

*Disclaimer: the material in this fact sheet is intended as a general guide only. You should not act on the basis of the information in this fact sheet without first getting legal advice about your own particular reason. The information is based on the laws in Victoria as of August 2020.*

# FREEDOM OF INFORMATION AND PRIVACY

## INCLUDED IN THIS FACT SHEET ARE:

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What are my privacy rights?

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## FREEDOM OF INFORMATION (FOI) REQUESTS

You have a right to access government documents if those documents contain either information about you or information of a non-personal nature.

For more information about your rights under freedom of information and how to make a freedom of information request or complaint, check out:

- [Office of the Victorian Information Commissioner](https://ovic.vic.gov.au/) for information regarding Victorian government agencies, local councils, government schools, universities and TAFEs: see <https://ovic.vic.gov.au/>
- [Office of the Australian Information Commissioner](https://www.oaic.gov.au/) for information regarding federal government agencies (e.g. Centrelink, the Australian Tax Office): see <https://www.oaic.gov.au/>

## PRIVACY

Privacy laws protect your personal information from being used or passed on to others by the government or a business without your consent.

### What is personal information?

Personal information is information about you that identifies you or could identify you. Personal information can include things like your name, your email address, a photo of you, your health information, your sexual orientation, your religious beliefs and your criminal record.

### What are my privacy rights?

When the government or a business (though not some small businesses) collects personal information about you they are required to let you know:

- how they will use your personal information;
- who they might disclose your personal information to;
- how you can complain if you are unhappy about how your personal information has been handled; and
- how you can access and correct the personal information they hold about you.

They are not allowed to use your personal information or share your personal information with others for a new purpose that they haven't told you about without your consent, but there are some exceptions.

### How can I make a complaint about how my personal information has been handled?

You are allowed to make a complaint even if you are underage. You may be able to do this yourself or have a parent or other person do it for you.

If you want to make a complaint about how your personal information has been handled, first try contacting the government department or business directly about the issue. If they haven't gotten back to you and it has been more than a month since you made the complaint, or if you aren't happy with their response, you can escalate your complaint:

- for issues involving Victorian government agencies, local councils, government schools, universities and TAFEs, contact the Victorian Information Commissioner [here](#)
- for issues involving businesses (including private schools) and federal government agencies (e.g. Centrelink, the Australian Tax Office), contact the Office of the Australian Information Commissioner [here](#).

## MORE INFORMATION

For more information about freedom of information and privacy laws, check out:

- [Office of the Victorian Information Commissioner: https://ovic.vic.gov.au/](https://ovic.vic.gov.au/).
- [Office of the Australian Information Commissioner: https://www.oaic.gov.au/](https://www.oaic.gov.au/)

The Office of the Victorian Information Commissioner has published a resource for young people "Privacy for Young People". See <https://ovic.vic.gov.au/privacy/for-the-public/privacy-for-young-people/>.

Visit our website: [www.youthlaw.asn.au](http://www.youthlaw.asn.au)

Chat to us: 03 9113 9500

Email your questions: [legal@youthlaw.asn.au](mailto:legal@youthlaw.asn.au)

# YOUTHLAW

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