

## **PRIVACY POLICY**

### **This Policy**

This policy is about how the Legal Services Commissioner handles personal information and health information.

The Legal Services Commissioner is required to manage personal information and health information in accordance with the *Information Privacy Act 2000* and the *Health Records Act 2001* (**the privacy laws**).

### **Definitions**

#### *Personal Information*

Personal information is recorded information or opinion, whether true or not, about an identifiable individual (excluding health information).

The Legal Services Commissioner handles the following types of personal information:

- complaints about practitioners;
- contact details of complainants;
- staff details.

This list is not exhaustive.

#### *Sensitive Information*

Sensitive information is a type of personal information. It includes information or an opinion about an individual's racial or ethnic origin, political opinions, trade union membership, religious or philosophical beliefs, sexual preferences or criminal record.

#### *Health Information*

Health information is information about an individual's physical, mental or psychological health.

### **The Legal Services Commissioner**

The Legal Services Commissioner is an independent statutory authority, established under the *Legal Profession Act 2004*.

The objectives of the Legal Services Commissioner are to:

- handle complaints against lawyers and law practices;
- educate the legal profession about issues of concern to the profession and to consumers of legal services;

- educate the community about legal issues and the rights and obligations that flow from the client-practitioner relationship.

The Legal Services Commissioner has two distinct roles with respect to the handling of personal information:

- the Legal Services Commissioner is a complaints handler and regulator of the legal profession;
- the Legal Services Commissioner is an employer.

This policy applies to both of these roles, so far as the law allows.

## Collection

The Legal Services Commissioner only collects personal information that is necessary for the performance of the functions or activities of her office or as permitted by law. The Legal Services Commissioner will only collect sensitive information and health information where the relevant individual has consented or as permitted by law.

On collecting personal information or health information, the Legal Services Commissioner will take reasonable steps to inform the relevant person about why the information is being collected, and how it will be handled. All forms/ documents that collect personal information or health information will include a “privacy collection statement”.<sup>1</sup>

## Use and Disclosure

The Legal Services Commissioner uses and discloses personal information and health information only for the primary purpose it was collected or where permitted by law (eg where a person consents).

## Data Quality

The Legal Services Commissioner is committed to ensuring that the personal information and health information her office handles is accurate, complete and up to date. The Legal Services Commissioner will conduct an information audit annually to ensure this occurs.

## Data Security

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<sup>1</sup> **\*Example Collection Statement** - The personal information/health information collected on this form is being collected by the Legal Services Commissioner for **[insert purpose and any law that requires the collection of the particular information]**. The personal information/health information will be used by the Legal Services Commissioner for that purpose or as permitted by law. The Legal Services Commissioner may disclose this information to **[insert organisations and why]**. If the personal information/health information is not collected **[insert main consequences]**. You may apply to the Legal Services Commissioner for access to and/or amendment of your own information.

The Legal Services Commissioner is committed to protecting the personal information and health information her office handles from misuse, loss, unauthorised access, modification or disclosure.

The Legal Services Commissioner will take reasonable steps to lawfully and responsibly destroy or permanently de-identify personal information and health information when it is no longer needed for any purpose (and where permitted by the *Public Records Act 1973*).

## **Openness**

The Legal Services Commissioner will provide a copy of this policy to any person who requests it.

## **Access and Correction**

Individuals have the right to seek access to their own information held by the Legal Services Commissioner and also to make corrections to it. Such a request will be handled under the *Freedom of Information Act 1982*.

## **Unique Identifiers**

A unique identifier is a string of characters, usually a number, used to identify particular individuals.

The Legal Services Commissioner will not assign, adopt, use, disclose or require unique identifiers from individuals except where necessary to enable the Commissioner to carry out her functions effectively. The Legal Services Commissioner will only use or disclose unique identifiers assigned to individuals by other organisations where permitted by the privacy laws.

## **Anonymity**

If it is lawful and practicable, the Legal Services Commissioner will provide individuals with the option of not identifying themselves when supplying information or entering into transactions.

## **Transborder Data Flows**

The Legal Services Commissioner will only transfer personal information outside of Victoria where permitted by the privacy laws.

## **Complaints**

If an individual has a question, concern or complaint regarding the way the Legal Services Commissioner handles his or her information, the individual can contact the Privacy Officer.

### **Other Bodies Bound by the Act – Contractors**

The Legal Services Commissioner provides some services through third party contractors. Where a contractor breaches the Act, the Legal Services Commissioner will be held responsible, unless the contractor has agreed to be bound by the privacy laws in an enforceable contract with the Commissioner.

### **Administration of Privacy**

The Legal Services Commissioner's Privacy Officer is Janet Cohen ((03) 9679 8001). The Privacy Officer will be responsible for receiving complaints and requests for access and correction. The Privacy Officer will also be able to provide advice to staff about the privacy laws.

\*Endorsed by the Commissioner on 22 January 2007.