

Title:	Privacy Policy		
Document No:	035		
Prepared by:	Manager Corporate Information		
Document Owner:	CEO		
Document Owner Contact Details:	1300 022 298	Email: enquiries@gmct.com.au	
Authorised by:	Trust	Date First Adopted:	June 2010
Version	03.00	Date This Version Approved:	September 2015
Next Review Date:	01/09/2018	Revocation / Sunset Date:	01/09/2018
Category	1		

1 Introduction

1.1 Purpose

This policy outlines GMCT's commitment to the appropriate collection, management, use and disclosure of *personal information*.

This Policy explains how the GMCT will collect, hold, use and disclose personal information, how individuals can gain access to personal information, correct inaccuracies within that information, and make complaints about possible breaches of privacy.

1.2 Scope

All GMCT employees, Trust Members, consultants and contractors have a responsibility to carry out their duties with regard to this policy and all relevant Privacy legislation.

2 Policy Statement

The GMCT collects and handles personal information in compliance with its obligations under the *Cemeteries & Crematoria Act 2003*, the *Privacy and Data Protection Act 2014* (Vic) and the *Health Records Act 2001* (Vic).

3 Policy Details

3.1 Collection and handling of Personal Information

The GMCT collects and handles information for the purposes of providing services under the *Cemeteries and Crematoria Act 2003* or to carry out our other business functions. The nature of our services means that some of the information we handle may be personal or sensitive in nature.

We also collect personal information for planning, monitoring and evaluating our services and functions. Where practicable we remove identifying details from information used for these purposes.

3.2 Rights and Responsibilities

Privacy principles protect personal information both as a matter of individual right, and to support the public interest in ensuring government can collect information necessary for its services.

The GMCT recognises the right of individuals to have their information handled in ways which they would reasonably expect – protected on the one hand, and made accessible to them on the other.

3.3 Privacy Principles

We are bound by the *Privacy and Data Protection Act 2014* (Vic) and the *Health Records Act 2001* (Vic) as well as other laws which impose specific obligations in regard to the handling information.

We have adopted the Privacy Principles contained in the Victorian privacy laws as minimum standards for the handling of personal information. In broad terms this means that we:

- collect only information which we need for a specified primary purpose;
- ensure that the person knows why we collect it and how we will handle it;
- use and disclose it only for the primary or a directly related purpose, or for other purposes with the person's consent (or as otherwise authorised by law);
- store it securely, protecting it from unauthorised access;
- retain it for the period authorised by the Public Records Act 1973; and we
- provide the person with access to their own information, and the right to seek its correction.

A summary of the Privacy Principles appears at Appendix 1 to his Policy.

3.4 Access to Personal Information

Requests for access to personal information will be managed in the following ways:

- For personal information in our possession, this right is available through the *Freedom of Information Act 1982*.
- For personal information in the possession of our service partners, this right is available through privacy legislation.
- The Cemeteries and Crematoria Act 1983 provides a right of access for researchers to records relating to: deceased persons; cremations and interments; and Rights of Interment (ROIs).
- Requests for 'non-personal' records created later than 05 May 1978 will be managed via the *Freedom of Information Act 1982*.

3.5 Consent

The Privacy Principles permit a wider range of collection, use and disclosure of personal and health information with the consent of the person to whom the information pertains.

Consent must be voluntary, informed, specific and current.

It is GMCT's understanding that when a customer seeks our services and provides personal information to GMCT either directly or via a funeral director, then that customer has given consent to collect, use and disclose personal information for the purpose of providing those services.

The same occurs when an individual applies for employment with the GMCT.

4 Handling of Complaints Regarding Breaches of Privacy

Victorian Privacy Legislation provides that individuals must be able to make a complaint if they feel the GMCT has breached the Privacy Principles.

Individuals wishing to make a complaint may:

- Contact and discuss the situation with the Regional Manager for the cemetery concerned.

- Contact the GMCT's head office on 1300 022 298.
- Provide written feedback via post addressed to the GMCT Privacy Officer at: GPO Box 42, Fawkner 3060, or via email to: enquiries@gmct.com.au
- Ask the GMCT to arrange an interpreter if assistance with language translation is needed.
- Access further information regarding our customer charter via the GCT Website

Monitoring of resolution of complaints is the responsibility of the Privacy Officer and the CEO.

4.1 Complaints about other service providers

The GMCT works closely with other service providers, including funeral directors, stone masons, community groups and faith-based organisations. Concerns about the management of personal information held by any of these external organisations should be raised directly to that service provider.

4.2 External avenues of redress

A petitioner can seek further information and advice on the resolution of complaints from:

The Victorian Commissioner for Privacy and Data Protection

Ph: 1300 666 444

Web: www.dataprotection.vic.gov.au

The Office of the Health Services Commissioner

Ph: 1800 136 066

Web: www.health.vic.gov.au/hsc

5 Implementation and Monitoring

All GMCT employees will be educated regarding the contents of the revised Privacy policy and receive ongoing education.

6 References & Related Materials

6.1 Legislation & Regulations

- Cemeteries & Crematoria Act 2003 (Vic).
- Cemeteries & Crematoria Regulations 2005 (Vic).
- Charter of Human Rights and Responsibilities Act 2006 (Vic)
- Financial Management Act 1994 (Vic)
- Freedom of Information Act 1982 (Vic)
- Health Records Act 2001 (Vic)
- Ombudsman Act 1973 (Vic)
- Privacy and Data Protection Act 2014 (Vic)
- Public Records Act 1973
- Protected Disclosure Act 2012 (replacing the Whistleblowers Protection Act 2001)

6.2 Related GMCT Documents

- Confidentiality Policy (GMCT Policy No. 037)
- Security Policy (GMCT Policy No. 043)
- Customer Service Charter
- Performance and Misconduct Policy (GMCT Policy No. 071)

7 Definitions

Personal information	Information or opinion, whether true or not and whether recorded in material form or not, about a living individual whose identity is apparent, or can reasonably be ascertained from the information or opinion.
Health information	A category of Personal Information. Information or opinion about the physical, mental, psychological health of an individual, about the disability of an individual, or about a health service provided or to be provided to an individual, but not including information about an individual who has been deceased for more than 30 years.
Sensitive Information	A category of Personal Information. Information or opinion about an individual's ethnic origins, religious beliefs, political opinions or association, philosophical beliefs, membership of professional association or trade union, sexual preferences or practices and criminal record.
Confidential information	Information given to a person under a clear or reasonably expected obligation to keep the information confidential for example a trade secret or information confided to someone). Confidential information is usually not available or readily accessible to the public and may be information which is not recorded in some form. <i>Confidentiality and Privacy are different concepts and Confidential Information is different to Personal Information. Whilst much of the information the GMCT collects may be personal information, governed by the relevant Privacy laws, only a small proportion of this information would be considered confidential.</i> <i>Sensitive information may, in some circumstances, be provided under an expectation of confidentiality but this should be explicitly stated or agreed.</i>
IPPs	Information Privacy Principles

APPENDIX 1: Summary of the Information Privacy Principles

Principle	Details
Collection	<p>GMCT collects only that personal information which is necessary for performance of the organisation's functions. This may include:</p> <ul style="list-style-type: none"> • provision of services to clients. • for accounting purposes, to enable an account to be sent to the customer or relevant authority responsible for that account. • recruitment and management of employment with GMCT. • processing of a donation or bequest. • to promote other services and opportunities which may be of interest or of value to our customers. This may include information about our own products and services and donation and bequest opportunities. A customer may opt-out of receiving this information. <p>GMCT collects non identified information wherever practicable. GMCT will take all reasonable steps to inform individuals of the types of personal information it holds, for what purposes, and how it collects, holds, uses and discloses that information. GMCT will take all reasonable steps to ensure that individuals are advised of their privacy rights.</p>
Use and disclosure	<p>Use and disclose personal information only for the primary purpose for which it was collected or a secondary purpose the person would reasonably expect. Consent should be sought whenever possible for any secondary use of the information. The law also allows some uses and disclosures without consent such as to protect safety.</p>
Date quality	Make sure personal information is accurate, complete and up-to-date.
Data security and Retention	<p>Personal information shall be stored securely in accordance with relevant Public Record Office Victoria (PROV) Standards, in order to protect information from loss, misuse, unauthorised access, modification or disclosure. All GMCT employees and contractors are required to maintain the security of personal information. Where personal information is no longer required it shall be destroyed or de-identified in accordance with PROV Standards.</p>
Openness	A clearly documented policy on the management of personal information must be prepared and made available to anyone who asks.
Access and correction	GMCT shall take reasonable steps to ensure personal information is accurate, complete, up-to-date and relevant to the functions performed. Individuals have a right to seek access to their personal information and make corrections. Access and correction will be handled mostly under the Victorian <i>Freedom of Information Act</i> .
Identifiers	Unique identifiers (usually a number assigned to an individual in order to identify the person) must only be assigned if necessary to carry out a function efficiently and should in general not be shared.
Anonymity	Where it would be feasible and lawful, individuals should be given the option of not identifying themselves when entering transactions with the GMCT.
Transborder data flows	The transferor sharing of personal or health information outside Victoria is only permitted if the recipient organisation protects privacy under standards similar to Victoria's IPPs.
Sensitive information	Sensitive information (like an individual's racial or ethnic origin, political views, religious beliefs, sexual preferences, membership of groups or criminal record) should only be collected with the person's consent or as required by law.