Specialist Medical Review Council

Privacy Policy

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About our privacy policy

This privacy policy explains how the Specialist Medical Review Council (the SMRC) manages the personal information it collects, in particular:

- what kinds of personal information we collect and store
- how we collect personal information and where it is stored
- the reasons why we need to collect personal information
- how we use and disclose personal information
- our contact details and how to seek access to your information, or ask for a correction
- how to lodge a complaint if you think your personal information has been mishandled, and how we will manage your complaint
- if we are likely to disclose your information outside Australia

We update this privacy policy when our practices in handling personal information change. This policy is published on our website.

Our role

The SMRC is an independent statutory body under the Veterans' Affairs portfolio and is responsible to the Minister for Veterans' Affairs.

The legislative authority for the SMRC is contained in *Chapter 9B of the Military Rehabilitation and Compensation Act 2004* (MRCA).

On request from an eligible person or organisation, the SMRC reviews decisions made by the Repatriation Medical Authority (RMA) in respect to the contents of a Statement of Principles, to not to issue a Statement of Principles, or to amend a Statement of Principles, or to not to carry out an investigation under section 370CF(1) of the MRCA.

The SMRC consists of 3 to 5 medical practitioners and medical scientists appointed as Councillors by the Minister and selected by the Convener on the basis of their expertise in the injury, disease or death relevant to the Statement of Principles under review.

The SMRC Registrar and Secretariat are staff provided by the Secretary of the Department of Veterans' Affairs (DVA). Although the Registrar and Secretariat support the Council in the reviews, the Council carries out the reviews independently of DVA and the RMA.

The SMRC is authorised under the MRCA and the Privacy Act 1988 (Cth) (the Privacy Act) to collect, use and disclose a range of personal information to perform its functions. For more information please see the Review Process on our website.

Our privacy obligations

The SMRC is bound by the provisions of the Privacy Act and the Australian Privacy Principles (APPs) which regulate the collection, storage, use, disclosure and disposal of personal information by Commonwealth agencies. The specific legal obligations of the SMRC when collecting and handling personal information are detailed in the Privacy Act and, in particular, in the APPs found in Schedule 1 to that Act.

What is personal information?

The Privacy Act defines '**personal information'** as:

> *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.*

Examples of '**personal information'** include name, address, phone number and gender.

'Sensitive information' is a subset of personal information which includes:

(a) *information or an opinion about an individual'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*
   - *membership of a trade union*
   - *sexual orientation or practices*
   - *criminal record*

(b) *health information about an individual*

(c) *genetic information about an individual that is not otherwise health information*

(d) *biometric information that is to be used for the purpose of automated biometric verification or biometric identification*

(e) *biometric templates.*

Sensitive information attracts additional protections under the Privacy Act.

Remaining anonymous or using a pseudonym

You have the right to request to remain anonymous or use a pseudonym when interacting with us. It may not always be possible or practical for this to occur—for example, when we assess your eligibility to make a request of the SMRC. If you request to remain anonymous or use a pseudonym when dealing with us, we will advise you if this is not possible for practical reasons.

Collection of your personal information

We only collect personal information for purposes reasonably necessary for, or directly related to, undertaking our functions under Chapter 9B of the MRCA, or otherwise authorised by the Privacy Act.

Personal information (including sensitive information) will only be used or disclosed for the purpose for which it was collected unless the law requires or permits use or disclosure for another purpose or permission is given by the individual to use or disclose the information for another purpose.

How we collect your information

Our usual practice is to collect personal information directly from you or your authorised representative when you communicate with us, or make a request under the MRCA, the Freedom of Information Act 1982 (Cth), or the Privacy Act.

We may collect limited personal information about you, including from DVA, if this is required to undertake our functions. For example – to confirm you are eligible to submit a request for review to the SMRC, to obtain your personal details for contacting you about the conduct of a review or for the administration of SMRC activities.

In certain circumstances, where required or authorised by Australian law, we may also obtain personal information about you from other third parties.

Passive Data Collection

The SMRC's website is managed by DVA. Certain data may be collected by DVA automatically, as users navigate from page to page on our website. This is called 'passive data' collection and is done through the use of cookies, web beacons and other mechanisms.

Further information on the collection and management of passive data is available on DVA's website.

What we collect

We will only collect sensitive personal information (such as health information) if it is reasonably necessary for, or directly related to, one or more of our functions or activities.

The personal information we collect will vary significantly depending on what we require to perform our functions and activities.

As an example, the type of personal information we would usually collect from an eligible person seeking a SMRC review may include:

- Personal details such as your name and date of birth
- Contact details
- Information about authorised representatives
- Details of your military service and/or your eligibility to seek a review.

We may collect more detailed information, if necessary to undertake our functions and activities. For example, we may request your bank details if necessary to reimburse you for costs associated with eligible travel.

In some circumstances, the information may include sensitive information such as health information (including medical information, attendant requirements, and any disability or injury you may have) for example, to assist with attendance during SMRC hearings and photographs and voice or video recordings of you if hearings are recorded.

Sometimes we may collect sensitive personal information without your consent, such as when it is required or authorised by law, or court or tribunal order.

How we use and disclose personal information

The SMRC generally uses and discloses personal information only for the primary purpose for which it is collected. In certain circumstances, we may use personal information for another purpose but only where this would be authorised by the Privacy Act.

This may include where you have consented to this secondary purpose or where the secondary purpose is required or authorised by law.

Some examples of where we might use personal information for a secondary purpose include:

- Where we have been compelled by a Court or Tribunal to produce certain information
- Where we have collected information for use in a particular program and we use the information to make service improvements to that program.

To undertake reviews:

For Applicants

We use personal information to undertake reviews of certain decisions of the RMA, as outlined under Chapter 9B of the MRCA. For example, we may use your personal information to:

- communicate with you
- verify your identity and eligibility
- investigate fraud, including internal fraud
- manage complaints and feedback

If you have requested the SMRC undertake a review of a decision made by the RMA, we may disclose your personal details to current or potential councillors as part of confirming whether a conflict of interest may exist. Your application containing your personal information will be made available to councillors in order to carry out the review function.

For SMRC Councillors

We use personal information to identify potential councillors, undertake Ministerial Appointments, manage and pay SMRC Councillors.

Personal information provided in an Expression of Interest to the SMRC may be disclosed to the Minister for Veterans' Affairs and DVA for the purpose of Appointment and selection processes.

As outlined under section 380BA of the MRCA, SMRC councillors are officials of DVA for the purposes of the *Public Governance, Performance and Accountability Act 2013.*

The Public Service Regulations 2023 (legislation.gov.au) provides that an agency head (Convener of the SMRC) may use or disclose personal information in their possession or control where the use or disclosure is necessary or relevant to the performance or exercise of the agency head's employer powers.

SMRC External Service Providers

The SMRC uses consultants, contractors and outsourced service providers to undertake its functions. This requires us to collect personal information as required to meet our procurement, commercial and financial business obligations.

Consultants, contractors and outsourced service providers who have access to personal information collected by the SMRC, or who collect personal information on behalf of the SMRC, have obligations to ensure they handle personal information in accordance with the Privacy Act.

Usual disclosure arrangements

When we collect personal information about you, we are required by the Privacy Act to take reasonable steps to notify you of certain 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.

As part of the review function, the SMRC will provide your personal information to DVA to:

- confirm your eligibility to make a request for a review or a submission to a Review Council if you are an applicant, their representative or make a submission to a review,
- Securely store and manage your records on DVA systems
- administer your engagement if you are a councillor (e.g. payroll)
- arrange travel, reimburse or provide other services covered under the MRCA
- allow staff assigned to the SMRC to assist the SMRC.

The SMRC would not ordinarily disclose your personal information overseas other than to SMRC councillors who are overseas.

Storage of personal information

The SMRC stores personal information on systems administered by DVA. DVA has implemented measures to ensure this information is only accessed by DVA staff assigned to support the SMRC or other personal required to administer DVA systems. Information on how DVA manages personal information and data security is in the DVA Privacy Policy available on the DVA website.

The SMRC also stores personal information on GovTeams OFFICIAL. GovTEAMS OFFICIAL is a secure digital collaboration service built for the Australian Government. Further information is available on GovTeams Privacy Policy on their website.

When no longer required, we destroy or archive personal information in a secure manner, where permissible under the *Archives Act 1983* (Archives Act). We may contact you about whether information we have collected should be retained.

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 we collect is accurate, up-to-date, and complete.

Access and correct your personal information

You have a right under the Privacy Act and under the *Freedom of Information Act 1982 (Cth)* to request access to personal information we hold about you.

You also have a right 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. If you ask, we must give you access to your personal information, and take reasonable steps to correct it if we consider it is incorrect, unless there is a law that allows or requires us not to. We can decline access to, or correction of, personal information under circumstances set out in the Privacy Act.

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

The SMRC's Information Publication Scheme Agency Plan under the Freedom of Information Act 1982 is available on our website.

To make a request for access or correction of your personal information, please contact:

POST	Privacy Officer
	Specialist Medical Review Council
	PO Box 965
	BRISBANE QLD 4001
EMAIL	SMRC.registrar@smrc.gov.au

How we handle data breaches

Agencies and organisations regulated by the Privacy Act are required to notify affected individuals and the Office of the Australian Information Commissioner (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.

If a data breach occurs, such as if personal information that we hold is subject to unauthorised access, use or disclosure, we will respond in line with the Office of the Australian Information Commissioner's *Data breach preparation and response: A guide to managing data breaches in accordance with the Privacy Act 1988 (Cth)*. 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.

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 the SMRC has breached the Privacy Act or mishandled your personal information, you can make a complaint to the SMRC or to OAIC.

In the first instance, we recommend reporting your privacy complaint to the SMRC using the contact details in the Contact us section of our webpage.

Please submit your concern or complaint in writing so that we can fully understand the matter. 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.

You can also use the below contact details to make an enquiry about our compliance with the Privacy Act or to ask a question about this Policy.

Contact us

POST Registrar

Specialist Medical Review Council

PO Box 965

BRISBANE QLD 4001

EMAIL SMRC.registrar@smrc.gov.au