



Privacy Policy

Policy Owner: Royal Botanic Gardens Board

Date approved: 9 April 2024

Reviewing Officer: Chief Information Officer

POLICY STATEMENT

The Royal Botanic Gardens Victoria (RBGV) ensures that personal information is collected and managed in a responsible manner and in accordance with the *Privacy and Data Protection Act 2014* (PDP Act) for the protection of public, workplace participants and donor data safety.

RBGV abides by the Information Privacy Principles set out in the *Privacy and Data Protection Act 2014*.

Information relating to a person's health or wellbeing will only be collected if it is necessary for RBGV functions and activities or would lessen or prevent a threat to the wellbeing of an individual. Any health records are managed in compliance with the *Health Records Act 2001 (HR Act)*.

Any personal, sensitive or health information collected by RBGV will be handled according to this policy.

CONTEXT

In the course of its services and duties, RBGV at times collects and uses personal, sensitive and health information from its workplace participants, customers, donors, business partners and the community to ensure that RBGV's assets and services are managed to secure social, environmental, and economic benefits for both current and future generations.

In this Privacy Policy, reference to personal information includes sensitive and health information.

The *Privacy and Data Protection Act 2014* and the *Health Records Act 2001* provide a legal framework to support an appropriate balance between the free flow of information for the public good and the protection of individuals' privacy.

APPLICATION

This Policy applies to all RBGV employees and workplace participants, and all physical and digital sites of RBGV (including RBGV websites). All employees and workplace participants will need to be aware of, and to comply with this Policy whenever they handle personal information or carry out surveillance camera (CCTV) or other surveillance-related work, e.g., drone surveys (whether such information relates to clients, employees or any other individual).

All consultants, contractors, subcontractors, and third-party providers (including information technology contractors who process data on behalf of RBGV) must be provided with and adhere to this Policy.

POLICY PRINCIPLES

Privacy and Data Protection

1. RBGV values and protects the personal information it collects in line with its philosophy of striving to provide excellent community service and business governance.
2. RBGV will always consider the welfare and protection of Board members, employees, contractors, volunteers, donors, and members of the public in collecting and protecting their data.
3. RBGV will adhere to the Information Privacy Principles under the PDP Act as follows:

Collection of Personal Information

RBGV only collects personal information that is necessary for its functions or services, including information for managing or administering such functions or services.

Wherever possible, collection notices are made available at the time of collecting information.

Should RBGV need to collect sensitive or health information, the consent of the individual will be sought.

Use and Disclosure of Personal Information

RBGV will use information only for the purpose for which it was collected, or for a related purpose that would be reasonably expected by the individual (in the case of sensitive information, it will only be used for a directly related purpose), unless the individual has consented to another specific use.

In some circumstances RBGV may be required or authorised by law to release information to other government agencies, including law enforcement bodies. For example, disclosure may be permitted to prevent a serious threat to an individual's life, health, safety, or welfare.

Data Quality

RBGV takes reasonable steps to ensure that the personal information it holds is accurate, complete, and up to date.

Data Security

RBGV takes reasonable steps to protect personal information from misuse, loss and unauthorised access, modification, or disclosure. Personal information is securely destroyed or de-identified when it is no longer necessary, in accordance with Public Record Office Victoria Standards

Openness

Upon request, RBGV will take reasonable steps to advise an individual about the type of personal information it holds about them, for what purposes it will use or has used the information, and how it collects, holds, and discloses the information.

Access and Correction

Individuals may request access to or correction of personal information that is held about them by RBGV.

In some cases, requests for access or correction will be handled in accordance with the *Freedom of Information Act 1982 (Vic)*.

If a request for access to, or correction of, information is refused, reasons for this will be provided.

Unique Identifiers

RBGV will not assign, use, or disclose unique identifiers to individuals unless it is necessary to do so to efficiently carry out one of its functions. Nor will RBGV use, as its own identifier, an identifier assigned by another organisation for another purpose.

Anonymity

Wherever practicable and lawful RBGV will seek to allow an individual to interact anonymously with the organisation.

Transfer of Information outside Victoria

RBGV will only transfer personal information outside the State of Victoria where this is required for the purpose for which it was collected or if required by law and will seek to ensure that it is afforded the same level of privacy protection it would receive in Victoria.

Sensitive Information

Special protection is given to information that is considered sensitive. RBGV will only collect sensitive information in limited circumstances where the individual has consented, or it is required by law.

Surveillance activities

Consistent with the Guidelines to surveillance and privacy in the Victorian public sector, RBGV will only carry out surveillance activities that are necessary, proportionate, and for a legitimate purpose related to the activities of the organisation. In general, surveillance activities at RBGV are limited to:

- CCTV cameras in areas of significance
- Deidentified visitation data

RBGV takes reasonable steps to inform individuals of the use of surveillance devices through the use of signage at surveilled locations.

The information collected by RBGV, or third-party suppliers is securely stored and only accessible by employees with responsibility for security services.

Access to surveillance may be provided to Police for the purpose of investigating a breach of the law. All other requests for access to surveillance are processed under the *Freedom of Information Act 1989 (Vic)*.

Information gathered through surveillance activities will be deleted in accordance with the timeframes mandated under the *Public Records Act 1973* and RBGV's Retention and Disposal Authorities as issued by the Public Records Office Victoria.

Privacy Impact Assessment

When implementing or reviewing programs that involve the handling of personal information, a Privacy Impact Assessment will be undertaken to identify, assess, and mitigate the impact a program may have on the privacy of individuals as per the Information Privacy Principles.

DEFINITIONS

Collection Notices are statements provided to an individual at or before the time an organisation collects information from them (or if that is not practical, as soon as possible after the information is collected). A collection notice explains the purpose for which the information is collected, how the organisation will use and handle the information, and if there are any consequences of not providing the information.

Health Information is defined in the *Health Records Act 2001* and is information or an opinion about the physical, mental health or disability of an individual, or any other personal information related to an individual's health, such as the provision of health services.

Personal Information is defined in the PDP Act as information or an opinion about an individual from which the individual can be identified or whose identity could reasonably be ascertained. The PDP Act allows some exemptions to its application in relation to personal information for law enforcement purposes and for information that is in the public domain, such as information on a public register, museum exhibit, or other generally available publications. Examples of personal information the RBGV might collect include a person's address, employment, and financial details.

Sensitive Information is a subset of personal information. It is information or an opinion that relates to an individual's racial or ethnic origin, political opinions or associations, religious beliefs or affiliations, philosophical beliefs, trade union or professional associations, sexual preferences or practices, or criminal record.

Surveillance is the deliberate or purposive observation or monitoring of a person, object, or place. (as defined by the Victorian Law Reform Commission).

Unique Identifier is a code of alphabetical characters and numerals (not a person's name) which is applied to an individual or other information related to an individual and which distinguishes them from other individuals, for example a driver's licence number.

Workplace Participant includes (but is not limited to) employees, Board members, current and prospective contractors, job applicants, subcontractors, consultants, service providers, trainees, university and work experience students, contingent workers, agency staff and union officials, who either seek to perform, or perform work for or on behalf of RBGV.

BREACH OF POLICY

Complaints for alleged breaches of privacy rights should be made to the RBGV's Privacy Officer who will try to resolve the issue. If the issue cannot be resolved the complaint can be directed to the Office of the Victorian Information Commissioner (OVIC) who will attempt to resolve it. Contact details for OVIC are as follows:

phone: 1300 006 842

email: enquiries@ovic.vic.gov.au

website: ovic.vic.gov.au

Data and privacy breaches by RBGV employees will be addressed via the appropriate channel subject to whether it is determined to be unsatisfactory performance or misconduct.

RELATED DOCUMENTATION

- Code of Conduct for Victorian Public Sector Employees
- Freedom of Information Policy
- Freedom of Information Procedure
- Privacy Procedure
- Records Management Policy
- Records Management Procedure
- Surveillance Camera Management of Records Procedure
- Child Safe Code of Conduct
- Child Safe Policy

FURTHER INFORMATION

- *Administrative Law Act 1978*
- Australian Standard 4806.1-2006 (R2015) Closed circuit television (CCTV) management and operation
- *Charter of Human Rights and Responsibilities Act 2006*
- *Freedom of Information Act 1982*
- OVIC Guiding Principles for Surveillance
- Guiding Principles based on the Information Privacy Principles in the PDP Act
- *Health Records Act 2001*
- *Privacy and Data Protection Act 2014*
- *Public Records Act 1973*
- Public Records Office Standard (PROS) 10/04 – Retention & Disposal Authority for Records of the Royal Botanic Gardens Board
- *Victorian Civil and Administrative Tribunal Act 1998*

CONTACT

Further queries, including requests for access to personal information, and registering of complaints where an individual believes that their privacy has been breached or interfered with in any way should be directed to:

Privacy Officer

Sarah Boswell, Chief Information Officer

Royal Botanic Gardens Victoria

Private Bag 2000

SOUTH YARRA VICTORIA 3141

Telephone: (03) 9252 2300

Email: privacy@rbg.vic.gov.au

VERSION CONTROL

Policy Name	Version No.	Approved By	Date
Information Privacy Policy	1	CMG - 2002	10 September 2002
Privacy Policy	2	CMG - 04/2004	13 July 2004
Privacy Policy	3	CMG - 04/2004	December 2004
Privacy Policy	4	Executive Team - 01/2016	5 April 2016
Privacy Policy	5	Royal Botanic Gardens Board	16 December 2020
Privacy Policy	6	Royal Botanic Gardens Board	9 April 2024

REVIEW

This policy will be reviewed every three years or earlier as required.