



## INFORMATION PRIVACY POLICY

Approved by the Council of Trustees  
7 December 2023

### Policy statement

The Council of Trustees of the National Gallery of Victoria (NGV) is committed to protecting the right to privacy through implementing proactive actions to ensure it handles Personal Information and Health Information consistently with the relevant legislation.

### Application

This Policy covers all Personal Information and Health Information, including Sensitive Information generated or held by the NGV, which directly or indirectly identifies an individual.

All NGV employees, volunteers, work experience students and interns must comply with this Policy in relation to the Handling of all Personal Information and Health Information.

### Context

This Policy is informed by the legislative requirements of the:

- *Public Records Act 1973 (Vic)*
- *Health Records Act 2001 (Vic)*
- *Freedom of Information Act 1982 (Vic)*
- *Privacy and Data Protection Act 2014 (Vic)*

Where a requirement of the *Privacy and Data Protection Act 2014* with respect to the handling of Personal Information is inconsistent with a provision in another Act, that other provision prevails.

This Policy should be read in conjunction with the NGV Privacy Statement.

### Key principles

1. The NGV will only collect Personal Information that is necessary for the achievement of its organisational and strategic objectives and for the purpose of exercising its functions and lawful powers.
2. The NGV will appoint an NGV Privacy Officer. The NGV Privacy Officer is responsible for coordinating responses to any privacy issues raised by members of the public or employees and advising employees about their privacy responsibilities.
3. The NGV will take reasonable steps to ensure that individuals are aware that Personal Information may be collected, the reasons for the collection, and provide information on how people can contact the NGV Privacy Officer.
4. The NGV may collect Personal Information or Health Information related to the following functions and services:
  - the employment and engagement of staff, volunteers and contractors;
  - dealings with visitors or potential visitors, including ticket sales, comments, participation in market research, evaluation, competitions and promotions, education, public



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- programs;
- fundraising and membership;
- NGV governance;
- stakeholder management;
- collections, research and exhibitions;
- commercial management;
- general operations.

Personal Information relating to some of these functions and services may be collected in electronic form, for example through the NGV's website when creating an online account with the NGV for purchasing tickets, memberships or subscribing to e-News.

5. The NGV will collect Personal Information in a lawful and fair manner. Where practical and reasonable to do so, the NGV will obtain personal information direct from the individual to whom it pertains, although at times we may collect information about a person from someone else, for example where a membership is being purchased as a gift.
6. The NGV will not use Personal Information for purposes other than those for which it was collected unless prior consent has been obtained. Personal Information will not be disclosed to third parties without consent from the individual to whom it pertains. In certain circumstances, the NGV may need to disclose Personal Information. This will only occur as provided for by the *Privacy and Data Protect Act 2014*, for example if the NGV is required to disclose Personal Information by law.
7. The NGV will take reasonable steps to ensure the Personal Information is accurate, complete and up to date.
8. Individuals have a right to seek access to their Personal Information or make corrections. Contact should be made to the NGV FOI Officer ([foi@ngv.vic.gov.au](mailto:foi@ngv.vic.gov.au)).
9. The NGV will only assign unique identifiers to individuals where necessary, for instance assigning membership numbers. The NGV will not assign individuals with another organisation's Unique Identifier unless it is necessary to carry out an organisational requirement or is required by law.
10. Where lawful and appropriate, the NGV will provide individuals with the option of remaining anonymous when entering into transactions with the NGV.
11. The NGV will provide secure information storage systems and procedures for the management of both physical and electronic information to minimise the risk of misuse, loss, unauthorised access, modification or disclosure, in accordance with data security standards issued from time to time by the Victorian Information Commissioner.
12. The NGV will take reasonable steps to lawfully and responsibly destroy or permanently de-identify Personal Information when it is no longer needed for any purpose subject to its compliance with its legal requirements under *Public Records Act 1973* (Vic), or other Privacy



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Legislation.

13. Unless compelled otherwise by law, the NGV will not transfer Personal Information outside Victoria unless an individual provides consent, and it reasonably believes the recipient of the information is subject to a law or binding obligation which imposes restrictions on the use of that information that are substantially similar to the Information Privacy Principles.
14. The NGV will endeavour to ensure that Contracted Service Providers or Third Parties with whom it engages are bound to comply with the requirements of the *Privacy and Data Protection Act 2014*.
15. References to Personal Information in this Policy also apply to Health Information. Any Health Information held by the NGV will be treated in accordance with the *Health Records Act 2001*.
16. If an individual has a complaint about the conduct of the NGV in relation to the collection, storage, use or disclosure of Personal Information or Health Information, they may send details of the complaint in writing to the NGV Privacy Officer ([privacy@ngv.vic.gov.au](mailto:privacy@ngv.vic.gov.au)). The NGV Privacy Officer will investigate alleged breaches of the *Privacy and Data Protection Act 2014*.

### Definitions

#### **Information Privacy Principles**

Information Privacy Principles means any of the Information Privacy Principles set out in Schedule 1 of the *Privacy and Data Protection Act 2014*.

#### **Personal Information**

Under the *Privacy and Data Protection Act 2014* “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.

Examples of information that may be personally identifying either alone or in combination are:

- Name
- Photograph
- Title
- Email address
- Telephone or fax numbers
- Driver’s licence number
- Video
- Gender
- Ethnicity
- Banking details, such as branch location, account number and funds available
- Date of birth
- Interview notes
- Employee security pass number
- Employee logon ID
- A performance appraisal report on a staff member

#### **Health Information**

Under the *Health Records Act 2001* “Health Information” includes information or an opinion about (i) the physical, mental, or psychological health (at any time) of an individual; or (ii) a disability (at any time) of an individual” where the Health Information is also personal information.



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Examples of information that may be personally identifying either alone or in combination are:

- Video
- Photographs
- Health diagnosis
- Information on special needs to access collections
- A performance appraisal report on a staff member
- Vaccination Information (for example, COVID-19 Vaccinations Status and Certificates)

*The Health Records Act 2001* sets out Health Privacy Principles in Schedule 1.

### **Sensitive Information**

Under the *Privacy and Data Protection Act 2014* “Sensitive Information” means information or an opinion about an individual’s—

- Racial or ethnic origin; or
- Political opinions; or
- Membership of a political association; or
- Religious beliefs or affiliations; or
- Philosophical beliefs; or
- Membership of a professional or trade association; or
- Membership of a trade union; or
- Sexual preferences or practices; or
- Criminal record—

that is also personal information.

### **State Contract**

Under the *Privacy and Data Protection Act 2014* a State Contract is a contract between an organisation, such as the NGV, and another body, whether public or private. The contract will be for services provided by the contracted service provider to the NGV in connection with the NGV’s functions.

### **Contracted Service Provider**

Under the *Privacy and Data Protection Act 2014* a Contracted Service Provider means a person or body who provides services under a State contract.

### **Third Party**

Under the *Privacy and Data Protection Act 2014* a Third Party means a person or body other than the organisation holding the information and the individual to whom the information relates.

### **Unique Identifier**

Under the *Privacy and Data Protection Act 2014* a Unique Identifier means an identifier (usually a number) assigned to an individual uniquely to identify that individual for the purposes of the operations of the organisation but does not include an identifier that consists only of the individual’s name.



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### **Handling**

Under the *Privacy and Data Protection Act 2014* Handling, in relation to personal information, means collection, holding, management, use, disclosure or transfer of personal information.

### **Breach of policy**

In the case where this, or related policies, are breached, resolution will be according to the NGV Performance and Discipline policy.

### **Further information**

- NGV IT Acceptable Use Policy
- NGV Performance and Discipline Policy
- NGV Protected Disclosure Procedures
- NGV Information Management Policy
- NGV Electronic Information and Cyber Security Policy
- NGV Enterprise Agreement
- Code of Conduct for Victorian Public Sector Employees
- NGV Privacy Statement
- NGV Terms and Conditions of Public Entry

Further information about the *Privacy and Data Protection Act 2014* (Vic) is available on the website of the Office of the Victorian Information Commissioner at [www.ovic.vic.gov.au](http://www.ovic.vic.gov.au). Further information about the *Health Records Act 2001* (Vic) is available on the website of the Health Complaint Commissioner at [www.hcc.vic.gov.au/](http://www.hcc.vic.gov.au/).

### **Approval**

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### **Next review due**

3 years