



# Privacy Policy

**Policy Owner:** Royal Botanic Gardens Board

**Date approved:** 16 December 2020

**Reviewing Officer:** Chief Information Officer

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## POLICY STATEMENT

- The Royal Botanic Gardens Victoria (RBGV) will ensure that personal information is collected and managed in a responsible manner and in compliance with the *Privacy and Data Protection Act 2014* for the protection of public, employee and donor data safety. This includes personal information concerning RBGV staff.
- Information relating to a person's health or wellbeing will be collected and managed in compliance with the *Health Records Act 2001*.
- The RBGV will abide by the Information Privacy Principles set out in the *Privacy and Data Protection Act 2014*.

## CONTEXT

- RBGV at times collects and uses personal information from its employees, customers, business partners and the community to ensure that the RBGV's assets and services are managed to secure social, environmental, and economic benefits for both current and future generations
- The *Privacy and Data Protection Act 2014* (PDP Act) 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 privacy for personal information
- Privacy and protection of data collected in association with surveillance activities must be adequately managed in line with the PDP Act and other relevant guidelines and standards.

## APPLICATION

- This Policy applies to all employees and volunteers of the RBGV and all physical and digital sites of the RBGV (including RBGV websites). All employees, volunteers or surveillance operators will need to be aware of, and to comply with this Policy whenever they handle personal information or may be carrying 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 and third-party providers (including information technology contractors who process data on behalf of the RBGV) and sub-contractors must be provided with and adhere to this Policy.

## POLICY PRINCIPLES

### ***Privacy and Data Protection***

- RBGV values and protects the personal information it collects in line with its philosophy of striving to provide excellent community service and business governance
- RBGV will always consider the welfare and protection of staff, donors and members of the public in collecting and protecting their data.
- Surveillance camera (CCTV) footage is often used as evidence in criminal cases and the party that seeks to admit it into the court record must prove it is appropriate.
- RBGV will adhere to the Information Privacy Principles under the PDP Act as follows:

**Collection of Personal Information** – the RBGV will only collect personal information that is necessary for its functions or services, including information for managing or administering such functions or services. If the RBGV needs to collect sensitive personal information, the consent of the individual will be sought unless the collection of the information is required by law.

**Use and Disclosure of Personal Information** – the 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 only a *directly* related purpose), unless the individual has consented to another specific use.

**Data Quality** – wherever possible, the RBGV will seek to ensure that the personal information it collects, uses, or discloses is accurate, complete and up to date.

**Data Security** – the RBGV will seek to protect personal information from misuse, loss, unauthorised access, modification, or disclosure, and will securely destroy or de-identify personal information when it is no longer necessary. This will be done in accordance with Public Record Office Victoria Standards.

**Openness** – upon request, the 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** – under most circumstances, individuals have a right to access and correct information about them that is held by the RBGV. If a request for access to, or correction of, information is refused, reasons for this will be provided.

**Unique Identifiers** – the 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 the RBGV use, as its own identifier, an identifier assigned by another organisation for another purpose.

**Anonymity** – wherever practicable and lawful the RBGV will seek to allow an individual to interact anonymously with the organisation.

**Transfer of Information outside Victoria** – the RBGV will only transfer personal information outside the State of Victoria where this is required for the purpose for which it was collected 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. Sensitive information includes information or an opinion about an individual's:

- racial or ethnic origin
- political opinions
- membership of a political association
- religious beliefs, affiliations
- philosophical beliefs
- membership of a professional or trade association
- membership of a trade union
- sexual preferences or practices
- criminal record.

The RBGV will not collect sensitive information unless the individual has consented, or it is required under law.

### ***Surveillance activities***

- Consistent with the *Guidelines to surveillance and privacy in the Victorian public sector*, the RBGV will only carry out surveillance activities that are necessary, proportionate and for a legitimate purpose related to the activities of the organisation.
- The RBGV will undertake reasonable steps to:
  - inform individuals of the use of surveillance devices
  - ensure that the information collected by RBGV or third-party suppliers is secured in adequate systems and equipment and only accessible by authorised officers.
- 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.

## **DEFINITIONS**

### ***Health Information***

is information, or an opinion, about the physical, mental or psychological health (at any time) of an individual, or any other information related to an individual's health services, such as the provision of health services, that is also personal information.

### ***Personal Information***

is information about an individual whether fact or opinion from which the individual's 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 Personal Information***

is information about racial or ethnic origin, political opinions or associations, religious beliefs and associations, trade union or professional associations, sexual preferences and practices, or criminal record.

***Surveillance***

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

***Surveillance operators***

RBGV and RBGV delegated officers and/or contracted third parties carrying out surveillance activity.

***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.

**BREACH OF POLICY**

Complaints for alleged breaches to 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 who will attempt to resolve it.

Data and privacy breaches by RBGV staff 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
- Privacy Complaint Handling Procedure
- Recordkeeping Policy
- Recordkeeping Procedure
- Surveillance Procedure

**FURTHER INFORMATION**

- *Administrative Law Act 1978*
- Australian Standard 4806.1-2006 (R2015) Closed circuit television (CCTV) management and operation
- Child Safe Code of Conduct
- Child Safe Policy
- *Charter of Human Rights and Responsibilities Act 2006*
- *Freedom of Information Act 1982*

## OFFICIAL

- Guidelines to surveillance and privacy in the Victorian public sector (Commissioner for Privacy and Data Protection 2017)
- 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

Seela Dushyanthen (Document Management Advisor), Sabine Glissmann-Gough (CIO)

Royal Botanic Gardens Victoria  
Private Bag 2000  
SOUTH YARRA VICTORIA 3141

Telephone: (03) 9252 2300

Email: [privacy@rbg.vic.gov.au](mailto: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

### REVIEW

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