
- **Privacy of personal communications**, which revolves around the concept of confidential voice, speech and telecommunications;
- **Privacy of territory**, which may be defined as the right to personal space and to the protection of one's property from trespass, and;
- **Information Privacy or Data Privacy**, which relates to the protection of personally identifying information. Information Privacy seeks to place greater control relating to information use with the individual who is the data subject. This is expressed through the Information Privacy Principles (IPPs) which regulates the collection, use, disclosure, transfer, access, correction and disposal of personally identifying information.

Personal Information

Under the *Victorian Information Privacy Act 2000* "Personal Information" is defined as "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".

- Examples of information that may be personally identifying either alone or in combination are:

- | | | |
|----------------------------|--|--|
| » Name | » Driver's license number | » Date of birth |
| » Photograph | » Health diagnosis | » Interview notes |
| » Title | » Gender | » Employee security pass number |
| » Email address | » Ethnicity | » Employee logon ID |
| » Telephone or fax numbers | » Banking details, such as branch location, account number and funds available | » A performance appraisal report on a staff member |

Sensitive Information

Sensitive Information is defined as information about an individual's racial or ethnic origin, political opinions, membership of a political association, religious beliefs or affiliations, philosophical beliefs, membership of a professional or trade association, membership of a trade union, sexual preference or practices, criminal and/or health records.

Breach of Policy

In the case where this or related policies are breached resolution will be according to the NGV's [Managing Performance \(Discipline\) Policy](#).

Further Information

- [Code of Conduct for Victorian Public Sector Employees](#)
- [Deed of Confidentiality and Intellectual Property](#)
- [Financial Code of Practice](#)
- [IT Acceptable Use Policy](#)
- [NGV Enterprise Agreement](#)
- [NGV Whistleblower Policy and Guidelines](#)
- [Managing Performance \(Discipline\) Policy](#)
- [Privacy Handbook](#)

Approval

Approved by the Council of Trustees 14 December 2006.