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# Privacy Policy

September 2013

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# Introduction

Victoria's privacy laws regulate how Victorian government bodies use and disclose personal information in Victoria. They provide for the collection, use, disclosure, transfer, access, correction and disposal of personal and health information. WorkSafe and our contracted service providers are bound by these laws when handling any personal and health information.

Privacy laws protect:

- **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'.
- **Health information** is a type of personal information that relates to the health or disability of an individual, the provision of health services to the individual or the individual's expressed wishes about the provision of health services. It also includes information collected in providing a health service or in connection with organ donation.
- **Sensitive information** is a type of personal information. It includes information about a person's racial or ethnic origin, political opinions, membership of a political association, religious beliefs or affiliations, philosophical beliefs, membership of a professional or trade association or trade union, sexual preferences or practices and criminal record.

In this document, "personal information", includes "health information" and reference to "WorkSafe" also includes "Agent" where applicable (for instance, injury claim management under the accident compensation scheme).

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# Collection, anonymity and unique identifiers

We collect personal and health information if it is necessary for us to carry out our functions or activities. This includes the management of Victoria's WorkSafe Injury Insurance scheme, occupational rehabilitation and workplace health and safety systems.

WorkSafe may collect personal or health information about an individual in a number of situations, including (but not limited to):

- receipt, processing, assessment and management of a worker's injury claim made under Victorian workers compensation legislation (see *Worker's Injury Claim Form*);
- applications for or to obtain an authorisation or licence under the *Occupational Health and Safety Act 2004*, the *Dangerous Goods Act 1985*, the *Equipment (Public Safety) Act 1994* and other laws and associated Regulations;
- incident notifications by employers and other persons;
- visits, inspections and reports on incidents and/or accidents in workplaces;
- provision of services and benefits to injured workers and/or employers;
- assessment of insurance requirements or premiums for employers;
- receiving or handling of complaints, reports and requests for information from members of the public, other government department or agencies, or the Minister;
- handling general correspondence and information about workers compensation or occupational health and safety;
- receiving or processing requests for access to information made under Victorian worker's compensation legislation or freedom of information legislation;
- in the supply of products or services;
- applications for a job or employment with WorkSafe;
- response to surveys, participation in focus groups, events or research undertaken by or on behalf of WorkSafe;
- referrals from other agencies or authorities;
- visiting WorkSafe's website or communicating with WorkSafe, including online.

Information may be collected by WorkSafe directly from an individual, by agents or by contracted service providers acting on behalf of WorkSafe. WorkSafe contracted service providers are required to comply with the Information Privacy Principles (IPPs) and the Health Privacy Principles (HPPs) contained in privacy laws.

WorkSafe collects personal and health information that an individual provides in relevant forms including worker's injury claim forms, authorisation and licence applications, renewal and/or other forms (the forms). Collection directly from the individual is not always practicable. We may collect personal or health information from employers (current and previous), other government agencies, credit reporting agencies, health service providers and other persons or organisations who can provide information

# Collection, anonymity and unique identifiers

required for us to perform our functions. We may also collect personal and health information about individuals from solicitors, private investigators and others including:

- the workers' employer at the time of their injury, previous and subsequent employers;
- return to work officers and other workplace related support officers;
- our authorised agents and contracted service providers, including Independent Medical Examiners, Occupational Rehabilitation and other approved service providers;
- other government and regulatory agencies, including emergency and law enforcement agencies;
- hospital, ambulance, health, rehabilitation and return to work service providers;
- investigators, credit reporting agencies
- other persons (including other workers' claims) and/or organisations from which information relevant to our functions, including detecting and prevent fraud from improper or unlawful claims, applications, improper billing or invoices for the provision or delivery of services or products.

When WorkSafe collects personal and health information from individuals, we provide them with information identifying us and about:

- the purposes for which personal and health information is collected
- the types of persons and organisations to which such information would usually be disclosed
- any law that requires, authorises or permits its collection
- any consequences if the information is not provided, and
- the person's rights of access to that information.

This information is set out in the collection statement on the relevant forms, registration or any other document/mechanism used to collect their information. If, it is necessary for us to collect, use or disclose information in circumstances that are not covered in that collection statement, we will try to ensure that the individual is made aware of how and why we need to use that information. However, WorkSafe is not required to do this in a number of situations, including (but not limited to):

- where WorkSafe has the express or implied consent of the individual;
- where WorkSafe is otherwise required, authorised or permitted by law to do so;
- when WorkSafe receives information in confidence;
- when WorkSafe collects certain information because it believes it is necessary for it to carry out a law enforcement, workplace inspections and investigation activities;
- where the information is collected in connection with legal proceedings;
- where doing so would pose a serious threat to the life or health of any individual.

If it is practicable, individuals may be anonymous when contacting WorkSafe e.g. when making general inquiries about services or notifying of a health and safety risk at a workplace. In some cases, if individuals wish to maintain anonymity, WorkSafe may not be able to provide services, respond to complaints or investigate incidents.

Individuals should consider when contacting WorkSafe whether they wish to remain anonymous or provide their personal details and/or whether they seek confidentiality in respect to their complaint. WorkSafe generally treats all complaints and reports as confidential, unless stated otherwise, but does not warranty or promise it can maintain

## Collection, anonymity and unique identifiers

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absolute confidentiality due to other legal obligations and/or prevailing public interests.

WorkSafe does not assign unique identifiers to individuals unless necessary to perform its functions, for example, injury claims or licence and registration numbers. These are necessary to manage claims, licences and in general the injury support and health and safety schemes effectively, efficiently and economically.

# Use and disclosure

Personal and health information is used and/or disclosed for the primary purpose for which it was collected and in connection with the administration or enforcement of Victorian workers compensation legislation, occupational health and safety legislation and associated laws and regulations. Potential uses of personal information include, but are not limited to:

- assist workers and employers with occupational rehabilitation and return to work services, including planning, assessments, support and obligations;
- assess claims and verify information to ensure the appropriate entitlements and benefits to injured workers, including clinical or independent reviews of injury treatment or other services and support for workers receiving benefits;
- manage the accident compensation scheme as effectively and efficiently and economically as is possible;
- detect improper or unlawful claims, invoices for the provision or delivery of services or products and prevent fraud;
- evaluate and improve injury claim processes and delivery of injury services and support generally;
- process, assess and manage applications, licences and/or registrations required under law;
- visit and inspect or investigate workplaces on issues arising out of a claim, an accident or following up from a complaint or incident notification;
- for or in connection with compliance and law enforcement functions, including in legal proceedings;
- preparing responses to parliamentary questions or inquiries, independent regulators, ministerial correspondence;
- purposes required, authorised or permitted by law (e.g. taxation, Centrelink, courts);
- other purposes authorised/consented by the individual themselves,

Personal information collected may be disclosed to others, including to:

- authorised agents or self-insurers relevant to the claim;
- approved service providers, consultants, contracted service providers, including private investigators engaged by WorkSafe;
- the worker's or licence holder's current, past or future employers;
- employers and/or their representatives, employee representative organisations and others as necessary and relevant to perform duties and exercise functions in connection with visits, inspections or investigations of workplace health and safety incidents, risks, complaints or reports.

# Use and disclosure

- lawyers and other professional advisers engaged by WorkSafe; courts or tribunals, the Accident Compensation Conciliation Service, commissions and other regulatory authorities (in Victoria or interstate) e.g. Ombudsman Victoria, Auditor General, Commissioners;
- medical, including independent medical examiners, health and occupational rehabilitation service providers under the legislation administered by WorkSafe;
- Commonwealth and other state accident compensation and health and safety agencies and other public or regulatory authorities that request information relevant to benefit or a claim or a matter. These include the Transport Accident Commission, Centrelink, Medicare, Child Support Agency, the Australian Taxation Office, emergency or law enforcement agencies);
- government agencies and private organisations that can assist WorkSafe detect improper or unlawful claims, invoices for the provision or delivery of services or products and prevent fraud;
- WorkSafe's Institute for Safety, Compensation and Recovery Research (ISCRR) or other research institutes who have Human Research and Ethics Committee approval to conduct research in accordance with the National Standard on Ethical Conduct in Research Involving Humans published by the National Health and Medical Research Council and relevant guidelines of the Health Services Commissioner.
- publishing (including on the internet) prosecution outcomes to highlight, educate deter non-compliance of health and safety and accident compensation laws (Prosecution Guidelines are available on [www.worksafe.vic.gov.au](http://www.worksafe.vic.gov.au));
- others, with the consent of the individual, including health insurance and financial institutions or superannuation funds;
- referral to professional bodies regulating practitioners (e.g. Medical Boards, Australian Health Practitioners Regulation Agency, Legal Services Commissioner)
- for purposes of responding to parliament, independent regulators, ministerial correspondence or others;
- if required, authorised or permitted by law (e.g. freedom of information (FOI) laws, subpoena, notice to produce, etc);
- other purposes authorised by the individual themselves.

In processing and determining a claim WorkSafe/agents, may disclose personal or health information to a private investigator to carry out investigations or surveillance and make other inquiries about individuals as part of processing or managing a claim or to pay benefits and provide support services. Private investigators and contracted service providers are required to comply with privacy laws and any other applicable laws. Private investigators must comply with the *Surveillance Devices Act 1999* and WorkSafe's Code of Practice for Private Investigators.

It is not the general practice of WorkSafe, its inspectors or investigators to disclose the personal details of individuals reporting health and safety risks at a workplace, including their own. WorkSafe does not warranty or may not be able to maintain absolute confidentiality due to other legal requirements or prevailing public interest. Individuals should understand that depending on the facts and circumstances of a complaint or report, employers, organisations or others may themselves identify or presume the identity of a complainant even where WorkSafe had not disclosed any identified or identifiable details of the complainant. This could be the case, for example, in small workplace environments, elements and knowledge of the risk/issues involved, previous conduct or complaint handling internal to the organisation or at the workplace level, position/job role within a workplace.



# Use and disclosure

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WorkSafe may also disclose personal information or health information outside Victoria if it is necessary to perform its functions and activities and in a manner consistent with this policy and the Victorian privacy laws.

## **Collaboration or shared services arrangements**

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In order to achieve its objectives, to better perform its functions and to deliver more efficient and effective services to workers, employers and the community WorkSafe may enter into collaborative arrangements with other public agencies. These include the Transport Accident Commission (TAC), the State Revenue Office and other welfare, health and safety or agencies with law enforcement functions.

These arrangements assist data analysis and matching, auditing and investigating individuals, employers, providers and others and disclosure of personal or health information to relevant authorities and/or courts. Among others, these include:

- ensuring that injured workers who are eligible to receive compensation from WorkSafe and/or agencies such as the TAC have access to efficient and effective health care, disability and return to work services;
- detecting and prevent fraud from improper or unlawful claims or applications;
- detecting and prevent fraud from improper billing of health or non-health services or products;
- detecting and prevent risks to the health, safety and welfare of individuals and the public from unsafe workplace practices;
- conducting joint investigations and prosecutions with other agencies;
- improving the process and management of injury claims and applications in general;
- monitoring, evaluating and improving programs and services.

# Data quality and security

WorkSafe Victoria takes reasonable steps to ensure that personal and health information held is accurate, complete and up-to-date. WorkSafe relies on individuals to provide accurate and current information in the first instance and to inform of changes in their details or circumstances relevant to services provided under the schemes administered by WorkSafe.

Personal and health information is stored and retained in accordance with the WorkSafe records retention and disposal schedule (see Public Records Office of Victoria at [www.prov.vic.gov.au](http://www.prov.vic.gov.au) or call 9348 5600 or email [enquiries@prov.vic.gov.au](mailto:enquiries@prov.vic.gov.au)). Some records are maintained for short periods after a matter has been finalised, other records, for example, claim files are held for longer periods as these are likely to be required for ongoing assessment and management of a claim and the provision of entitlements and services under law, future entitlements, disputes or legal proceedings.

# Accessing or correcting your personal or health information

Requests for access to, or correction of, documents held by WorkSafe are processed under Victorian workers compensation legislation for requests injured workers for information in relation to their claim and Victorian freedom of information legislation for all requests by any person.

The FOI legislation sets out the process for seeking access to documents or correction of documents obtained under FOI laws. Disclosure to documents under FOI laws is subject to certain exemptions. For instance, if providing access would involve unreasonable disclosure of the personal affairs of another person, documents may be withheld. Detailed information about the FOI process, timeframes and application forms, fees and charges are available online at [www.worksafe.vic.gov.au](http://www.worksafe.vic.gov.au) under access to information websites.

Workers seeking access to information or, if required correction to personal information, in relation to their injury claim should contact the agent managing their claim. For a list of contact details for all of WorkSafe agents, visit the WorkSafe website. Workers who wish access or correction to medical or occupational rehabilitation reports prepared by Independent Medical Examiner (IME) or the Occupational Rehabilitation (OR) Provider have the right to seek access directly from the relevant IME/OR provider who prepared the report. All other requests not related to an injury claim should be made in writing to FOI Team, WorkSafe Victoria, GPO Box 4306, Melbourne Vic 3001.z

# Website and e-mail

WorkSafe owns and operates a website under the domain name 'www.worksafe.vic.gov.au'. We encourage people to use our Website to find out information about us and to contact us. Information about the protection of privacy of people who visit our website, add or transmit information through our website and across the internet, or send us email is set out in WorkSafe's Website Privacy Statement, which can be accessed through our website.

WorkSafe takes reasonable steps to protect that information from misuse, loss and from unauthorised access, modification or disclosure. If you are concerned about conveying sensitive material to us over the internet, you might prefer to contact us by telephone or post.

Please note that there are risks in transmitting information across the Internet. So while WorkSafe endeavours to protect personal information, it cannot ensure or warrant the security of any information transmitted to it online and individuals do so at their own risk.

Any information that is added to our or any other website can be picked up and stored on the internet by search engines like Google or Yahoo. This is not in WorkSafe's control, but is an automatic process. Sending or publishing information to the internet places that information in the public domain, where it can be picked up by search engines, even if removed by WorkSafe or the website owner or publisher.

WorkSafe does not endorse or take any responsibility for external (third party) sites you visit via links to its websites.

# WorkSafe Facebook and Twitter

WorkSafe is a registered Facebook and Twitter (social networking sites) user. It has agreed to their terms of service but has no relationship or contract with either Facebook or Twitter apart from being a registered user.

WorkSafe social networking sites are **not intended** for the receipt of enquiries, complaints or reports about workplace health and safety risk or accident compensation matters. These can be made via other methods described on its website.

Any information or messages you place on WorkSafe social networking sites are treated as publicly available. Messages or replies that contain confidential or personal details (e.g. in relation to a possible complaint or injury claim) will not be responded publicly. In those instances, the user should direct their complaint or enquiry to WorkSafe via a more secure method described on the website.

If you visit, like or follow WorkSafe on any of its social networking sites, messages or tweets these will cover some or all of the following types of content information and alerts about:

- workplace health and safety and return to work matters, risks or incidents;
- new content on our website (new guidance materials, publication of newsletters etc);
- Information about events which WorkSafe co-ordinates or participates in or promotes;
- Re-tweets from other Twitter users which have a relevance to WorkSafe activities;
- Links to news stories which concern issues relating to WorkSafe's functions;
- Links to the activities of other authorities with functions similar to those of WorkSafe.

If you follow *@WorkSafe\_Vic*, WorkSafe may not automatically follow you back. WorkSafe discourages the use of direct messaging and aims to prevent electronic spam.

WorkSafe may follow other Twitter users at its sole discretion. Followed by *@WorkSafe\_Vic* does not imply endorsement of any kind.

WorkSafe's Facebook page and *@WorkSafe Vic* Twitter account are monitored and maintained during office hours only (Monday to Friday). They may occasionally be unavailable. WorkSafe accepts no responsibility for lack of service due to downtime.

WorkSafe welcomes feedback and may join in conversation at its sole discretion. WorkSafe is not able to and will not reply individually to all messages received via its social networking sites and makes no guarantee or representation to do so.

## WorkSafe Facebook and Twitter

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You choose your own names and your participation is voluntary. This can be anonymous or it can identify you. It is possible to communicate with WorkSafe through the use of Twitter account names, which can be anonymous. However, when using any of its social networking sites, WorkSafe may collect your personal information if you reply to its tweets or if you send a direct message and your account name or display name is not anonymous. Personal information about you or other people may also be contained in your tweet. All personal information will be managed as per WorkSafe's Twitter Policy and Privacy Policy.

Collection of your personal information on WorkSafe social networking sites may be used for promoting and making public statements about workplace health and safety, receiving and inviting representations from members of the public on any matter affecting its functions, gathering information that will assist it to carry its functions and achieve its obligations and statutory objectives.

# Enquiries about privacy and changes to this policy

If you wish to know more about privacy you please go to WorkSafe's privacy section online at [www.worksafe.vic.gov.au](http://www.worksafe.vic.gov.au), or visit Privacy Victoria at [www.privacy.vic.gov.au](http://www.privacy.vic.gov.au) or the Office of the Health Services Commissioner at [www.health.vic.go.au/hsc/](http://www.health.vic.go.au/hsc/).

This policy is subject to change at any time without prior notice. Please visit this site regularly as printed/hard copies may not be up to date.

# Making a complaint

If you believe WorkSafe or an Authorised Agent handled your personal information in a manner that is inconsistent with this Policy or a privacy principle, you can complain to:

- The Privacy Officer of the Agent managing your injury claim if it relates to your Agent practices or actions. For contact details go to [www.worksafe.vic.gov.au](http://www.worksafe.vic.gov.au).
- The service provider (IME, OR) if the complaint relates to their actions or WorkSafe's IME Services Branch or Return to Work Branch who will refer the complaint in full to the relevant IME/OR to provide their response.
- WorkSafe Privacy at [privacy@worksafe.vic.gov.au](mailto:privacy@worksafe.vic.gov.au) if it relates to its actions.

Complaints submitted to WorkSafe about the actions of an Agent or a service provider will be referred to the relevant agent or service provider for response directly to the complainant.

WorkSafe aims to respond to privacy complaints as soon as practicable but in any event within 28 days of their receipt or after all necessary/relevant information has been provided. This timeframe does not apply to complaints about the conduct of Investigators or Inspectors or allegations of offence of accident compensation or occupational health and safety laws.

Where possible, WorkSafe permits individuals to remain anonymous where it is lawful and practicable. In some circumstances, however, it may not be practicable or possible to provide complainants with this option or to give assurances of confidentiality for service requests or compliant handling purposes. WorkSafe may need to or may be under a legal obligation to disclose a complainant's identity and allegations and communications (in full or in part) to the relevant person, organisation or service provider so that they could provide a proper response or defend allegations against them. This could be the case, for example, where a complaint is specifically concerned about:

- Their own injury claim management and return to work or injury treatment,
- Allegation against individuals at a workplace (e.g. bullying),
- An assessment by an IME, OR, another provider,
- The way they had been treated by a WorkSafe employee or service provider.

If you are not satisfied with the response to your complaint, you may contact the Privacy Commissioner (for personal information) see [www.privacy.vic.gov.au](http://www.privacy.vic.gov.au) or the Health Services Commissioner (for health information) see [www.health.vic.gov.au/hsc](http://www.health.vic.gov.au/hsc).



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## WorkSafe Victoria

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