

# Privacy

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## 1. TITLE

Privacy

## 2. OBJECTIVE

2.1. To ensure responsible management of personal information collected by Council.

2.2. To ensure Council's compliance with the *Privacy and Data Protection Act 2014* (Vic) ('Act') and the Information Privacy Principles ('IPPs') which are set out in the Act.

## 3. DEFINITIONS AND ABBREVIATIONS

Term	Meaning
Personal information	<p>Information or an opinion about an individual whose identity is apparent, or can reasonably be ascertained, from the information or opinion, but does not include health information.</p> <p>Examples of personal information collected and held by Council may include names, addresses or other contact details; and dates of birth.</p>
Health information	<p>Has the meaning defined in the Health Records Act 2001 (Vic) and includes:</p> <p>(a) information or opinion about:</p> <ul style="list-style-type: none"><li>i. the physical, mental or psychological health of an individual; or</li><li>ii. a disability of an individual; or</li><li>iii. an individual's expressed wishes about the future provision of health services to him/ her; or</li><li>iv. a health service provided, or to be provided, to an individual</li></ul> <p>that is also personal information; and</p> <p>(b) other personal information collected to provide, or in providing, a health service; or</p> <p>(c) other personal information about an individual collected in connection with the donation, or intended donation, by the individual of his/her body parts, organs or body substances; or</p> <p>(d) other personal information that is genetic information about an individual in a form which is, or could be, predictive of the health (at any time) of the individual or of any of his/her descendants.</p>
Sensitive information	<p>Personal information which includes information or an opinion about a person's racial or ethnic origin, political opinions, trade union membership, philosophical or religious beliefs, sexual preferences or criminal record.</p>

## **4. POLICY**

### **4.1. Collection of personal and sensitive information: IPPs 1 and 10**

- 4.1.1. Council will only collect *personal* information that is necessary for its functions and activities, or as required or authorised by law, or for any other reason permitted by the Act.
- 4.1.2. Council will only collect *sensitive* information about an individual with their consent, or otherwise as required or authorised by law, or for any other reason permitted by the Act.
- 4.1.3. Council will only collect personal information by lawful and fair means, and not in an unreasonably intrusive way.
- 4.1.4. If it is reasonable and practicable to do so, Council will collect personal information about an individual directly from that individual. When doing so, it will inform the individual of the matters set out in IPP 1, including the purpose/s for which the information is collected, and will use lawful and fair means to collect the information. If Council collects personal information about an individual from someone else, it will take reasonable steps to make the person aware of these matters.

### **4.2. Use and Disclosure: IPP 2**

Council will only use or disclose personal information: for the primary purpose for which it was collected or for a related (or, in the case of sensitive information, directly related) secondary purpose that the individual would reasonably expect. In all other circumstances Council will seek consent, unless the use or disclosure is required by law or otherwise permitted by the Act.

### **4.3 Data Quality: IPP 3**

Council will take reasonable steps to ensure that any personal information it holds is accurate, complete and up-to-date.

### **4.4 Data Security: IPP 4**

Council will take reasonable steps to safeguard the personal information it holds against misuse, loss, and unauthorised access, modification or disclosure. .

Council will dispose of personal information where it is no longer necessary to fulfil the purposes for which the information was collected or as required by law, subject to its legislative obligations relating to retention of public records.

### **4.5 Openness, Access and Correction: IPPs 5 and 6**

If an individual wishes to access their personal information, they should contact Council's Privacy Officer. Access will be provided except in the circumstances outlined in the law (e.g. where the information relates to legal proceedings or where the *Freedom of Information Act 1982* (Vic) applies).

If an individual believes that their personal information is inaccurate, incomplete or out of date, they may request that Council correct their information. Such a request will be dealt with in accordance with the law and should be directed to the Privacy Officer.

### **4.6 Anonymity: IPP 8**

Where lawful and practicable, Council will give an individual the option of not identifying themselves when supplying information or entering into transactions.

### **4.7 External Contractors**

Council may outsource some of its functions to third parties. This may require Council to disclose personal information to the contractor or for the contractor to collect, use or disclose

certain personal information Council mandates that its contractors comply with privacy law.

#### **4.8 Health Information**

Refer to the Health Records Policy for the management of health information collected by Council.

#### **4.9 Complaints**

Complaints regarding Council's management of personal and sensitive information should be directed to the Privacy Officer.

Complaints should be made in writing and accompanied by a suitable form of identification (e.g. photocopy of driver's licence). A complaint will be investigated as soon as possible and the complainant will be provided with a written response.

Alternatively, a complaint may be made to the Office of the Victorian Information Commissioner (although the Commissioner may decline to hear the complaint if a complaint has not first been made to Council).

### **5. HUMAN RIGHTS CHARTER COMPATIBILITY**

This Policy has been assessed as being compatible with the *Charter of Human Rights and Responsibilities Act 2006* (Vic).

### **6. ASSOCIATED INTERNAL DOCUMENTS**

Health Records Policy

### **7. EXTERNAL REFERENCES/RESOURCES**

*Charter of Human Rights and Responsibilities Act 2006* (Vic)

*Health Records Act 2001* (Vic)

*Privacy and Data Protection Act 2014* (Vic)

*Public Records Act 1973* (Vic)

Office of the Victorian Information Commissioner, Privacy and Data Protection  
(<http://www.ovic.vic.gov.au/>)