

# Privacy

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<b>Position Title of Responsible Business Unit Manager/or other:</b>	Corporate Counsel	

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## 1. TITLE

Privacy

## 2. PURPOSE

To convey the principles of responsible management of personal information collected by Council.

## 3. OBJECTIVE

Council is strongly committed to protecting an individual's right to privacy. It fosters this by adhering to privacy laws, including the ten Information Privacy Principles ('IPPs') contained in Schedule 1 of the *Privacy and Data Protection Act 2014*.

This policy explains some of these IPPs and how they apply to Council's activities.

## 4. DEFINITIONS AND ABBREVIATIONS

Term	Meaning
Personal information	Information or an opinion about an individual whose identity is apparent, or can reasonably be ascertained, from the information or opinion, other than certain health or generally available information.
Sensitive information	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.

## 5. POLICY

### 5.1 Examples of *personal* information collected and held by Council

Names and addresses of ratepayers in order to carry out Council functions (e.g. planning, valuation and property services).

Names, addresses and dates of birth of recipients of Council services in relation to aged care and other community services (e.g. maternal and child care services).

Names, addresses and contact details that may be in held in relation to facility hire, traffic infringements and animal registration details.

### 5.2 Examples of *sensitive* information held by Council

Racial or ethnic background as is noted on housekeeping files.

Religious belief if it impacts upon the way housekeeping is performed (e.g. kosher kitchen).

Criminal record (police check information) if it relates to employment.

### **5.3 Collection of information: IPP 1 and IPP 10**

Council must only collect *personal* information that is necessary for its functions and activities. (In some instances, Council is required by law to collect personal information): IPP 1

If it is reasonable and practicable to do so, Council will collect personal information about a person directly from the person. When doing so, it will inform the person of the matters set out in the IPPs, including the purpose/s for which the information is collected, and will use lawful and fair means. If Council collects personal information about a person from someone else, it will take reasonable steps to make the person aware of these matters.

Council must only collect *sensitive* information where the person, about whom information is collected, has consented or as is permitted under the law: IPP 10.

### **5.4 Use and Disclosure: IPP 2**

Council will only use personal information within Council, or disclose it outside Council, for the purpose for which it was collected or in accordance with the law (e.g. where it has obtained consent or where the person would reasonably expect this to occur or where it has a statutory obligation of disclosure).

### **5.5 Data Quality: IPP 3**

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

### **5.6 Data Security: IPP 4**

Council will take reasonable steps to maintain a secure system for storing personal information. This will include the provision of security controls and passwords for electronically stored information and lockable storage for hard copy documents.

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.

### **5.7 Openness, Access and Correction: IPP 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* applies.

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

### **5.8 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 with it.

## **5.9 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 (e.g. for garbage collection). Council mandates that its contractors comply with information privacy law.

## **5.10 Health Records**

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

## **5.11 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 Commissioner for Privacy and Data Protection (although the Commissioner may decline to hear the complaint if a complaint has not first been made to Council).

## **6. HUMAN RIGHTS CHARTER COMPATIBILITY**

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

## **7. ASSOCIATED DOCUMENTS**

Health Records Policy  
Records Management Policy

## **8. REFERENCES/RESOURCES**

*Charter of Human Rights and Responsibilities Act 2006*

*Health Records Act 2001*

*Privacy and Data Protection Act 2014*

*Public Records Act 1973*

Commissioner for Privacy and Data Protection: [www.dataprotection.vic.gov.au](http://www.dataprotection.vic.gov.au) GPO Box 5057, Melbourne VIC 3001 Ph: 1300 666 444 Email: [enquiries@privacy.vic.gov.au](mailto:enquiries@privacy.vic.gov.au)