

Privacy policy

Introduction

Victoria's privacy laws

1. Victoria's privacy laws regulate how Victorian government bodies use and disclose personal and health information. VO manages personal and health information according to the:
 - *Privacy and Data Protection Act 2014* ('PDP Act') and its Information Privacy Principles
 - *Health Records Act 2001* ('Health Records Act') and its Health Privacy Principles
 - *Charter of Human Rights and Responsibilities Act 2006*.
2. The privacy laws provide for the collection, use, disclosure, transfer, access, correction and disposal of personal and health information. VO is bound by these and other laws such as the *Freedom of Information Act 1982* ('FOI Act') and the *Ombudsman Act 1973* ('VO Act'), when handling any personal and health information.
3. VO also generally requires its contracted service providers to comply with these privacy laws. In addition, VO is required to report data breaches involving tax file number information to the Office of the Australian Information Commissioner.

Types of information

4. Privacy laws protect personal, health and sensitive information:
 - **Personal information** is 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, but does not include information of a kind to which the Health Records Act applies.
 - **Health information** is a type of personal information that relates to the health or disability of an individual, the provision of health services to the individual or the

individual's expressed wishes about the provision of health services. It also includes information collected in providing a health service or in connection with organ donation.

- **Sensitive information** is a special category of personal information. It includes information about a person's racial or ethnic origin, political opinions, membership of a political association, religious beliefs or affiliations, philosophical beliefs, membership of a professional or trade association or trade union, sexual preferences or practices and criminal record.
5. Examples of personal information include name, address, contact details and date of birth. Examples of health information are medical certificates, test results, diagnoses, and treatments.

Collection of information and anonymity

Collection of personal and health information

6. Information may be collected by VO directly from an individual, or by a contracted service provider acting on behalf of VO. VO takes reasonable steps to ensure that contracted service providers comply with the privacy laws. We collect personal and health information in various forms, including via our website, phone, text message or email.
7. Personal or health information may be collected in the following situations:
- conducting pre-employment selection and checks from our employees as it relates to their employment
 - processing payments, leave, taxation and superannuation contributions
 - receiving queries, complaints or Public Interest Disclosures about Victorian government agencies
 - receiving referrals from other Victorian government agencies such as the Independent Broad-Based Anti-Corruption Commission ('IBAC')
 - making enquiries with Victorian government agencies for the purpose of conducting investigations or considering complaints
 - in subscribing to receive email alerts when we publish new content on our website
 - if you submit a registration or query about our educational programs.

Collection from other people or bodies

8. Collection directly from you is not always possible. For example, we may collect personal or health information from a representative you authorise to act on your behalf.

Collection statement

9. When VO collects personal and health information about you, we take reasonable steps to provide you with (or otherwise make sure that you are made aware of) information about:
 - VO's contact details
 - why the personal and health information is collected
 - the types of persons and organisations information might be disclosed to
 - any law that requires, authorises or permits its collection
 - any consequences if the information is not provided
 - the person's rights of access to that information.
10. This information is set out in a collection statement, which is included on relevant forms and any other document or mechanism used to collect personal or health information.

Anonymity

11. Where practicable and lawful, you can remain anonymous when contacting VO, for example when making general queries about services, or making complaints or disclosures about Victorian public organisations.
12. VO also accepts anonymous approaches. The action VO can take may be limited if VO officers cannot contact the complainant for more information or disclose their identity. When this happens, VO officers will explain this so the complainant can decide how to proceed. In some cases, the VO officer and complainant may agree on a pseudonym for the complainant, to facilitate future contact.
13. When contacting VO, you should consider if you want to remain anonymous or share your personal details. You should also think about whether you want your complaint to be confidential. VO generally treats all complaints and reports as confidential unless stated otherwise, however we do not guarantee absolute confidentiality due to other legal and/or public interests obligations.

Unique identifiers

14. Employees are allocated an identification number by our human resources internal system.
15. Each complaint or enquiry VO receives is given a number so that it can be managed efficiently, but not each individual.
16. VO will not request a unique identifier created by another organisation unless permitted by law, nor will VO use or disclose a unique identifier created by another organisation unless there is a lawful basis for doing so.

Use and disclosure of information

17. VO uses and discloses personal and health information for the primary purpose we collected it for, and secondary purposes permitted by law.
18. For example, we use and disclose information in connection with the Ombudsman Act, *Public Interest Disclosures Act 2012* ('PID Act') and associated laws and regulations, and in related ways we think you would reasonably expect. This includes:
 - Disclosing information to an agency that would enable us to fulfil our principal functions such as resolving a complaint or enquiring into or investigating administrative actions or Public Interest Complaints.
 - If we consider it necessary, we disclose information to prevent or lessen the risk of harm to a person's health, safety or welfare.

Use and disclosure when managing a VO complaint

19. VO officers may disclose personal and health information from a complaint to other bodies, such as the agency complained about, for the purpose of resolving the complaint or enquiring into or investigating an administrative action.
20. VO may also provide information to a contractor for the purposes of conducting complainant satisfaction services. We will always seek your consent before doing this.
21. Some things our complaints officers consider when determining what information to disclose to other bodies include:
 - whether the information is necessary to resolve the complaint
 - whether the complainant has consented to the disclosure of the information and to what extent
 - the complainant's reasonable expectations
 - whether the disclosure is authorised or permitted under the VO Act or any other legislation.

Disclosures required by Law

22. This includes providing information to other government authorities, such as IBAC, Integrity Oversight Victoria, and Victoria Police. VO also provides disclosures and related information to IBAC in accordance with the PID Act.

Disclosures to persons adversely affected

23. Information may be provided to other persons, such as Ministers and persons adversely affected by investigations. De-identified information may also be shared with government agencies and other complaint handling bodies.

Referring a complaint to another body

24. In certain circumstances, and in accordance with law, complaints may be referred to other persons and bodies, such as the Office of the Victorian Information Commissioner ('OVIC'), the Auditor-General, the Health Services Commissioner and IBAC.
25. Information may also be provided to specific persons and bodies where the information is relevant to the performance of the person's or body's duties, functions or powers and it is appropriate to bring it to their attention (in accordance with section 26FB of the Ombudsman Act) or to prevent or lessen the risk of harm to a person's health, safety and welfare (section 26FC of the Ombudsman Act).

Disclosures in reports

26. Written submissions received on complaints or investigations may be disclosed in reports made under the VO Act, including reports made to the Parliament, unless the submission has been accepted on a confidential basis. However, in this latter case, de-identified information may be used in investigation reports.

Information disclosed outside Victoria

27. VO adheres to the requirements of the PDP Act and the Health Records Act when transferring personal and health information outside of Victoria.
28. For example, this may include where:
 - you have consented to the transfer of your personal or health information; or
 - we reasonably believe that the recipient of your information is subject to a law, binding scheme or contract that is substantially similar to privacy principles under Victorian privacy laws.

Data quality and security

29. VO takes reasonable steps to make sure that the personal and health information we hold is accurate, complete and up-to-date. We rely on you to provide accurate and up-to-date information and to inform us of relevant changes to your details or circumstances.
30. Personal and health information is stored and kept in accordance with the appropriate records retention and disposal schedule – visit the [Public Records Office of Victoria website](#). VO maintains some records for short periods after a matter has been finalised. We hold other records, such as complaint or investigation files, for longer periods, as they are likely to be required in:
 - the ongoing assessment and management of a complaint or investigation
 - the provision of entitlements and services under law
 - relation to disputes or legal proceedings.

31. VO takes reasonable steps to protect personal and health information from misuse, loss, unauthorised access, modification and disclosure. Security measures will vary according to the circumstances. VO manages information under:
- its Information Security Policy
 - standards issued by OVIC including the Protective Data Security Standards under the PDP Act.
32. You may choose to communicate with us and to receive your personal and health information by email, online form or webchat. Although these methods are quick and convenient, it is not 100% secure and there is a risk that this information can be intercepted, read or modified by others, or sent to an incorrect address.

Accessing or correcting your personal or health information

33. Requests for access to, or correction of, documents held by VO are processed under the FOI Act.
34. However, the FOI Act does not apply to documents to the extent those documents disclose information that relates to:
- (a) a complaint, a referred complaint, a referred matter, or a matter referred to the Ombudsman by Parliament
 - (b) an enquiry or an investigation under the VO Act
 - (c) a recommendation made by the Ombudsman under the VO Act
 - (d) a report or draft report made under the VO Act.
35. The FOI Act sets out the process for accessing or correcting documents obtained under the FOI Act. Disclosure of documents under the FOI Act is subject to certain exemptions.
36. All FOI requests should be made in writing to our Legal team at legal@ombudsman.vic.gov.au.

Website and email

37. We encourage you to use our website to find information about us and to contact us. VO's Privacy statement is available on our website and contains information about how we protect the privacy of people who:
- visit our website
 - provide information through our website
 - send us information by email.

38. We take reasonable steps to protect information we hold from misuse, loss, unauthorised access, modification or disclosure. If you are concerned about providing sensitive material to us online, you can contact VO on 1800 806 314 between 9 am and 5 pm, Monday to Friday.
39. Please note that there are risks associated with sharing information on the internet. While we endeavour to protect personal information, we cannot guarantee the security of information sent to VO online. You provide such information on the internet at your own risk.
40. VO does not accept any responsibility for any damage from accessing external third-party sites available through our website.

Social networking sites

41. VO is a registered user of Facebook, Instagram, X, YouTube and LinkedIn and operates VO branded pages and accounts on these platforms (VO's social networking sites).
42. We use social networking sites to communicate with the public. We may collect, use and disclose any personal information provided on these sites for the purposes of engaging and consulting with the public and for other related or lawful purposes.
43. Our social networking sites are not intended for enquiries or complaints. These can be made by other methods specified on our website.
44. Any comment or post submitted on VO's social networking sites is publicly available. We recommend that you think carefully about the information you share and that you use appropriate privacy settings.
45. We will not respond publicly to comments and posts on VO's social networking sites that contain confidential or personal details, such as messages in relation to a possible complaint. In those instances, you should direct your complaint or enquiry to VO using a more secure method, such as those described on our website. We discourage the use of direct messaging and aim to prevent electronic spam.
46. We may follow other social networking accounts at our sole discretion. If your or any other person's account is followed by VO, this does not imply endorsement of any kind.
47. We welcome feedback and may join in conversations on VO's social networking sites at our discretion. We cannot reply individually to all messages received on our social networking sites.
48. In certain circumstances, we may collect your personal information when you engage with VO's social networking sites. If there is personal information in your comment or post, such as information from a complaint, it will be managed in accordance with this policy.
49. Where permitted by law, personal information that is collected about you from your use of VO's social networking sites may be used for:
 - promoting and making public statements about publications

- seeking and receiving feedback or submissions from members of the public on matters affecting VO's functions
- gathering information that will assist VO to fulfil its functions and obligations.

Enquiries about privacy and changes to this policy

50. For more information about privacy, visit the:
- Office of the Victorian Information Commissioner website at ovic.vic.gov.au.
 - Health Complaints Commissioner website at hcc.vic.gov.au.
51. This policy is subject to review and may be updated at any time without prior notice.
52. Any questions about this policy should be directed to:

Victorian Ombudsman
 Level 2, 570 Bourke Street
 Melbourne Victoria 3000
 Toll Free: 1800 806 314
 Email: complaints@ombudsman.vic.gov.au
 Website: www.ombudsman.vic.gov.au

Making a privacy complaint

53. If you believe that VO has not handled your personal or health information in line with this policy or an applicable privacy law or privacy principle, you can raise the matter with:
- the privacy officer at the relevant agency
 - VO's Legal team at legal@ombudsman.vic.gov.au
54. We strive to review privacy complaints quickly, fairly and reasonably. If you're still not satisfied with the outcome, you can contact the:
- Office of the Victorian Information Commissioner website at ovic.vic.gov.au (for complaints relating to personal information and sensitive information other than health information)
 - Health Complaints Commissioner website at hcc.vic.gov.au (for complaints relating to health information).

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