



Australian Government
Department of Veterans' Affairs

Privacy Act 1988 (Cth)

DVA Privacy Policy

About this policy

The Department of Veterans' Affairs (DVA) is bound by the provisions of the *Privacy Act 1988 (Cth)* (the Privacy Act) and the Australian Privacy Principles (APPs) which regulate the collection, storage, use, disclosure and disposal of personal information by Commonwealth agencies. A copy of the APPs may be obtained from the website of The Office of the Australian Information Commissioner at www.aaic.gov.au. This Privacy Policy also tells you how to contact us if you have any privacy queries or concerns about DVA (including the Repatriation Commission and the Military Rehabilitation and Compensation Commission) processing your personal information under the authority of the following Acts administered by DVA:

- *Veterans' Entitlements Act 1986*
- *Military Rehabilitation and Compensation Act 2004*
- *Safety, Rehabilitation and Compensations (Defence-related Claims) Act 1988*
- *Australian Participants in British Nuclear Tests (Treatment) Act 2006*
- *Compensation (Japanese Internment) Act 2001*
- *Social Security and Veterans' Affairs Legislation Amendment (One-off payments and other 2007 Budget Measures) Act 2007.*

This is a partial list of the main Acts administered by DVA.

This policy is written in simple language. The specific legal obligations of DVA when collecting and handling personal information are detailed in the Privacy Act and, in particular, in the APPs found in that Act. We will update this privacy policy annually or when our practices change in handling personal information—whichever is sooner. Updates will be published on our website dva.gov.au.

Defining personal information

'Personal information' as used in this Privacy Policy has the same meaning as in the Privacy Act, section 6:

Information or an opinion about an identified individual, or an individual who is reasonably identifiable:

- (a) whether the information or opinion is true or not; and*
- (b) whether the information or opinion is recorded in a material form or not.*

A number of different types of information are explicitly recognised as being personal information under the Privacy Act.

For example, the following are all types of personal information for the purposes of this Privacy Policy:

- **Identifying information** such as name, address, phone number and gender
- **Sensitive information** (includes information or opinion about an individual's racial or ethnic origin, political opinion, religious beliefs, sexual orientation or criminal record, provided the information or opinion otherwise meets the definition of personal information)
- **Health information** (which is also 'sensitive information')
- **Credit information** (as defined in the Privacy Act, section 6N)
- **Employee record information** (as defined in the Privacy Act, section 6), and
- **Tax File Number information.**

Obligations under the Privacy Act regarding the handling of personal information are extended to our contractors and service providers.

Remaining anonymous

You have the right to remain anonymous or use a pseudonym when interacting with us. However, it may not always be possible for this to occur—for example, when we assess your eligibility for a program or service, or when we are authorised or required to deal with you as an identified individual. We will inform you if you are unable to remain anonymous or use a pseudonym when dealing with us.

Our personal information handling practices

Collection

We may collect personal information directly from you, your representative or a third party. We primarily collect information directly from you or another individual, but in certain circumstances we may also obtain personal information collected by other Australian, state and territory government bodies or other organisations.

We collect and hold a broad range of personal information in records relating to:

- Personal details such as name, date of birth, occupation, marital status, residential details, contact details, and date of death
- Information about dependants, family members, authorised representatives and other related persons
- Information about a person's circumstances and background such as employment history or military service history
- Financial information including income/asset details and bank details
- In limited circumstances, DVA is authorised to collect Tax File Numbers for administering certain payments. There is no obligation to provide DVA with this information but it is a requirement for the payment of pensions and allowances. Further information about how DVA collects and handles your Tax File Number is available on the DVA website at dva.gov.au/about-dva/accountability-and-reporting/your-tax-file-number
- Correspondence to DVA and the Minister for Veterans' Affairs (and other Australian Government ministers and parliamentary secretaries) including submissions to consultations that we run
- Complaints (including complaints relating to privacy) and feedback provided to us
- Requests made to us under the [Freedom of Information Act 1982](#) (FOI Act)
- Records of the performance of our legislative and administrative functions
- Employment personnel records of our staff and contractors.

We collect this personal information in a variety of ways, including paper-based forms, online (through our websites, as well as email), over the telephone and by fax.

We only collect personal information where that information is reasonably necessary for, or directly related to, one or more of our functions or activities. Generally, we will only collect sensitive information (such as health or criminal history information) if you consent and it is reasonably necessary for, or directly related to, one or more of our functions or activities. Sometimes we may collect sensitive personal information without your consent, such as when it is required or authorised by law, or a court or tribunal order. This includes express statutory provisions, as well as the more general application of the common law and the exercise of the Executive authority of an Australian government. We will not collect any personal information if we do not need it.

When we collect personal information, we are required under the Privacy Act to notify you of a number of matters if it is reasonable to do so. These matters include the purposes for which we collect the information, whether the collection is required or authorised by law, and any person or body to whom we usually disclose the information. To achieve this, we will use privacy collection notices on our forms, our online portals, and in our correspondence as appropriate.

Holdings of personal information

The personal information we collect and hold will vary depending on what we require to perform our functions and responsibilities. It may include:

- information about your identity (for example date of birth, country of birth, passport details, visa details and drivers licence)
- name, address and contact details (for example phone, email and fax)
- information about your personal circumstances (for example age, gender, marital status and occupation)
- information about your financial affairs (for example payment details, bank account details, and information about business and financial interests)
- information about your employment (for example applications for employment, work history, referee comments and remuneration)
- government identifiers
- information about assistance provided to you under our assistance arrangements.

We may also collect or hold a range of sensitive information about you, including:

- your racial or ethnic origin
- your health (including information about your medical history and any disability or injury you may have)
- criminal activities you may have been involved in
- your biometrics (including photographs and voice or video recordings of you).

Use and disclosure of personal information

We will not give your personal information to other government agencies, private sector organisations, or anyone else unless you consent or one of the following exceptions applies:

- you would reasonably expect us to use or disclose the information for that other purpose
- it is legally required or authorised, such as by an Australian law, or court or tribunal order. This includes express statutory provisions, as well as the more general application of the common law and the exercise of the Executive authority of an Australian government
- it is reasonably necessary for an enforcement-related activity
- we reasonably believe that it is necessary to lessen or prevent a serious threat to the life, health or safety of any individual, or to public health or safety
- we have reason to suspect that unlawful activity, or misconduct of a serious nature, that relates to our functions or activities has been, is being or may be engaged in and we reasonably believe that it is necessary in order for us to take appropriate action in relation to the matter
- we reasonably believe that it is necessary to help locate a person who has been reported as missing
- it is reasonably necessary for the establishment, exercise or defence of a legal or equitable claim
- it is reasonably necessary for the purposes of a confidential alternative dispute resolution process
- we reasonably believe that it is necessary for our diplomatic or consular functions or activities.

DVA generally uses and discloses personal information for the primary purpose for which it is collected. These primary purposes include:

- payment of pensions and compensation
- facilitating and funding health care
- facilitating and funding rehabilitation services
- facilitating and funding home care assistance
- subsidising loans for housing or housing-related benefits
- facilitating and funding research
- operating specific grants programmes
- complaints handling
- delivering commemorative programs and war graves
- employment and personnel matters for DVA's staff and contractors.

When we collect personal information about you, we are required by the Privacy Act to take reasonable steps to notify you of the purpose of collection and such other agencies with which we may disclose your information. These Privacy Collection Statements are available in the privacy section of the DVA website.

Our usual disclosure arrangements (after we have your approval) are made with these federal government agencies:

- Department of Human Services to ensure that you are not in receipt of a Centrelink pension
- Department of Human Services to allow Medicare Australia to verify health claims and process payment for treatment services
- Department of Health for income testing in relation to aged care services
- Department of Defence in relation to your military service, veteran entitlements, military rehabilitation and compensation
- ComSuper in relation to veterans' superannuation funds and benefits
- Australian Digital Health Agency for the purposes of the *My Health Records Act 2012* (Cth)
- Commonwealth agencies in relation to the recruitment of staff and contractors.

Information sharing between DVA and Open Arms Veterans and Families Counselling Service

Open Arms Veterans and Families Counselling Service maintains a separate privacy regime from DVA and under normal circumstances your clinical information will not be released to DVA, other government agencies or external parties without your consent. Information is not shared with the Australian Defence Force (ADF) if you self-refer to Open Arms. If you are a member of the ADF and you have been referred through your ADF medical officer or Defence psychologist, periodic reports regarding your treatment will be provided to the ADF Referring Authority.

With your consent, Open Arms may share your relevant personal information with DVA if Open Arms reasonably believes that you are vulnerable or that you are at risk. DVA will use this information for the purpose of monitoring progress to ensure your wellbeing and to facilitate access to other services where required.

Other than the circumstances outlined above, your information may only be shared in accordance with the Privacy Act. For example, where there is a serious threat to your life, health or safety or to

public health or safety and it is unreasonable or impracticable to obtain your consent, to assist a law enforcement agency to prevent, detect, investigate or prosecute a criminal offence or in response to a court order.

Under normal circumstances, DVA will not share your personal information with Open Arms. However, if DVA reasonably believes that you are vulnerable or that you are at risk, DVA will share your relevant personal information, including information such as your contact details, with Open Arms for the purpose of referring you to Open Arms' counselling services and to ensure your physical and mental wellbeing.

Storage of personal information

DVA stores all personal information securely and restricts access to employees, contractors and service providers who require access to the personal information to perform their duties or assist the individual concerned. All employees, contractors and service providers must handle personal information in accordance with the Privacy Act. In addition, all staff with access to personal information are bound by the Australian Public Service Code of Conduct.

DVA will store personal information in a variety of formats including on computer and paper media. We use a range of IT and physical security systems to protect the personal information we hold and take reasonable steps to ensure that information is protected from misuse, interference, loss, unauthorised access, and illegal modification and disclosure.

DVA may contact individuals to determine whether personal information collected should be retained. If DVA no longer requires the personal information, we will take reasonable steps to destroy or de-identify the personal information subject to any records management requirements in the *Archives Act 1983* (Archives Act).

Disclosure to overseas recipients

We may need to provide your personal information to an overseas recipient as part of our work. Wherever appropriate, we will ensure that we either have your consent or that your personal information is not identifiable.

In some cases this will not be possible or appropriate, such as when our administrative or legislative functions require that we become involved in a law enforcement matter such as a criminal investigation. We may also disclose your personal information to recipients overseas under international agreements that relate to information between Australia and other countries.

If we are unable to seek your consent to provide your personal information to an overseas recipient, or it is impractical to do so, we will only provide your personal information to an overseas recipient if we are allowed to do so under the Privacy Act.

Quality of personal information

The Privacy Act requires us to take reasonable steps to ensure that the personal information we hold is safe and secure. We are also required to take reasonable steps to ensure that the personal information that we collect is accurate, up-to-date, and complete. This may include correcting your personal information where it is appropriate to do so.

Data security

We aim to protect your personal information from loss, unauthorised access, use, modification or disclosure, and against other misuse. Among other things, we safeguard our IT systems against unauthorised access, and ensure that paper-based files are secured. We also ensure that access to your personal information within our systems is only available to our staff who need to have access in order to do their work.

If a data breach occurs, such as if personal information that we hold is subject to unauthorised loss, use or disclosure, we will respond in line with the Office of the Australian Information Commissioner's [Data breach notification—A guide to handling personal information security breaches](#). We will aim to provide timely advice to you to ensure you are able to manage any loss—financial or otherwise—that could result from the breach.

When the personal information that we collect is no longer required, we delete or destroy it in a secure manner, unless we are required to maintain it because of a law, or court or tribunal order.

This situation might arise where the Archives Act requires that we maintain your personal information because it is, or forms part of, a Commonwealth record. We are also required to maintain records for certain other purposes, including where the National Archives of Australia issues a disposal freeze in response to prominent or controversial issues or events. More information on current disposal freezes is available from the [National Archives of Australia](#) website.

Accessing and correcting your personal information

You have a right to access personal information we hold about you. You also have a right under the Privacy Act to request corrections to any personal information that we hold about you if you think the information is inaccurate, out-of-date, incomplete, irrelevant or misleading.

It is also possible to access and correct documents held by us under the FOI Act. In some circumstances we will suggest that you make your request for personal information under the FOI Act.

This is because:

- an FOI access request can relate to any document in our possession and is not limited to personal information
- the FOI Act contains a consultation process for dealing with requests for documents that contain personal or business information about another person
- you can complain to the Office of the Australian Information Commissioner (OAIC) about what we do under the FOI Act
- if you are refused access under the FOI Act you have a right to apply for internal review or Information Commissioner review of the access refusal decision.

Find out more information about how to make a request under the FOI Act on the Freedom of Information page. You can also make a request by emailing information.access@dva.gov.au.

If your request is for copies of your own personal information held by the DVA, then you may contact information.access@dva.gov.au and ask for an Administrative Release of your documents.

Requests for personal information relating to counselling sessions held through the Open Arms Veterans and Families Counselling Service should be directed in the first instance to:

Open Arms Counselling Service

POST Open Arms Counselling Service
 GPO Box 9998
 BRISBANE QLD 4001

PHONE 1800 011 046

When we can refuse a request for access or correction

We can decline access to, or correction of, personal information under circumstances set out in the Privacy Act. This includes situations where we are authorised or required to refuse access.

Generally, where we refuse to give you access, we will give you written notice of the reasons for refusal and the mechanisms available to you to dispute that decision.

Although the information of a deceased individual is not regulated by the Privacy Act, DVA will continue to respect the sensitivities of family members when using or disclosing such information, particularly where information of the deceased is of a sensitive nature.

Data breaches

Agencies and organisations regulated by the Privacy Act are required to notify affected individuals and the Office of the OAIC when a data breach is likely to result in serious harm to individuals whose personal information is involved in the breach.

Examples of a serious data breach may include the following incidents:

- a device containing customers' personal information is lost or stolen
- a database containing personal information is hacked
- personal information is mistakenly provided to the wrong person.

Our notification to you will be sent as soon as practicable and will contain:

- a description of the data breach
- the kinds of information concerned
- recommendations about the steps you should take in response to the data breach.

Complaints and reviews

If you believe that DVA has breached the Privacy Act or mishandled your personal information, you can lodge your concerns with DVA or the OAIC.

DVA will deal with each complaint on a case-by-case basis.

In the first instance, any privacy concern or complaint should be reported to DVA using the contact details at the end of this Privacy Policy. Please submit your concern or complaint in writing so that we can fully understand the matter and respond accordingly. We will acknowledge your correspondence upon receipt and endeavour to respond fully within 30 calendar days. We will notify you if we cannot respond within this time frame.

If you are not satisfied with our response, you can complain directly to the OAIC:

POST	Office of the Australian Information Commissioner GPO Box 5218, SYDNEY NSW 2001
EMAIL	enquiries@oaic.gov.au
PHONE	1300 363 992

We will not charge you to access your personal information. However, there may be a charge involved for us to process a request under the FOI Act that goes beyond a request for personal information.

What happens when you visit the DVA website

Protecting your privacy online

DVA is committed to protecting privacy online in accordance with the [Guide to securing personal information](#) issued by the OAIC.

While every effort is made to secure information transmitted to this site over the internet, there is a possibility that this information could be accessed by a third party while in transit.

Information logged

When you visit this site, our server logs the following information:

- The type of browser and operating system you are using
- Your top level domain name, such as .com, .gov, .au
- The address of the referring site, such as the previous site that you visited
- Your server's IP address, a number which is unique to the machine through which you are connected to the internet—usually one of your service provider's machines
- The date and time of your visit
- The address of the pages accessed and the documents downloaded.

This information is used only for statistical analysis and systems administration purposes. No attempt is made to identify users or their browsing activities, except in the unlikely event of an investigation by a law enforcement agency.

Cookies

A cookie is an electronic token that is passed to your browser which passes it back to the server whenever a page is sent to you.

Our server generates one cookie. It is used to keep track of the pages you have accessed while using our server. The cookie allows you to navigate back and forwards through the web site and return to pages you have already visited. The cookie exists only for the time you are accessing our server.

Most browsers allow you to choose whether or not to accept cookies. If you do not wish to have cookies placed on your computer, please set your browser preferences to reject all cookies before accessing our website.

Google Analytics

The DVA website uses Google Analytics, which is a web analytics service provided by Google Inc. Reports obtained from Google Analytics are used to help improve the efficiency and usability of DVA's website.

Google Analytics uses 'cookies' to help analyse how users use this site. The information generated by the cookie about your use of the website (including your IP address) will be transmitted to and stored by Google on servers either in Australia or overseas.

Google will use this information for the purpose of evaluating your use of our website, compiling reports on website activity for website operators and providing other services relating to website activity and internet usage. Google may transfer this information to third parties where required to do so by law, or where such third parties process the information on Google's behalf. Google will not associate your IP address with any other data held by Google.

By using this website, you consent to Google processing data about you in the manner and for the purposes set out above. Please refer to [Google's Privacy Policy](#). The types of data collected through Google Analytics include:

- Your computer's IP address (collected and stored in a de-identified format)
- Computer screen size
- Computer type, operating system and browser information
- Geographic location (country only)
- Referring domain and out link, if applicable
- Search terms and pages visited
- Date and time when you accessed the website pages.

Email lists, registrations and feedback

DVA collects information that you provide to us when signing up to mailing lists, registering for events, subscribing to newsletters, or when submitting feedback on your experience with our website.

We use Vision6 to manage our mailing lists and event registrations. You can access Vision6's privacy policy on the [Privacy Policy page of the Vision6 website](#). When subscribing to one of our mailing lists, you will be asked to give your express consent that Vision6 may use your data for analytics purposes. Analytics are performed when you click on links in an email or when you download images in an email. They include which emails you open; which links you click on; your email client (such as Outlook or Apple Mail); whether you were using a mobile or desktop; and, the geolocation of your IP address – the IP address itself is not stored.

Social media channels

DVA uses the following social media channels to communicate with the public about our work: Facebook™, Twitter™, LinkedIn™, YouTube™, Instagram™ and Flickr™. When you communicate with us using these services, we may collect your personal information but we only use it to help us to communicate with you. These social media platforms will also handle your personal information for their own purposes. These platforms have their own privacy policies and they may handle your personal information off-shore. You can access the privacy policies on each of the companies on their websites: [Facebook™](#), [Instagram™](#), [Twitter™](#), [LinkedIn™](#), [YouTube™](#) and [Flickr™](#).

Electronic forms

DVA uses a variety of software options for online forms including the Drupal content management system on our main web site [dva.gov.au](#). This arrangement complies with Australian Government Web Guide Requirements. Submissions are stored in this Drupal system including the form data and the IP address of the submitter. Data is retained in this system until the business area wants it deleted.

Searches

Search terms you enter when using our search engine are collected, but are not associated with any other information that we collect. We use these search terms to ascertain what people are looking for on our site and to improve the services that we provide.

Contacting DVA about privacy

To make an enquiry about our compliance with the APPs, our Privacy Policy, or to access or correct the personal information we hold about you, contact our Privacy Contact Officer:

POST	Privacy Officer Department of Veterans' Affairs GPO Box 9998 BRISBANE QLD 4001
EMAIL	privacy@dva.gov.au
PHONE	1800 555 254

We will respond to your complaint or request promptly if you provide your contact details. We take all complaints seriously and are committed to a quick and fair resolution.



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