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GLEN EIRA CITY COUNCIL

PRIVACY AND HEALTH RECORDS POLICY

Date first adopted: 29 April 2025

Date last amended: N/A

Next review date: April 2029

Policy owner: Manager Legal, Risk and Governance

Approved by: Council

Policy category: Category 2 Policy



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1. TITLE

Privacy and Health Records Policy

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.
- 2.3. To ensure Council's compliance with the Health Records Act 2001 (Vic) ('HRA') and the Health Privacy Principles ('HPPs') set out in the HRA.
- 2.4. To assist Council's customers and members of staff in understanding how personal information and health information will be handled by Council

3. SCOPE

- 3.1. This policy applies to Councilors and all Council Staff including contractors and volunteers.
- 3.2. It applies to all personal and health information that is collected, stored, used or disclosed by Council.

4. DEFINITIONS AND ABBREVIATIONS

Term	Meaning
Personal information	Information or an opinion (including information or an opinion forming part of a database), that is recorded in any form and whether true or not, about an individual whose identity is apparent, or can reasonably be ascertained, from the information or opinion, but does not include health information.
Health information	Has the meaning given in the Health Records Act 2001 (Vic) and includes personal information that is information or opinion about: <ol style="list-style-type: none">(a) the physical, mental or psychological health (at any time) of an individual; or(b) a disability (at any time) of an individual; or(c) an individual's expressed wishes about the future provision of health services to him/ her; or(d) a health service provided, or to be provided, to an individual
HPPs	Means the 'Health Privacy Principles' under the <i>Health Records Act 2001 (Vic)</i>
IPPs	Means the 'Information Privacy Principles' under the <i>Privacy and Data Protection Act 2014 (Vic)</i>
Sensitive information	Personal information that is information or an opinion about an individual's: <ol style="list-style-type: none">(a) racial or ethnic origin; or(b) political opinions; or(c) membership of a political association; or

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- (d) religious beliefs or affiliations; or
 - (e) philosophical beliefs; or
 - (f) membership of a professional or trade association; or
 - (g) membership of a trade union; or
 - (h) sexual preferences or practices; or
 - (i) criminal record.
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5. POLICY

Council must comply with 10 IPPs and 11 HPPs that set out the standards required in managing personal and health information. This policy sets out how Council will comply with each principle.

5.1. Collection IPP 1 & 10 / HPP 1

- 5.1.1. Council has a large number of functions and activities which leads to a variety of information being collected for differing reasons. Council will only collect personal information and health information that is necessary for its functions and activities, or where Council are required by law.
- 5.1.2. Council will only collect *sensitive* information about an individual with their consent, or otherwise as permitted by law.
- 5.1.3. If it is reasonable and practicable to do so, Council will collect personal and health information about an individual directly from that individual. If Council collects personal or health information about an individual from someone else, it will take reasonable steps to make the individual aware that their information has been collected and for what purpose.
- 5.1.4. When collecting personal or health information Council will take reasonable steps to advise the individual of what information is being requested, for what purpose, whether any law requires the collection of the information, how the individual can contact Council and the main consequences, if any, of not providing the information. This will be achieved through the use of a privacy collection notice contained on the source of the data collection, for example on the bottom of an application form.

5.2. Use and Disclosure: IPP 2 / HPP 2

- 5.2.1 Council will only use or disclose personal or health information for the primary purpose for which it was collected.
- 5.2.2 Council may occasionally use personal or health information collected for a related (or, in the case of sensitive information, directly related) secondary purpose. Council will only use the information for a secondary purpose in circumstances that the individual would reasonably expect, or where the individual has consented.
- 5.2.3 Council may also use or disclose personal, or health information where permitted by law, for example for law enforcement purposes, or where there is a serious threat to public health, safety or welfare.

5.3 Data Quality (Accuracy of Information): IPP 3 / HPP 3

Council will take reasonable steps to ensure that any personal or health information it holds is accurate, complete and up-to-date and relevant to Council's functions or activities. Where practicable, Council will verify information at the time of collection.

5.4 Data Security: IPP 4 / HPP 4

- 5.4.1 Council will take reasonable steps to safeguard the personal and health information it holds against misuse, loss, and unauthorised access, modification or disclosure. We maintain secure systems for sharing personal and health information, having security procedures to ensure we protect personal information.
- 5.4.2 Council will take all reasonable steps to dispose of personal or health information where it is no longer necessary to fulfil the purposes for which the information was collected or

as required by law, subject to any legislative obligations relating to retention of public records.

5.5 Openness, Access and Correction: IPP and HPP 5 and 6

If an individual wishes to access their personal or health 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 Freedom of Information Act and should be directed to the Privacy Officer at privacy@gleneira.vic.gov.au.

5.6 Unique Identifiers: IPP 7 / HPP 7

A unique identifier is a way of an organisation identifying an individual (usually a number) for the purposes of the operations of that organisation. Council will only assign identifiers to individuals where it is necessary to enable Council to carry out a function or provide a service.

5.7 Anonymity: IPP 8 / HPP 8

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

5.7.2 Some Council services can only be provided to an individual who is identifiable, Council would be unable to provide the option of remaining anonymous for a person wishing to access such services.

5.8 Transborder Data Flows: IPP 9 / HPP9

Council will only transfer personal or health information outside of Victoria where:

5.8.1 the recipient of the information is subject to legal protections relating to privacy at least equivalent to those contained in the Act; or

5.8.2 the transfer and disclosure of the information is permitted by law; or

5.8.3 Council has the consent of the individual.

5.9 Transfer or Closure of Service: HPP 10

If Council transfers or discontinues its health services, it will comply with HPP 9 and its obligations under the Public Records Act 1973 (Vic).

5.10 Making Information available to another Health Service Provider: HPP 11

When Council functions as a health service provider, it will make health information relating to an individual available to another health service provider if requested to do so or if consented to by the individual.

5.11 External Contractors

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

5.11.2 Council mandates that its contractors comply with privacy law and in relation to health information, mandates that the contractor complies with the Health Records Act.

5.12 Complaints

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

Complaints should be made in writing. A complaint will be investigated as soon as possible and the complainant will be provided with a written response.

Alternatively, a complaint about personal or sensitive information may be made to the Office of the Victorian Information Commissioner. A complaint about health information may be made directly to the Health Complaints Commissioner.

The Commissioner may decline to hear the complaint if a complaint has not first been made to Council.

6. LEGISLATIVE COMPLIANCE

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

In line with the *Gender Equality Act 2020* (Vic), a Gender Impact Assessment is not required for this policy.

7. ASSOCIATED INTERNAL DOCUMENTS

Acceptable Use of Technology Policy

Information Governance Policy

Workplace Technology and Information Security Policy

8. EXTERNAL REFERENCES/RESOURCES

Charter of Human Rights and Responsibilities Act 2006 (Vic)

Child Information Sharing Scheme: <https://www.vic.gov.au/child-information-sharing-scheme>

Health Records Act 2001 (Vic)

Health Complaints Commissioner <https://hcc.vic.gov.au/contact>

Privacy and Data Protection Act 2014 (Vic)

Public Records Act 1973 (Vic)

Freedom of information Act 1989 (Vic)

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



GLEN EIRA
CITY COUNCIL

Glen Eira City Council

Corner Glen Eira and Hawthorn Roads, Caulfield

Mail address: PO Box 42
Caulfield South, 3162

Phone: (03) 9524 3333

mail@gleneira.vic.gov.au
www.gleneira.vic.gov.au

