

Dust Diseases Care Privacy Principles

How we collect, store, use and disclose your personal and health information

We need to collect store use and disclose your personal and health information to assess your application, pay you compensation and perform associated legal and administrative functions. We respect your privacy and treat the management of your personal and health information very seriously.

The *Workplace Injury Management and the Workers Compensation Act 1998** contains some specific rules about how we can disclose any information we have obtained from you in the course of administering your claim. It allows us to disclose that information in certain specified circumstances including with your consent, for the purpose of any legal proceedings, or with other lawful excuse.

*The provisions of the *Workers Compensation (Dust Diseases) Act 1942* are interpreted with the *Workers Compensation Act 1987*, which is interpreted as if it is part of the *Workplace Injury Management and the Workers Compensation Act 1998*.

We are also bound to manage your personal and health information in accordance with the *Privacy and Personal Information Protection Act 1998* and the *Health Records and Information Privacy Act 2002*. We apply these legal obligations when collecting, storing, using and disclosing your personal and health information, except where we can rely on the other laws, including those governing dust diseases compensation, to do something different. The following principles apply to your personal and health information in any form, including electronic or paper records, audio records or x-rays.

1. Why we collect information about you

We collect personal and health information only if it is lawful to do so and where it is reasonably necessary for our purpose. We only collect information to the extent that it is necessary for us to exercise our functions under the dust diseases compensation scheme. We collect your information to determine whether you are eligible to be in our scheme, and to determine if you are entitled to medical treatment and support services, and financial compensation. The information we collect also helps us manage your participation in the scheme.

2. What kind of information we may collect

We only collect personal and health information that is relevant to your participation in the scheme. This information may include information about your employment history, including your income and the extent of your dust exposure, information about your health including your medical history and your treatment needs, your current living arrangements and information about your dependants (if applicable). If you are eligible for compensation, we will also collect information that allows us to provide you with financial compensation including your bank account details and tax file number.

3. How we use and disclose your information

We will use and disclose your personal and health information for the purpose for which it was collected or a directly related purpose. Additionally, from time to time, we might use your information for developing customer improvement programs. We might also disclose your personal or health information for research or compilation of statistics where it is reasonably necessary and in the public interest. In those circumstances, we will ensure that the information is de-identified and reasonably necessary for those purposes or that the information is otherwise provided in accordance with Human Research Ethics Committee requirements.

4. Who we might obtain your personal and health information from or give it to

We will collect your personal and health information from you and others by a variety of means, including in writing, verbally, via online portals, applications or other form of written record. We may record telephone calls made by you or others and may use those recordings both in administration of your claim, and to improve the quality of the management of the scheme.

We may need to give documents and/or information about you to others, or get them from them. The people and institutions we may do this with include:

- your authorised representative (within the meaning of the *Guardianship Act 1987*), your agent and any other person you nominate
- family and friends who are involved in your care
- your current or former employer, or previous or current work colleague or any other persons that can provide information regarding your employment

- your current employer in accordance with the Work Health & Safety Regulation 2017
- an educational institution
- an insurer carrying on the business of providing workers' compensation or personal injury insurance
- a department, agency or instrumentality of the Commonwealth, the State or another State
- if you live or travel overseas, any private or government entity necessary to deliver treatment and support services to you or otherwise manage your participation in the dust diseases care scheme
- a hospital, including a private hospital
- a medical practitioner
- a person who is qualified to assess the treatment and support needs of a person
- a provider of treatment, care or support services including attendant care and support services
- any legal practitioner acting for you or another party in any claim arising out of your entitlement to compensation by the Dust Diseases Care scheme.

We may also obtain information about you from publicly available sources of information.

5. Transferring your information outside New South Wales

Sometimes we may need to transfer your information to other States and Territories, as well as to the Commonwealth. This may be to determine if you are eligible for the dust diseases scheme, or so we can provide support and treatment services, or as part of the Commonwealth-State reporting obligations. If you live in a different state or overseas we will need to do this most of the time. If we need to transfer your personal or health information outside of NSW we will ensure that we have lawful authority to do so or otherwise request your consent.

6. Keeping your information relevant and up to date

We take reasonable steps to ensure that your personal and health information is relevant, up to date and complete. We may ask you to verify information we hold about you and to ensure it is accurate.

7. We keep your information secure

We protect your information from unauthorised access, use, misuse, modification, disclosure and loss. Your information is stored securely, not kept any longer than necessary and disposed of in accordance with our record keeping obligations.

8. You can access and correct your information

If you ask us, we will tell you what personal and health information about you we have, and give you access to it. We will allow you to update, correct or amend your personal or health information in certain circumstances, for instance if it is inaccurate.

9. If you act for someone as an authorised representative

You may be able to give consent to collect, use and disclose information acting for someone as an authorised representative. An authorised representative means:

- If a worker has impaired decision-making capacity or a disability an authorised representative is someone acting for a worker as a person responsible within the meaning of section and 33A (4) of the Guardianship Act 1987, being a guardian, a spouse or partner, a carer or a close friend or relative (as defined in the Guardianship Act 1987); or
- An attorney for the worker under an enduring power of attorney; or
- A person who is otherwise empowered under law to exercise any functions as an agent of or in the best interest of the worker.

10. If there is a dispute about how we are managing your personal or health information

If you believe we are not managing your personal or health information in accordance with these principles then you have rights to ask us to review our conduct.

For more information

If you have any questions about privacy, confidentiality or access to information, please contact Dust Diseases Care.

From: 9:00am to 5:00pm, Monday to Friday
Phone: 02 8223 6600 or 1800 550 027 (toll free)
Fax: 02 9279 1520
Email: DDAenquiries@icare.nsw.gov.au

For further information about how icare, including Dust Diseases Care, meets its privacy obligations please visit the privacy pages on our website at www.icare.nsw.gov.au