

RANZCOG PRIVACY POLICY

Preamble

Introduction

This Privacy Policy of The Royal Australian and New Zealand College of Obstetricians and Gynaecologists has been developed to ensure that personal information about individuals which is held in the College records (either hard copy or electronic form) is treated in accordance with the standards set by legislation within Australia. The policy also complies with the *Privacy Amendment (Public Sector) Bill*, which will be presented to Federal Parliament in February 2000.

Definition of Information Privacy

The United Nations Declaration of Human Rights (1948) states that 'Privacy is a fundamental human right'. There are many types of privacy, but this policy seeks only to tackle information privacy.

The Australian Privacy Charter preamble states that 'A free and democratic society requires respect for autonomy of individuals and limits on the power of both state and private organisations to intrude on that autonomy' (1).

It is noteworthy that the Federal Privacy Commissioner said 'The individual's right to privacy for his or her information is not absolute' (2).

The essence of privacy is that only essential information should be collected, and that information should be handled in a sensitive and sensible manner.

Background information

Currently in Australia, most of the legislative standards for the handling of personal information under the *Privacy Act 1988* only apply to the Commonwealth public sector. The Commonwealth Government is now proposing to amend the *Privacy Act 1988* by extending the application of the Information Privacy Principles (IPP) to the private sector – the proposed amendments are contained in the *Privacy Amendment (Public Sector) Bill*.

The Victorian Government released the *Data Protection Bill 1998* based on the National Principles for the Fair Handling of Personal Information. The purpose of this bill was 'to establish a regime for the protection of personal information in the public and private sectors in Victoria'. The Bill contained 10 Information Privacy Principles which related to 'personal information' collected by organisations.

The Bill received its second reading in Autumn 1999, but lapsed when the new Government was sworn in, in Spring 1999.

Information Privacy Principles (IPPs)

The Information Privacy Principles within the *Privacy Act 1988* are divided into eleven categories that deal with the collection, management, disclosure, accuracy, access to and use of personal information. These Principles are supported by the National Principles for the Fair Handling of Personal Information, which were produced by the Privacy Commissioner to assist private sector organisations to develop voluntary codes of conduct to satisfy privacy legislation.

Implementation of the Privacy Policy at the College

Where records containing personal information are held in sections of the College, it is the duty of that Section Coordinator to take responsibility for the implementation of this policy by December 2000. The Coordinator may liaise with the Executive Assistant to the CEO and/or the Archivist.

Coordinators shall also ensure that members of the College are appropriately advised regarding their own personal information.

Implications of Privacy Legislation for members

College Staff will produce an article for the O&G informing members of their responsibilities arising from the *Privacy Amendment (Public Sector) Bill*, once it has been enacted.

General instructions

Regulations will be appended to the Privacy Policy outlining the manner in which the Privacy Policy applies to, and has been implemented, in each Section of the College.

The College Privacy Policy will be published in the College Statements booklet.

The Regulations relevant to each Section of College House are to be reviewed and updated before each biennial publication of the College Statements booklet.

References

1. Australian Privacy Charter
2. Office of the Privacy Commissioner, 'National Principles for the Fair Handling of Personal Information', January 1999

Policy

Collection of personal information

Personal information shall not be collected for inclusion in a record or generally available publication unless collected for a purpose directly related to a function or activity of the College.

Where the College collects personal information for inclusion in a record, the College must take all reasonable steps to ensure that the individual is made aware of

- the purpose for which the information is being collected
- any other person or body to whom the information may be disclosed for purposes related to the primary function of the College.

Management of personal information

A record keeper who has possession or control of a record containing personal information shall be responsible for the following:

- ensure that all reasonable safeguards are taken to ensure that the information is protected against misuse or loss and from unauthorised access, use, modification or disclosure
- take reasonable steps to notify the individual of the nature of the information held in the record and advise the steps necessary for the individual to obtain access to that information (where appropriate)
- maintain a register of the contents of the records of personal information kept; the purpose for which each type of record is kept; the period for which each type of record is kept; the persons who are entitled to have access to personal information in the record and the conditions under which they are entitled to have access
- take all reasonable steps to ensure that the information is accurate, up to date and complete
- where an individual seeks to alter a record, a statement by the individual that alteration was sought should be attached to the record.

Use and disclosure of personal information

A record keeper who has possession or control of a record that contains personal information shall not use the information:

- except for a purpose to which the information is relevant
- for any purpose other than that for which the information was obtained, unless
 - the individual has consented
 - the information is needed to prevent a threat to life or health
 - use of that information is required by law

14 September 1999

Amended 10 February 2000

Endorsed by Council, 26 February 2000
