# VLA Privacy Policy

**Department:** Legal Practice Directorate

**Responsible Officer:** Managing Lawyer, Internal Legal Services

**Accountable Director:** Associate Director of Legal Practice

**Effective date:** April 2022

**Date of next review:** June 2024

**Version:** 2.0

## Purpose and scope

The purpose of this policy is to communicate how Victoria Legal Aid handles and protects personal and health information.

This policy applies to all VLA staff and services, including both legal and non-legal services.

Personal, sensitive and health information handled by Victoria Legal Aid is managed in accordance with the privacy principles contained in the *Privacy and Data Protection Act 2014* (Vic), and the *Health Records Act 2001* (Vic). Other requirements, like client confidentiality and legal privilege, are managed separately in accordance with VLA’s legal professional obligations.

This policy concerns all personal and health information collected, held and used by VLA. This includes information about:

* clients and service users of VLA and organisations which provide services on behalf of VLA
* all people who provide services on behalf of VLA, including private panel practitioners
* people working for VLA. This includes VLA staff, secondees, labour hire, personnel, contractors, sub-contractors, students and volunteers.

## Definitions

| Definition | Meaning |
| --- | --- |
| Personal Information | Information or an opinion (including information or an opinion forming part of a database), that is recorded in any form (whether true or not), about an individual whose identity is apparent, or can reasonably be ascertained, from the information or opinion. |
| Sensitive Information | A category of personal information that refers to an individual’s: * racial/ethnic origin
* political opinions/association
* religious or philosophical beliefs
* membership of a professional or trade association or union
* sexual preferences or practices, or
* criminal record.
 |
| Health information  | Personal information that includes, among other things, information or an opinion about an individual’s health, disability, or genetic makeup.  |
| VLA Panel Practitioners | Refers to private law firms and community legal centres that are on one or more the s29A panels. |
| VLA clients | Anyone that receives a legal or non-legal service through VLA. |
| VLA Staff | Includes VLA employees, volunteers, secondees, personnel, contractors and sub-contractors |

## Objectives

The objectives of this policy are to:

* Explain how VLA collects, uses, discloses and otherwise handles all personal information in accordance with the Information Privacy Principles and Health Privacy Principles
* Support the public’s understanding of VLA’s commitment to privacy

## Statement of the Policy

VLA is committed to protecting privacy. VLA is transparent about how we handle personal, sensitive and health information received from individuals. VLA is committed to ensuring that the information is handled in accordance with Victorian and Federal privacy laws and other legal obligations.

## About VLA

VLA is a statutory agency that provides free legal information for all Victorians, provides lawyers on duty in most courts and tribunals in Victoria, and funds legal representation for people who meet our eligibility criteria. VLA can help people with a range of legal problems, including criminal matters, family breakdown, family violence, mental health and discrimination. VLA also provides a range of non-legal services such as advocacy and mediation. See more about [what we do](https://www.legalaid.vic.gov.au/about-us/what-we-do).

## What personal, sensitive and health information we collect

VLA only collects information necessary to fulfil our statutory functions. The following is a non-exhaustive list of personal and health information we *may* collect including both service users and staff:

* name and contact details, so that VLA can make contact about a service
* financial information, such as income or Centrelink benefits, where it is relevant to assess eligibility for legal aid services
* health and/or disability information
* domestic and lifestyle circumstances
* cultural identity status, and any cultural or language barriers
* Aboriginal and/or Torres Strait Islander identity to assist us in providing appropriate services and support to staff in the workplace
* gender identity
* criminal record and/or prison record, where there is a lawful authority for us to collect that information
* unique identifiers, such as Centrelink client reference number, so that we can obtain from Centrelink financial information for the purposes of progressing an application for legal aid assistance
* identifying numbers linked to other personal information, (unique identifiers) such as a driver’s licence, court case number or custody reference number
* IP addresses where required to communicate via our webchat service
* security footage from our offices
* education and employment history from those who work for us or seek to work for us
* passport and visa information where relevant to the provision of a legal or non-legal service or for employment purposes
* COVID-19 vaccination status, to identify risks and implement appropriate controls to support the health and wellbeing of service users and staff.

## How we use your information

The main ways VLA uses your information are to:

* assist with legal and non-legal problems
* make referrals to other relevant legal and non-legal services
* assess eligibility for a grant of legal assistance, to help pay for a lawyer
* respond to enquiries and resolve complaints
* provide updates on our publications and services
* assess applications from private lawyers to join as a VLA panel practitioner
* recruit, train and manage staff
* meet our workplace safety obligations
* respond to information access requests and Freedom of Information requests
* engage with public sector organisations including courts and tribunals, community legal centres, correctional facilities, healthcare institutions and professionals and government agencies for the purpose of improving system design and service delivery
* meet our statutory reporting obligations, quality assurance, program evaluation, policy development and research
* help us design appropriate services.

In all circumstances, VLA will only use or disclose personal and health information collected in accordance with our legal privacy obligations.

## When we disclose personal and health information

In general, we only disclose personal and health information to the extent required to assist with a legal or non- legal matter and to investigate and resolve a complaint.

We may disclose personal and health information to external regulators and integrity bodies including but not limited to the Victorian Legal Services Board and Commissioner (VLSB+C), the Victorian Ombudsman and the Office of the Victorian Information Commissioner (OVIC) when required to initiate or respond to complaints.

We also share information with external public sector organisations to assist us in improving service delivery, or for the purposes of research and evaluation. We only do this where the law allows us and where possible, we de-identify the information and seek consent first.

## How we ensure the accuracy of your personal and health information

We take reasonable steps to ensure the information we have about you is accurate, complete and current. We might ask you to tell us when your personal or health information changes, so we can keep up-to-date and accurate records. Where possible, we confirm current personal contact information before we use it.

## How we keep your information safe

We are committed to protecting your information from loss, misuse, unauthorised access, modification, wilful destruction and disclosure. To do this, VLA uses procedural, physical and software access controls, or safeguards.

We record access to VLA buildings and systems. All email communications are encrypted. VLA engages with external information storage partners by agreement which includes strict requirements for the protection of confidential information.

VLA requires all VLA staff to handle information with care, and access only what is necessary to perform the functions of their roles. In most cases, this means accessing personal and health information to assist a service user or to provide supervision or support to someone who is providing the service.

VLA legally disposes of inactive information as authorised, or de-identifies information when it is no longer required. This is done in accordance with the *Public Records Act 1973* (Vic).

## Transfer of information outside of Victoria

VLA will only transfer personal and/or health information outside of Victoria if:

* the individual consents to the transfer
* VLA reasonably believes that the recipient of the information is subject to a law, binding scheme or contract which is very similar to Victorian privacy law, or
* VLA has taken reasonable steps to ensure that the transferred information will not be held, used or disclosed inconsistently with Victorian Privacy Law.

In cases where personal and health information is being transferred to a jurisdiction whose privacy requirements are inconsistent with Victorian Privacy Law, VLA will undertake a Privacy Impact Assessment before the information is sent.

## Anonymous services

Service users can communicate with VLA anonymously via website, phone, email and webchat.

While all service users have the right to remain anonymous, this may limit the level of service VLA can provide. For example, our Legal Help Officers who provide legal information and advice by phone may need to identify a person they are speaking to in order to provide accurate legal advice. VLA lawyers may need to identify a person who they are providing legal representation to in a court or tribunal.

VLA staff may not be able to provide a service (including a grant of legal assistance) if they are unable to verify the identity of a person in order to provide a service.

## Use of unique identifiers

VLA creates a client number for each individual who is provided with a service, which is called a unique identifier. This is so VLA can keep a record of the services provided, make appropriate referrals and avoid conflicts of interest. We do not share client numbers with any other agency except by consent or otherwise as allowed by law.

## How you can access and correct your personal and health information

You can contact VLA to request access to your personal and health information or to ask VLA to correct an error.

VLA will arrange this as soon as possible.

If you have received a service from us you can request both hard copy or electronic copies of documents from your file. The first step is to contact the VLA staff member who has assisted you. This may be a VLA legal help officer, lawyer, mediator or an advocate from the Independent Mental Health Advocacy (IMHA) service.

You can also make an application under the *Freedom of Information Act 1982 (Vic)* by emailing foi@vla.vic.gov.au.

## Information collected through VLA’s website

We analyse how our site is used to help us make it better.

We do this by obtaining reports on usage from Google Analytics. These tell us which pages are visited, for how long, on what operating systems and browsers and from what areas. This works by using a 'cookie'. Cookies are small files placed on your computer to help remember your preferences.

We do not use this information to identify you.

For more information about how we manage privacy when interacting with VLA’s website, we have a separate [website privacy policy](https://www.legalaid.vic.gov.au/about-this-website/website-privacy) which deals with information collected through our website.

**If you have an enquiry or complaint about privacy**

All enquiries, requests or complaints about privacy can be directed to VLA’s Internal Legal Services team at:

Internal Legal Services
Phone: (03) 9280 3789
Email for enquiries: privacy@vla.vic.gov.au

Email for complaints: complaints@vla.vic.gov.au
Address: GPO Box 4380, MELBOURNE VIC 3001

VLA aim to resolve complaints quickly and fairly, in accordance with our [Complaints Policy](https://www.legalaid.vic.gov.au/contact-us/complaints).

## Approval

This policy was approved by the Associate Director of Internal Legal Services in April 2022

## Related documents

You can request a copy of the following related policies from VLA:

* VLA Code of Conduct
* IT Security Policy
* VLA Information Management Policy
* VLA Information Handling Policy
* VLA Information Security Policy
* VLA Data Governance Framework
* VLA Our Clients, Their Stories
* VLA Complaints Policy.