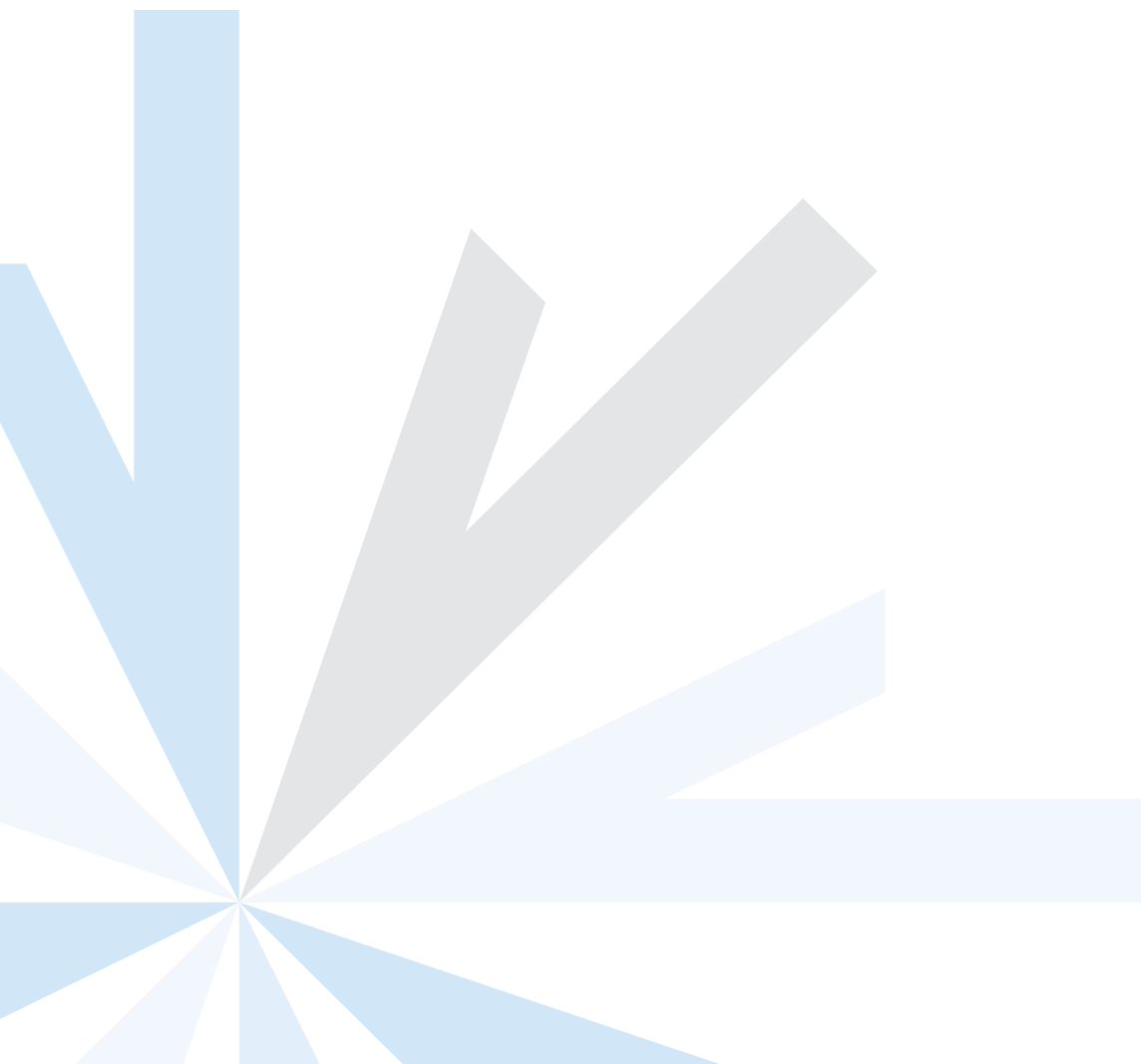




VFMC
Victorian Funds
Management Corporation

Privacy and Confidentiality Policy

April 2017



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1 Document Information

1.1 Document Status

The current status of this document is shown below.

Original issue date	3 April 2008
Current approval date	April 2017
Owner	Chief Risk Officer
Date of next review	April 2018
Board review required	Yes – every 2 years

1.2 Document History

The history of changes made to this document is shown below.

Version	Date	Summary of changes
1.0	April 2008	First issue
2.0	April 2009	No change
3.0	May 2010	<ul style="list-style-type: none"> - Added Documentation Information - Amended Introduction - Amended definition of “Personal Information” - Added related Acts
4.0	September 2011	Non material changes made to Sections 2 and 6 following the annual review.
5.0	August 2012	Annual review: Amended Section 4.1 by adding more examples of personal information. Added new Section 5 with details of the Victorian Privacy Commissioner.
6.0	August 2013	Annual review: No material changes
7.0	May 2014	Annual review: Amend the term ‘staff’ to ‘employees’ in line with other policies
7.1	May 2015	Annual review (Board review not required this year). No change required.
8.0	August 2016	Annual review – updated for VPDSF amendments.
9.0	April 2017	Annual review. Change of name relevant Act.

2 Introduction

The *Privacy and Data Protection Act 2014* (“the Act”) came into operation on 2 September 2014. The Act requires all government agencies comply with the 10 Information Privacy Principles (“IPPs”) which are set out in detail in schedule 1 of the Act.

The objects of the Act, expressed in section 5, are to:

- Balance the public interest in the free flow of information with the public interest in protecting the privacy of personal information in the public sector;
- Promote awareness of responsible personal information handling practices in the public sector; and
- Promote the responsible and transparent handling of personal information in the public sector.

Developing a privacy policy is a requirement of the Act. IPP 5 states that 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.

3 What is Personal Information?

The definition of “personal information” is based on the Privacy Act 1988 (Cth) in the interests of supporting a nationally consistent approach to the protection of information privacy.

Personal information means 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, but does not include information of a kind to which the *Health Records Act 2001* applies.

Personal information may include an individual’s name, address, sex, age, financial details, marital status, education, criminal record or employment history.

Information collected by the Victorian Funds Management Corporation (“VFMC”) falls into three categories, employees, clients and service providers. The greater amount of personal information concerns VFMC employees.

4 The Information Privacy Principles (IPP)

This policy sets out how VFMC will use and disclose the information it collects in the course of performing its functions under the *Victorian Funds Management Act 1994*.

4.1 Collection

VFMC's primary statutory function is to provide funds management and other financial services for the State and statutory authorities.

VFMC may collect personal information about a person who is employed by a service provider or a client, a person who applies for a job or is employed by VFMC, a person who visits the website or sends an email, or other members of the public who assist VFMC in carrying out its functions.

VFMC collects the following personal information including, but not limited to:

- Employees of VFMC - name, home address, phone numbers, background employment, education, tax file numbers, bank and superannuation account details, police checks, criminal history records, financial history and business interests.
- Employees of Clients and Service Providers - name, workplace address, telephone number, mobile number, position.

4.2 Use and Disclosure

VFMC uses and may disclose the personal information only for the primary purpose for which the information has been collected e.g. for payroll purposes, or for a secondary purpose that a person would reasonably expect, or otherwise as authorised by law to do so.

VFMC primarily uses the personal information of service providers and clients to maintain communication with those persons and to enter into transactions with their corporations, but may in the course of performing its duties disclose the information to its auditors, lawyers and the Department of Treasury & Finance.

Relevant personal information (name, position, business contact and mobile phone numbers) of VFMC employees is provided to service providers and clients for the purpose of entering into, and maintaining transactions and services for the performance of VFMC's functions.

4.3 Data Quality

VFMC will take steps to ensure the personal information collected is accurate complete and up to date, however some reliance is placed on service providers and clients to provide up to date information on changes within their organisations.

4.4 Data Security

VFMC will take reasonable steps to protect personal information from misuse, loss, unauthorised access, modification or disclosure. Personal information is held in secure premises either at VFMC's offices or archived at a secure off-site facility. Where information is stored electronically, access is controlled by password and audited controls, firewalls prevent unauthorised access, and anti-virus protection is used on all servers.

4.5 Openness

VFMC's Privacy and Confidentiality Policy is published on its website www.vfmc.vic.gov.au and VFMC can provide a hard copy upon request.

4.6 Access and Correction

In most instances individuals will be able to seek access to their personal information and make corrections.

4.7 Unique Identifiers

VFMC has access to unique identifiers such as Tax File Numbers (VFMC employees) and will not release a tax file number to third parties without employee consent.

4.8 Anonymity

In most instances it is not feasible for individuals not to identify themselves when entering into transactions with VFMC.

A person can access and browse the VFMC website without disclosing personal information. The only point on the site where personal information is collected is the "Contact Us" page. VFMC will only use this personal information for the purposes for which it was collected and will not disclose it to a third party.

4.9 Information Transfers Interstate or Overseas

VFMC may release personal information outside Victoria where it believes it necessary to perform its statutory functions.

VFMC enters into fund manager agreements with interstate and international fund managers. Where it is necessary to provide personal information for the performance of its functions, VFMC will take reasonable steps to ensure that the personal information will be protected under standards similar to VFMC's Privacy and Confidentiality Policy.

4.10 Sensitive Information

VFMC will not collect or use sensitive information or an opinion about an individual's racial or ethnic origin, political opinions, membership of a political associate, religious beliefs or affiliations, philosophical beliefs or membership of a professional or trade association, membership of a trade union, sexual preferences or practices, criminal record, except where the use is directly relevant to its functions.

5 The Office of the Victorian Privacy Commissioner

5.1 Complaints

An individual can complain to the Privacy Commissioner about an act or practice that may interfere with the privacy of an individual by breaching an IPP.

The Privacy Commissioner encourages potential complainants to first attempt to resolve the matter with the organisation (VFMC). The Commissioner will make all reasonable efforts to conciliate complaints. Where conciliation is not reasonably possible, or is tried but fails, complaints may go to VCAT.

5.2 Compliance

A serious or flagrant contravention of an IPP by VFMC may result in the Privacy Commissioner issuing a compliance notice.

5.3 Contact Details

Office of the Victorian Privacy Commissioner
GPO Box 5057
Melbourne VIC 3001
DX 210643

Level 11, 10-16 Queen Street
Melbourne VIC 3000

Local Call 1300 666 444
www.privacy.vic.gov.au
enquiries@privacy.vic.gov.au

6 Confidentiality

VFMC employees are also bound by the *Code of Conduct for Victorian Public Sector Employees*. The public sector values from the Code that relate to confidentiality are:

- Employees with access to official information ensure it is only used for official purposes and in an approved manner. Official and personal information is handled according to relevant legislation and VFMC policies and procedures.
- Employees only disclose official information or documents acquired in the course of their employment when required to do so by law, in the legitimate course of duty, when called to give evidence in court or when proper authority has been given.
- Employees understand the importance of privacy and confidentiality. Confidential information requires special treatment and protection. Employees with access to confidential information ensure it remains confidential and at all times act in accordance with legislation and policies relating to privacy.
- Employees will receive and manage information in such a manner that its confidentiality will be maintained and that it will not be used to advantage a prospective employer or business, or disadvantage the government.

7 Related Acts

The following Acts should be noted as related to the Act and this Policy:

- *Privacy Act 1988 (Cth)*
- *Health Records Act 2001*
- *Freedom of Information Act 1982*
- *Victorian Funds Management Corporation Act 1994*
- *Charter of Human Rights and Responsibilities Act 2006*