

# Privacy Policy

The Victorian Legal Services Board and Commissioner (VLSB+C) respects the privacy of everyone's personal information and data.

We will ensure that:

- the collection and handling of personal information is responsible, transparent, and secure; and
- individuals are given information about their rights to access and (if necessary) to correct information that we, and any other organisations that provide services to us, hold about them.

We will keep personal information received or obtained by the VLSB+C confidential, except where it is necessary or appropriate to disclose the information in the performance of our statutory functions, or as otherwise authorised or required by law.

Any personal information collected by the VLSB+C, whether from a lawyer, consumer, an agency or a VLSB+C employee or contractor, will be handled in accordance with this policy.

## 1. Purpose

This policy outlines how we manage personal information. When we refer to 'personal information', we also include in our meaning, health information and data.

We are committed to protecting the community's information privacy through compliance with the:

- *Privacy and Data Protection Act 2014* (PDP Act)
- *Health Records Act 2001* (Health Records Act)
- *Legal Profession Uniform Law Application Act 2014* (Application Act), and the *Legal Profession Uniform Law* (Uniform Law).

## 2. Scope

The VLSB+C collects personal information on behalf of the Victorian Legal Services Board and the Victorian Legal Services Commissioner for the purpose of carrying out their statutory functions and associated activities, including research and educational activities.

This policy applies to all users of our services and our staff and contractors.

## 3. Description

The VLSB+C, regulates the legal profession in Victoria. While separate entities, the Victorian Legal Services Board (Board) and Victorian Legal Services Commissioner (Commissioner) function together as regulators.

We are allowed to share information to perform our functions. The Board and Commissioner are referred to together as 'we' or 'us' or 'VLSB+C', even though certain functions discussed in this Policy may be specific functions of the Board or Commissioner only.

## 4. Policy

We collect different types of information about individuals to fulfill our functions under the Application Act and the Uniform Law. We most commonly collect personal information, although on occasion we may collect health information or sensitive information. At times, other people provide personal, health, or sensitive information about individuals to us. All personal information is only used or disclosed in accordance with law, for example:

- where it is required to fulfill a function under the Application Act or Uniform Law, or
- with your consent, or
- otherwise in accordance with section 462 of the Uniform Law and the PDP Act (see section 4.14).

### 4.1 Collection of Personal Information – Information Privacy Principle 1

We only collect personal information necessary to fulfill our statutory responsibilities.

The kind of information collected depends on the statutory function being fulfilled. Generally, we collect the following kinds of personal information:

- name, address, contact information, date of birth – required for inclusion in our register of Australian legal practitioners and law practices
- bank account details for the trust account of a law practice
- personal bank records and information about dealings with lawyers for individuals making a claim on the Fidelity Fund or as required to resolve a complaint
- information relevant to a lawyer's fitness to hold a local practising certificate
- information required to conduct enquiries or handle or investigate complaints about lawyers, including personal information relating to complainants, and
- any other information required to regulate the legal profession.

### 4.2 Use and disclosure – Information Privacy Principle 2

We use and disclose personal information for the purpose for which it was given and with the consent of the individual to whom the information relates, or when and as authorised by law.

### 4.3 Data Quality – Information Privacy Principle 3

We take reasonable steps to ensure the personal information we collect and use is accurate, complete, and up-to-date. Where possible, we check the accuracy of personal information before we use it.

### 4.4 Storage and information security – Information Privacy Principle 4

We take reasonable steps to protect all information we hold against misuse, loss, unauthorised access, modification, or disclosure. Personal information is stored securely.

We are bound by the *Public Records Act 1973* and standards established under this Act, which set out the minimum period records should be retained and how they may be destroyed.

We take reasonable steps to destroy or de-identify personal information when no longer needed.

### 4.5 Openness – Information Privacy Principle 5

This Policy discusses transparently how we manage personal information. It is publicly available on our [website](#) or on request by contacting us using the contact details below. You may also use those details to request further general information about how we manage personal information.

#### 4.6 Access and Correction – Information Privacy Principle 6

We rely on you to ensure that personal information you provide to us is accurate, current, complete, and relevant. We also rely on you to advise us of any changes to such personal information.

Lawyers can update their details via LSB Online.

You can at any time request access to personal information held about you or corrections to such information. Requests should be addressed to:

 [privacy@lsbc.vic.gov.au](mailto:privacy@lsbc.vic.gov.au)

or

 Privacy Officer  
Victorian Legal Services Board and Commissioner  
GPO Box 492  
Melbourne VIC 3001

We may refuse to provide access to case-related personal information in certain circumstances, in accordance with the Application Act and Uniform Law and/or the *Freedom of Information Act 1982*. If access is refused, reasons will be provided. One example where refusal may occur is where a third party's privacy is involved.

#### 4.7 Unique Identifiers – Information Privacy Principle 7

We adopt unique identifiers for law practices and lawyers. It is necessary to assign unique identifiers for us to complete our legislative functions efficiently, such as issuing practising certificates.

We also use case numbers which are allocated to enquiries and complaints to manage and respond to enquiries and complaints.

#### 4.8 Anonymity – Information Privacy Principle 8

Where lawful and practicable, individuals may choose not to identify themselves when dealing with us.

#### 4.9 Trans-border data flows – Information Privacy Principle 9

We may transfer information about an individual to a third party outside of Victoria if the person consents to that transfer or where we reasonably believe that the third party is bound by laws or a scheme similar to the PDP Act. We may transfer details of a complaint we receive about a legal practitioner whose home jurisdiction is outside of Victoria to a corresponding regulator in that jurisdiction.

The Application Act and Uniform Law also specify circumstances where we may provide information to corresponding authorities in relation to the regulation of the legal profession.

#### 4.10 Sensitive Information – Information Privacy Principle 10

We will not collect sensitive information (as defined by the PDP Act and summarised at section 4.1 above) about an individual except

- with their consent;
- where the collection is required or authorised by law; or
- otherwise in accordance with the PDP Act, such as to prevent or lessen a serious and imminent threat to any individual's life or health.

Examples of sensitive information that we may collect include:

- an individual's membership of a professional or trade association (for example their professional accreditation); or
- a person's criminal record (for example in the consideration of suitability matters or where we carry out our own criminal investigations).

#### 4.11 Health information and the Health Records Act

We do not often collect health information directly. However, it may be collected where necessary for certain functions, such as assessing a lawyer's fitness to hold a practising certificate. We occasionally also receive health information in the course of processing complaints about lawyers.

We do not collect health information about an individual unless that individual has consented or the collection is otherwise authorised or required by law.

We handle any health information we collect as required by the Health Privacy Principles (Schedule 1 of the Health Records Act).

#### 4.12 Our public register of legal practitioners

We must keep a register of Australian legal practitioners whose home jurisdiction is Victoria (Victorian Register) and make it available to the public. We are also required to provide the Legal Services Council with information for inclusion in the Australian Legal Profession Register (Australian Register).

Both the Victorian Register and the Australian Register must:

- include the information required under the Uniform Law
- specify whether each practitioner is or is not a barrister, and
- include any other information required by the Application Act.

Collection, use, and disclosure of information for these public registers is to:

- enable the effective regulation of the legal profession by maintaining an up-to-date record of local practitioners
- protect consumers by enabling members of the public to check whether lawyers they are dealing with hold current practising certificates, and
- give members of the public a way to check other helpful information, including who the principals of law practices are, which entity is the employer of an employee legal practitioner, what languages a lawyer speaks, or area of law they specialise in, and whether or not any particular practitioner is a barrister.

#### 4.13 Our public register of disciplinary action

We are required by the Application Act to keep a register of disciplinary action.

This register is available on our [website](#). It may also be provided to the public in any other form approved by us.

#### 4.14 Disclosure of certain information under s462(1) of the Uniform Law

The Application Act and Uniform Law guide how we collect, use, and disclose information. Section 462(1) of the Uniform Law prohibits disclosure to any person, directly or indirectly, of information obtained in the implementation or administration of the Uniform Law or *Legal Profession Uniform General Rules 2015* (Uniform Rules) – unless permitted to do so under section 462(2).

Where the Application Act and Uniform Law are silent about the collection, use, or disclosure of information, we collect, use, and disclose information in accordance with the PDP Act and its Information Privacy Principles (Schedule 1 of the PDP Act) (IPPs).

## 5. Complaints Regarding Breach of Privacy

We treat complaints seriously and will try to resolve them fairly and quickly. If you make a complaint, we will work with you to resolve your complaint and keep you informed of its progress.

If you wish to make a complaint against us for a breach of privacy under the PDP Act you should first contact our Privacy Officer.

Our Privacy Officer can be contacted on:

 (03) 9679 8152

 [privacy@lsbc.vic.gov.au](mailto:privacy@lsbc.vic.gov.au)

If you feel your privacy concerns have not been addressed, you can make a complaint by contacting the Office of the Commissioner for Privacy and Data Protection.

The Office of Victorian Information Commissioner can be contacted on:

 1300 006 842

 [enquiries@ovic.vic.gov.au](mailto:enquiries@ovic.vic.gov.au)

 PO Box 24274  
Melbourne VIC 3001

## 6. Definitions

Term	Definition
<b>Personal Information</b>	Information or an opinion about an individual whose identity is apparent or can reasonably be ascertained — that is recorded in any form whether or not the information or opinion is true.
<b>Health Information</b>	Information or an opinion about the physical or mental health or disability of an individual.
<b>Sensitive Information</b>	Information or an opinion about an individual relating to their: <ul style="list-style-type: none"> <li>• racial or ethnic origin</li> <li>• political opinions</li> <li>• membership of a political association</li> <li>• religious beliefs or affiliations</li> <li>• philosophical beliefs</li> <li>• membership of a profession or trade association</li> <li>• membership of a trade union</li> <li>• sexual preferences or practices</li> <li>• criminal record.</li> </ul>

## 7. Approval

<b>Version</b>	2.0
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<b>Owner</b>	Executive Director, Shared Services & Digital Transformation
<b>Author</b>	Manager, Corporate Governance
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