

# MELBOURNE MARKET AUTHORITY DRUG AND ALCOHOL PRIVACY AND CONFIDENTIALITY STATEMENT



## 1. DRUG AND ALCOHOL PRIVACY AND CONFIDENTIALITY STATEMENT

Melbourne Market Authority (**MMA**) has a practice of conducting random drug and alcohol testing on any individuals on Market Land to ensure a safe working environment for all Market users. The privacy and confidentiality statement set out below applies to drug and alcohol test results obtained through these tests.

### **Privacy and Confidentiality**

Information obtained in the process of conducting drug and alcohol tests will be treated in the strictest confidence.

The MMA will not use personal or health information collected from employees or contractors in a manner that contravenes the *Privacy and Data Protection Act 2014* (Vic) or the *Health Records Act 2001* (Vic).

Records created as a result of drug and alcohol testing will be retained by the authorised sample collection agency in accordance with the *Health Records Act 2001* (Vic), and disclosed to the MMA General Counsel (or their delegate). The purpose of disclosure to the MMA General Counsel (or their delegate) is to enable the MMA to enforce its Drug and Alcohol Policy and ensure the safety of all visitors to the Market.

If in the opinion of the MMA General Counsel (or their delegate) it is reasonably necessary to disclose test results to a worker's employer or principal, the disclosure will be made on a confidential basis, and the worker will be notified of the disclosure.

Other than as set out above, individual drug and alcohol test results shall not be released to anyone who is not directly involved in the testing process without the consent of the person who was tested, except:

- 1 when the results of the test become subject to a dispute, however the information may only be released to other parties on a "need to know" basis and as would be reasonably expected by the employee or contractor; or
- 2 when complying with any legal requirement.

### **Testing Program and Handling Results**

The MMA will carefully select and monitor all people responsible for administering the testing program and will implement measures to ensure appropriate standards are maintained, and that all parties involved in sample collection and testing are properly accredited. Samples will only be used for the purpose of testing for the presence of alcohol and drugs. Results will be used for the purposes of:

- 1 minimising the risks arising from drugs or alcohol in the Market; and
- 2 where appropriate, taking disciplinary action.

MMA expressly requires its sample collection and testing partners to ensure the confidentiality and privacy of the information they collect and the test results.

### **Retaining Records**

Laboratory results will be forwarded from the laboratory to the collection facility, and retained in a highly secure database at the collection facility. Samples sent to laboratories for confirmatory testing are de-identified. Laboratory results will be forwarded to the MMA General Counsel (or their delegate) in encrypted form.

Any paperwork regarding drug and alcohol testing results will be kept strictly confidential and securely retained by the MMA. The MMA will take reasonable steps to protect the information it holds from misuse and loss and from unauthorised access, modification or disclosure.

Any person who has been tested can request access to the data that the Market holds in relation to them by contacting the MMA General Counsel (or their delegate).

### **Complaints**

Any complaints relating to alcohol and drug testing should be reported to the MMA General Counsel. This includes complaints relating to:

- 1 the manner in which testing has been undertaken.
- 2 the confidentiality of personal information.

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## 2. ACKNOWLEDGEMENT

*I agree to participate in drug and alcohol testing, and I consent to my personal and/or health information being used and disclosed as outlined in the above statement.*

*To the extent permitted by law, I agree that MMA is not liable for any act or omission on the part of a sample collection or testing agency, or for any action MMA reasonably takes based on information provided to it by a sample collection or testing agency.*

Full Name: \_\_\_\_\_

Signature: \_\_\_\_\_

Date:     /     /

Notes: \_\_\_\_\_  
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