



## PRIVACY POLICY

### Building Commission and Associated Bodies

The *Building Act* 1993 established a number of statutory bodies related to building including:

- the Building Commission (“**Commission**”);
- the Building Advisory Council;
- the Building Practitioners Board;
- the Building Appeals Board; and
- the Building Regulations Advisory Committee.

The Commission provides administrative support services to all the statutory bodies listed above (“**associated bodies**”). This policy is the overarching privacy policy for the Commission and the associated bodies in relation to the collection and handling of personal and health information about individuals.

The Commission and the associated bodies are committed to appropriately collecting and handling personal and health information in order to carry out their statutory duties. Personal and/or health information about individuals is only collected if necessary for the functions or activities of the Commission (or one of the associated bodies). Personal information about an individual is collected and handled in accordance with the Information Privacy Principles (“IPPs”) in the *Information Privacy Act* 2000 and health information about an individual is collected and handled in accordance with the Health Privacy Principles (“HPPs”) in the *Health Records Act* 2001. Such information is only used or disclosed for the purpose for which it is collected, unless use or disclosure for another purpose is required or authorised by law.

To read these two Acts of Parliament governing how the Commission and the associated bodies are required to manage personal and health information relating to individuals, search under “Victorian Law Today” on the Victorian Legislation and Parliamentary Documents website at: [www.legislation.vic.gov.au](http://www.legislation.vic.gov.au)

### Functions of the Commission and the associated bodies

The functions and activities specific to the Commission and the associated bodies are prescribed by the *Building Act* 1993 (“**Building Act**”). The role of each body is stated briefly below:

- The Building Commission is a statutory body that regulates the building control system in Victoria. Its functions include regulating building practices, administering the Building Act and Building Regulations 2006 (“**Building Regulations**”), advising Government, monitoring the system of collection of the building permit levy and providing services to industry and consumers (such as the resolution of domestic building disputes as part of the Building Advice and Conciliation Victoria service);
- The Building Advisory Council is the peak advisory body to the Minister for Planning and advises the Minister on matters including the administration of the Building Act and Building Regulations and issues relating to the building permit levy;
- The Building Practitioners Board is responsible for registration of Victorian builders and building professionals, and supervising and monitoring their conduct and ability to practice;
- The Building Appeals Board determines disputes and appeals arising from the *Building Act* and *Building Regulations* and deals with modifications to building legislation; and
- The Building Regulations Advisory Committee provides advice to the Minister for Planning on building regulatory matters, and accredits building products, construction methods or designs and components or systems connected with building work.

The Commission and the associated bodies carry out these functions in consultation with a wide variety of stakeholders.

More general information about the functions and activities of the Commission and the associated bodies can be obtained from the Commission website at [www.buildingcommission.com.au](http://www.buildingcommission.com.au)

The Commission and the associated bodies also have additional obligations which are imposed by other legislation applicable to State government entities. For example, State government entities carry out activities in relation to record keeping under the *Public Records Act 1973* and financial management under the *Financial Management Act 1994*.

### **Collection of personal and/or health information**

Personal and health information about individuals is collected and handled by the Commission and the associated bodies in the course of undertaking their statutory and related functions, including the following:

- Management of statutory building industry related public registers;
- Management of system of building practitioner registration;
- Management of complaints relating to buildings and building practitioners, appeals, hearings, disputes, investigations and prosecutions;

- Referral or modification for special building projects where the Commission has acted as the building surveyor;
- Consultations on the impact and effectiveness of the Building Act and Building Regulations;
- Consultations with stakeholders (including industry and community representatives);
- Handling enquiries, visitors and the receipt of unsolicited information;
- Assessing, determining and issuing building permits;
- Managing the building permit levy system;
- Conducting inspections;
- Circulation of information via subscriptions;
- Management of the cooling tower registration system;
- Managing human resources.

“**Personal information**” is defined in section 3 of the *Information Privacy Act 2000*.

Personal information is recorded information or opinion, whether true or not, about a living, identifiable person (or a person whose identity can reasonably be ascertained).

Some personal information is “sensitive information” and is given special treatment (ie information about race or ethnicity, political opinions, religious beliefs or affiliations or philosophical beliefs, sexual preferences or practices, criminal record, or membership of a political association, professional or trade association or trade union). The collection of “sensitive information” may be required for some of the functions and activities of the Commission or the associated bodies. (For more information see the definition of “Personal information” in section 3 of the Information Privacy Act 2000.)

“**Health information**” is defined under section 3 of the *Health Records Act 2001*.

Health information includes information or opinion about an identifiable person (or a person whose identity can reasonably be ascertained), whether living or deceased, regarding their physical, mental or psychological health. This information does not have to be recorded and is covered by this Act for a period of 30 years after the individual’s death. (For more information see the definition of “Health information” in section 3 of the Health Records Act 2001.)

Individuals are able to enter transactions with the Commission and the associated bodies anonymously when it is lawful and practicable to do so. For example when making general enquiries or giving feedback on service.

Where individuals do not provide some or all of the information requested, the Commission or the associated bodies may not be able to provide a service, complete a transaction or carry out a relevant function or activity in respect of the individual. For example it may be difficult to process a building practitioner registration application with insufficient information.

Most personal and health information collected in recorded form by the Commission and the associated bodies becomes a record that is managed in accordance with the legal

requirements of the *Public Records Act 1973* (“**Public Records Act**”). This Act determines how public records must be physically maintained and specifies the period for which they must be kept.

Recorded personal and/or health information may be contained in a wide range of formats, including paper and electronic documents, databases, audio, visual or audio/visual media, microfilm, microfiche, maps, plans, and drawings. Once collected, the public records containing this personal and health information relating to individuals is managed in accordance with the legislative requirements of that Act (for example see record retention and disposal authorities for retention periods for various records at <http://www.prov.vic.gov.au/records/dispschl.asp>). Privacy laws and sometimes provisions in other Acts, continue to apply to the personal and/or health information contained in the record.

The kinds of personal and health information commonly collected by the Commission and the associated bodies include:

- Names, addresses and other contact details;
- Dates of birth;
- Qualifications;
- Names of associates and family members;
- Bank account and credit cards details;
- Gender
- Incidental health information about individuals’ health, accident and injury
- Employee related personal and health information.

### **Use and disclosure of personal and/or health information**

Personal and/or health information collected and held by the Commission or the associated bodies will only be used and disclosed for the primary purpose for which it was collected, unless use or disclosure for another purpose is required or authorised by law (whether privacy legislation or other laws). Sometimes individuals may be asked whether they consent to the use or disclosure of their personal and/or health information for a purpose other than the primary purpose for which it was collected.

In the ordinary course of business personal and/or health information about individuals may be disclosed to:

- State and local government agencies;
- Law enforcement agencies;
- Victorian Workcover Authority; and
- Other areas within the Commission or the associated bodies.

### **Unique Identifiers**

Unique identifiers to identify specific individuals (for example individuals’ registration numbers) are only assigned where it is necessary to enable the Commission or one of the associated bodies to carry out its functions efficiently or where otherwise authorised by law. Unique identifiers created by other bodies are not adopted by the Commission or the associated bodies unless authorised by law. A unique identifier assigned to an individual

by another body will not be used or disclosed by the Commission or the associated bodies unless the individual has consented to the use or disclosure.

### **Transfer of personal and health information out of Victoria**

The Commission and the associated bodies only transfer personal and/or health information to a recipient outside Victoria in accordance with the requirements of Victoria's privacy legislation. In broad terms, the legislation requires the transfer of information to be necessary in certain circumstances or, where consent from the individual has been obtained, and requires the Commission or the associated body to ensure similar levels of protection for the information to apply once it is in the hands of the recipient.

### **Data Quality**

The Commission and the associated bodies take reasonable steps to ensure that personal and/or health information collected, used or disclosed is accurate, complete and up to date and relevant to the functions of the Commission or the associated bodies. The quality of this information is, at first instance, dependent upon the accuracy and currency of the information provided by individuals. Individuals can assist the Commission or relevant associated body by providing details of any changes to their personal and/or health information and advising the Commission or relevant associated body of any errors of which they become aware.

### **Data Security**

The Commission and the associated bodies take reasonable steps to protect the personal and/or health information they hold from misuse and loss, and from unauthorised access, modification or disclosure.

They also take reasonable steps to destroy or permanently de-identify the personal and/or health information they hold once it is no longer needed for any purpose. Information constituting public records is disposed of in accordance with the legal requirements of the Public Records Act and in particular Retention and Disposal Authorities ("Authorities") created under that Act. These Authorities specify the minimum length of time public records must be retained before being destroyed or transferred to the Public Records Office.

### **Policy Availability**

This privacy policy is available on the Commission's website at <http://www.buildingcommission.com.au/www/html/7-home-page.asp>

Hard copies are also available on request by mail (PO Box 536, Melbourne VIC 3001) or in person at the Commission's premises at Goods Shed North, 733 Bourke Street, Docklands during office hours (Monday to Friday 8.30am to 5.00pm; telephone 1300 815 127, facsimile (03) 9618 9062).

## **Related Information**

More detailed information about the handling of personal and/or health information collected through recruitment processes and via the website is provided in the Commission's separate specific privacy statements:

- Recruitment Privacy Statement  
<http://www.buildingcommission.com.au/www/html/66-privacy-.asp>
- Website Privacy Statement at  
<http://www.buildingcommission.com.au/www/html/66-privacy-.asp>

## **Access and**

### **Correction**

Individuals are able to request access to the personal and/or health information about them held in documents of the Commission and the associated bodies.

Individuals are also able to request to have corrected any personal and/or health information held about them if it is not accurate, complete and up to date.

Most requests for access and correction are managed under the *Freedom of Information Act* 1982. Access under the *Freedom of Information Act* will be provided for a valid request unless the document requested is an "exempt document" within the meaning of that Act. Where correction for an inaccuracy is agreed to, the correction or amendment may take the form of a notation on the original document. Such a notation will not have the effect of deleting or expunging the information which has been corrected.

Requests must be made in writing identifying the documents sought or in the case of a request for correction, identifying the document, detailing the claimed incorrect information and specifying the amendments that it is proposed be made. Requests should be sent to:

- the Commission;
- the Building Advisory Council;
- the Building Practitioners Board;
- the Building Appeals Board;
- the Building Regulations Advisory Committee,

at: P O Box 536  
Melbourne VIC 3001

More detailed information about how Freedom of Information requests are managed can be found on the Victorian Government website Freedom of Information Online [www.foi.vic.gov.au](http://www.foi.vic.gov.au). A request form can be printed from that website and used to make a request for personal and/or health information to any of the above bodies.

## **Privacy Complaints**

Any concerns about how the Commission or any of the associated bodies have handled personal or health information about an individual should be addressed to the Manager, Legal Services so they can be directed to the appropriate area for the Commission or the associated body. Contact details for the Manager, Legal Services are:

Manager, Legal Services  
Building Commission  
P O Box 536  
MELBOURNE VIC 3001

Ph: 1300 815 127

## **Victorian Privacy Authorities**

Individuals may contact the following responsible statutory bodies to discuss privacy matters, including making a complaint about the handling of personal and/or health information. Individuals may complain directly to these privacy authorities or subsequent to making a complaint to the Commission or associated bodies if they are not satisfied with the outcome.

<p><b>For personal information (other than health information):</b></p> <p><b>Victorian Privacy Commissioner</b> <b>Privacy Victoria</b> Level 11 10-16 Queen Street Melbourne Victoria 3000 Australia</p> <p>GPO Box 5057 Melbourne Victoria 3001 Australia</p> <p>Telephone: 1300 666 444 Fax: 1300 666 445 Email <a href="mailto:enquiries@privacy.vic.gov.au">enquiries@privacy.vic.gov.au</a></p> <p>Web: <a href="http://www.privacy.vic.gov.au">www.privacy.vic.gov.au</a></p>	<p><b>For health information:</b></p> <p><b>Health Services Commissioner</b> 30th Floor 570 Bourke Street Melbourne 3000 Victoria, Australia Telephone: (61 3) 8601 5200 Toll Free: 1800 136 066 Fax No.: (61 3) 8601 5219 TTY No. 1300 550 275 E-mail: <a href="mailto:hsc@dhs.vic.gov.au">hsc@dhs.vic.gov.au</a></p> <p>Web: <a href="http://www.health.vic.gov.au/hsc">www.health.vic.gov.au/hsc</a></p>
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