

LEGAL RESTRICTIONS IN YOUR COLLECTION

While we encourage our users to make their collections accessible online, there may be cases where online publication is not appropriate. This information sheet discusses legal restrictions that may apply to your collection and methods to manage access.

The information provided here is general advice about restrictions as they apply to online publication. If you need to know how the law applies in a particular situation, please seek advice from a lawyer.

BEFORE YOU BEGIN

Legal restrictions do not necessarily preclude us from sharing our collections online, but they can alter the way that we share collection information in order to create a safe environment for our users.

For further advice on legal restrictions regarding the possession of material such as firearms and prohibited weapons, shipwreck material and Aboriginal objects, see the **Further Resources** below.

PERSONAL INFORMATION

Although most community collecting organisations are not held to the obligations of the *Privacy Act 1988*, you may still need to manage **personal information about individuals** in your collection in order to maintain good relationships with your donors and community.

Personal information is information or an opinion about an identified individual, or an individual who is reasonably identifiable. This information may include contact details, a residential address, etc. Depending on the context of the information and how current it is, such information may be inappropriate to share without the knowledge and consent of the individual.

SENSITIVE INFORMATION

Sensitive information is **a type of personal information about an individual** which may include racial or ethnic origin, political opinions, religious beliefs, a criminal record etc.

According to the *Privacy Act 1988*, sensitive information should only be shared with the consent of the individual. Unless you can gain the consent of the individual represented in your collection, it is most appropriate to limit access to this information.

DISTURBING CONTENT

Some online content may be considered 'prohibited' content under the *Broadcasting Services Act 1992*, but such content is unlikely to appear in collections.

However, your collection may include **images of events or actions which might be disturbing or distressing** to the general public. This might include content which is violent, graphic, or inappropriate for some age groups.

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MANAGING RESTRICTIONS IN YOUR COLLECTION

To manage access to restricted information in your collection:

- consider making images private, especially those of children who are still underage or images which depict distressing or inappropriate content
- remove sensitive or personally identifiable information such as addresses from public fields
- consider making the entire record private
- add a Privacy Policy to your Organisation page or website, stating how you will respond to notices of privacy violation (see the example from Bialik College)

Other types of restrictions include *intellectual property* and *cultural restrictions*. See the **Further Resources** for information sheets on these topics.

MORE LIKE THIS

Information sheet: Copyright Traffic Light
Information sheet: Cataloguing Aboriginal and Torres-Strait Islander Items

FURTHER RESOURCES

Privacy Policy, Laura Kipen Memorial Archive, <https://www.bialik.vic.edu.au/wp-content/uploads/Pages/2018/Laura-Kipen-Memorial-Archive-Privacy-Policy.pdf>

The Privacy Act 1988, <https://www.oaic.gov.au/privacy/the-privacy-act>

FURTHER RESOURCES (con.)

Australian Privacy Principles, Office of the Australian Information Commissioner, <https://www.oaic.gov.au/individuals/privacy-fact-sheets/general/privacy-fact-sheet-17-australian-privacy-principles>

Possessing, exporting and importing of underwater cultural heritage, Department of Environment and Energy, <https://www.environment.gov.au/heritage/underwater-heritage/possessing-underwater-heritage>

Weapons Controls, Victoria Police, <https://www.police.vic.gov.au/weapons-controls>

Victorian Collections is an initiative of Australian Museums and Galleries Association Victoria in partnership with Museums Victoria. Victorian Collections is supported by the Victorian Government through Creative Victoria via the Victorian Cultural Network.