


Document Title	Privacy Policy	
Committee	N/A	
Approved by	The Authority	

Purpose

We are committed to protecting the personal and health information that we collect, hold, manage, use, disclose, or transfer.

This policy supports our need to collect information and your right to privacy.

Scope

This policy sets out how we collect, hold, manage, use, disclose, or transfer personal and health information in accordance with the:

1. *Privacy and Data Protection Act 2014* (the PDP Act)
2. *Health Records Act 2001* (the HR Act) (collectively, the privacy legislation)

It ensures that we can collect the personal and health information necessary to provide services and fulfil function under the *Assisted Reproductive Treatment Act 2008* (the Act) while recognising your right to have your information handled in ways that you would reasonably expect and in ways that protect your personal and health information.

Policy

We collect personal and health information for the following purposes:

- to plan, implement, monitor, regulate, and evaluate our services and functions
- to fulfill our statutory and other legal obligations, including (but not limited to):
 - managing the Central and Voluntary Registers
 - processing import/export applications of donor material to or from Victoria
 - investigating adverse incidents
 - responding to complaints and enquiries
- to comply with reporting requirements
- to defend any legal claims that may arise.

We have adopted the Information Privacy Principles (IPP) and Health Privacy Principles (HPP) contained in the privacy legislation.

This means, subject to some exceptions, we will not commit acts or engage in practices that contravene the IPP or HPP with respect to the personal and health information we collect, hold, manage, use, disclose, or transfer unless otherwise permitted by law.

Privacy principles

The relevant IPP and HPP are summarised as follows:

Collection of personal information

We only collect personal information if that information is necessary for one of our functions under the Act or other applicable legislation.

Collection of health information

We only collect health information if that information is necessary for one of our functions under the Act or other applicable legislation, and:

- we received your consent; or
- the collection is necessary to prevent or lessen a serious threat to your life, health, safety, or welfare of any individual; or
- the collection is necessary to prevent a threat to public health, safety, or welfare; or
- the collection is necessary for the establishment, exercise, or defence of a legal or equitable claim.

Where we collect your health information, reasonable steps are taken to ensure that you are aware of:

- how to contact us
- your right to access and correct the information under the Act, the privacy legislation, and/or the *Freedom of Information Act 1982* (the FOI Act)
- the primary purpose for which the information is being collected
- the fact that we may be compelled under law to disclose the information
- the consequences (if any) for you if all or part of the information is not provided to us.

Use and disclosure

We will only use and disclose your personal and health information for the primary purpose for which it was collected, unless it falls within an exception, including where use and disclosure is:

- for a related secondary purpose and you would reasonably expect us to use or disclose the information for that secondary purpose; or
- with your consent;
- necessary for research, or the compilation of statistics, in the public interest; or
- reasonably necessary to carry out a law enforcement function; or
- required, permitted, or authorised by law.

We may collect, store, and use your personal and health information provided by other organisations or individuals. Where this is the case, we will only collect or use the information in accordance with the Act or the privacy legislation.

In cases where the use or disclosure of information is necessary for research or compiling statistics in the public interest, the information will be de-identified.

Data quality

We value information as an important resource. As such, we take reasonable steps to ensure that the personal and health information that we collect, use, or disclose is accurate, complete, up to date, and relevant to our functions or activities.

Where possible, we check the accuracy of personal or health information with you before using it.

Data security

We are guided by the principle that all information is well governed and managed. Accordingly, we will take reasonable steps to protect the personal and health data that we hold from misuse, loss, unauthorised access, modification, or disclosure.

We will hold the information for the period required under the *Public Records Act 1973* and by the Public Records Office of Victoria.

In the unlikely event of a privacy incident, we will focus on protecting sensitive information and may require support by our information technology team to resolve the incident. To report a suspected privacy incident, please email varta@varta.org.au

Openness

On request, we will take reasonable steps to advise individuals, in general terms:

- what sort of information we hold about them
- for what purposes information has been collected
- how we collect, hold, use, and disclose that information.

Access and correction

Individuals have a right to request access and correct the personal and health information that we hold, within the constraints of the Act and subject to certain exemptions under section 68 of the ART Act

VARTA is not in a position to modify historic records already held on the Central Register but can clarify the context of the historic records for relevant persons during an application to the Central Register.

Anonymity

If seeking general information from us, an individual will not have to identify themselves. Where lawful and practicable, an individual's personal information is not required where it does not impede with our ability to carry out our services or functions under the Act.

Transfer of information outside of Victoria

In the rare event that personal and health information needs to be transferred outside of Victoria, we will only transfer the information if:

- you consent to the transfer;
- we reasonably believe that the recipient is subject to a law, binding scheme, or contract which is very similar to the Victorian privacy law; or
- we have taken reasonable steps to ensure that the information will not be held, used, or disclosed inconsistently with Victorian privacy law.

In cases where personal or health information is being transferred to a jurisdiction whose privacy requirements are inconsistent with Victorian privacy law, we will require that a Privacy Impact Assessment be undertaken before the data is sent.

Our Registers

Under Part VI of the Act, the following people can apply for information from the Central Register:

- donor-conceived people
- parents of a donor-conceived person
- donors, and
- descendants of donor-conceived people.

Requests must be made in accordance with the Act. Under section 54 of the Act, you may request to correct the information that we store or use for the Central Register or the Voluntary Register.

Privacy Collection Notice

VARTA's *Privacy Collection Notice* explains the following to you:

- the purpose for which your personal and health information being collected
- how we will hold and use the information

This statement will be provided at or before the time we collect specific personal or health information.

Data breaches

If we become aware that your information has been inappropriately used or handled, we will:

- Take reasonable steps to inform you of the incident; and
- Will take appropriate action to ensure that such a breach does not occur again.

Complaints

If you are concerned about our handling of personal or health information, you may contact us by:

Phone (03) 8622 0500
Email varta@varta.org.au
Post Level 30, 570 Bourke St
Melbourne VIC 3000

You may also consider contacting the:

- [Office of the Victorian Information Commissioner;](#)
- [Office of the Health Complaints Commissioner; or](#)
- [Victorian Ombudsman.](#)

Author/Contributors/Review

Policy Holder	Reviewers	Approver / Committee	Date Approved	Review By
Principle Legal Policy Officer (Sophie Vasenszky)	CEO (Anna MacLeod)	The Authority	April 2022	As required