

<h2>INFORMATION PRIVACY POLICY</h2>	Date Adopted:	8 April 2020
	Adopted By:	Council
	Review Due:	April 2024
	Responsible Officer:	Governance Coordinator
	Directorate:	Organisational Development, Community and Corporate Services
	RM8 No:	D/19/54190

PURPOSE

This policy outlines how Council will meet the requirements of the *Privacy and Data Protection Act 2014* (PDP Act) and the *Health Records Act 2001* in regards to:

- the management of personal and health information collected by Council; and
- compliance with the Information Privacy Principles (IPPs) and Health Privacy Principles (HPPs).

DEFINITIONS

Council	means Southern Grampians Shire Council
The PDP Act	means the <i>Privacy and Data Protection Act 2014</i>
The Health Act	means the <i>Health Records Act 2001</i>
Staff	means employees, contractors, volunteers and students
IPPs	means Information Privacy Principles
HPPs	means Health Privacy Principles

PERSONAL INFORMATION

Personal Information is information or an opinion (including information or an opinion forming part of a database) that is recorded in any form, whether true or not, about an individual whose identity is apparent, or can be reasonably ascertained, from the information or opinion.

For example, “personal information” about an individual includes (but is not limited to):

- name;
- date of birth and age
- home/postal/email address and telephone number
- marital status and religion
- income, financial transactions, purchases and spending habits
- race and ethnic origin

- education
- photograph and or video footage (including CCTV / drones / body worn cameras)
- signature

SENSITIVE INFORMATION

Information or an opinion about an individual's:

- racial or ethnic origin;
- political views;
- religious beliefs;
- membership of groups;
- sexual preferences; or
- criminal record

APPLICATION AND SCOPE

This Policy applies to all Councillors and Council staff of the Southern Grampians Shire Council.

GENERAL PROVISIONS

COUNCIL POLICY

Council is committed to ensuring that personal and health information received by the organisation is collected, handled and stored in a responsible manner, and also in accordance with the IPPs and HPPs set out in the respective Acts.

IPP & HPP 1 - COLLECTION

Council will only collect personal and health information that is necessary for its functions and activities. In some instances, Council is required by law to collect personal information. Council will only collect sensitive information where an individual has consented or as permitted under legislation.

If it is reasonable and practicable to do so, Council will collect personal information and health information directly from an individual. When doing so, it will inform the individual of the matters set out in the Act, including the purpose/s for which the information is collected, and will use lawful and fair means. Council will only collect an individual's information from someone else if the individual's consent is provided.

When Council collects personal information, notice will be given of how Council will use, share, and disclose that personal information. The notice provided will be similar to the below:

Privacy Collection Notice

The personal information requested on this form is being collected by Southern Grampians Shire Council for the purpose(s) of *(insert purpose)*. The personal information will also be disclosed to *(insert the names of any other entities Council will be disclosing the personal information to)* for the purpose of *(insert how entities will be using the personal information)*. It will not be disclosed to any other external party without your consent, unless required or authorised by law. If the personal information is not collected, *(insert details of what will happen if information is not provided)*. You may apply to alter any of the personal information you have provided to the Southern Grampians Shire Council.

The information you provide may be used for purposes including but not limited to the below:

- To contact you where it is necessary in order to provide services requested by you;
- To facilitate the collection of Council fees and charges, for instance, rates notices;
- As part of Council's commitment to customer service;
- To aid community safety. For example, Council collects images via closed circuit television cameras. Footage and photographs of incidents are made available to authorised police members who meet the criteria of the protocols and comply with the requirements for handling and use of footage and photographs.

IPP & HPP 2 - USE AND DISCLOSURE

Council will only use and disclose information about an individual for:

- the primary purpose for which it was collected;
- for a secondary purpose that would be reasonably expected; or
- in other limited circumstances such as when required to do so by law.

Council discloses personal information to external organisations such as Council's contracted service providers who perform various services for and on behalf of the Council. Information provided to these contractors is limited to the information required by them to provide services on behalf of Council.

Personal information in applications for employment with Council will be supplied to agencies such as Victoria Police, as part of a background check or with Department of Justice and Community Safety as part of a Working with Children Check. Such checks will only be carried out with the individuals consent and the results will not be disclosed to third parties unless authorised by law.

Personal information provided by individuals as part of a public submission to a Council or committee meeting may be included with the published agenda papers and minutes of the meeting. The published agenda papers and minutes are displayed online and available in hardcopy format for an indefinite period.

Personal information may also be contained in Council's Public Registers. Under the *Local Government Act 1989*, any person is entitled to inspect Council's Public Registers, or make a copy of them, upon payment of the relevant fee.

Council will ensure that individual's personal information is not disclosed to other institutions and authorities outside Council, except if required or authorised by law or where Council have the individual's consent.

IPP & HPP 3 - DATA QUALITY

Council will take reasonable steps to ensure the personal information and health information it holds is accurate, complete, and up to date.

IPP & HPP 4 - DATA SECURITY

Council will take all necessary steps to ensure that personal information is stored safely and securely. This will ensure that personal information held by Council will be protected from misuse, loss, and unauthorised modification and disclosure. This applies regardless of the format in which the information is held.

Any personal information that an individual provides to Council, which is no longer necessary for Council's purposes, will be disposed of in accordance with the document disposal requirements of the *Public Records Act 1973*.

IPP & HPP 5 - OPENNESS

This policy details Council's management of personal information and it is available to the public.

On request, Council will inform an individual, in general terms, of what information it holds on the individual, for what purpose this information is held and how the information is collected, held, used and disclosed.

IPP & HPP 6 - ACCESS AND CORRECTION

Should any person wish to access their personal information, they may contact Council's Privacy Officer on 5573 0425.

Access will be provided except in circumstances outlined in the respective Act; for example, where the information relates to legal proceedings or where the *Freedom of Information Act 1982* applies.

If any person believes that personal information relating to them is inaccurate, incomplete or out of date, they may request Council to correct the information. Every request will be considered in accordance with the respective Act.

IPP & HPP 7 - UNIQUE IDENTIFIERS

A unique identifier is a number or code that is assigned to someone's records to assist with identification (similar to a drivers licence number). Council will only assign identifiers to records if it is necessary to enable Council to carry out a function efficiently.

IPP & HPP 8 - ANONYMITY

Council must, where it is lawful and practicable, give individuals the option of not identifying themselves when entering into transactions with Council, noting that anonymity may limit Council's ability to process a complaint or other matter.

IPP & HPP 9 - TRANSBORDER DATA FLOWS

Council may transfer personal information outside of Victoria only if the data transfer conforms to the reasons and conditions outlined in the Act.

IPP 10 - SENSITIVE INFORMATION

Council will not collect sensitive information about an individual unless:

- the individual has consented; or
- the collection is required by law; or
- the collection is necessary to prevent or lessen a serious and imminent threat to the life or health of any individual, where the individual whom the information concerns:
 - is physically or legally incapable of giving consent to the collection;
 - or physically cannot communicate consent to the collection; or
- the collection is necessary for the establishment, exercise or defence of a legal or equitable claim.

However, Council may collect sensitive information about an individual if the collection:

- is necessary for research, or the compilation or analysis of statistics, relevant to government funded targeted welfare or educational services; or
- is of information relating to an individual's racial or ethnic origin and is collected for the purpose of providing government funded targeted welfare or educational services; and

- there is no reasonably practicable alternative to collecting the information for that purpose; and
- it is impracticable for the organisation to seek the individual's consent to the collection.

HPP 10 – TRANSFER / CLOSURE OF THE PRACTICE OF A HEALTH SERVICE PROVIDER

Health information relating to a discontinued Council health service will be managed in accordance with the Health Act.

HPP 11 – MAKING INFORMATION AVAILABLE TO ANOTHER HEALTH SERVICE PROVIDER

Council will provide a copy, or written summary, of health information in its possession where it is requested in writing by the individual, or by a health service provider authorised by the individual.

OTHER INFORMATION

If the PDP Act is inconsistent with a particular piece of legislation, the other legislation will take precedence. Council will have regard to any Privacy Guidelines issued by the Privacy and Data Protection Commissioner.

BREACH MANAGEMENT

If Council becomes aware of a suspected or confirmed breach to personal information it holds, it will manage the incident in-line with its Breach Management Procedure.

PRIVACY COMPLAINTS

If an individual is dissatisfied with Council's handling of their personal or health information, they may make a complaint to:

Privacy Officer

Southern Grampians Shire Council

111 Brown Street

Hamilton, VIC, 3300

Phone: (03) 5573 0425

A complaint will be investigated as soon as possible (but no later than 10 business days) and a written response will be provided.

Alternatively, complaints can be directed to the following:

The Office of the Victorian Information Commissioner, regarding personal information

Online: www.ovic.vic.gov.au

Email: enquiries@ovic.vic.gov.au

Telephone: 1300 006 842

The Health Complaints Commissioner regarding health information

Online: www.hcc.vic.gov.au

Telephone: 1300 582 113

IMPLEMENTATION

This policy will be published on the Council's website.

CHARTER OF HUMAN RIGHTS COMPLIANCE

It is considered that this policy is compatible with the relevant human rights identified in the *Charter of Human Rights and Responsibilities Act 2006* (Vic).

REVIEW

This Policy must be reviewed a minimum of every four years or in-line with legislative change.

END