

## CP 02 Information Privacy

<b>Responsible Officer:</b>	Information Management Coordinator
<b>Document type:</b>	Council Policy
<b>Reference:</b>	CP 02
<b>Approved by the Leadership Team:</b>	8 November 2019
<b>Date approved by the Council</b>	12 February 2020
<b>Date of next review:</b>	February 2022

### Policy Objective

The Council must protect the personal information we collect and ensure we manage it. This includes the way we collect, store, access, disclose and destroy information.

We will manage information under these Acts (Acts):

*Privacy and Data Protection Act 2014 (Vic)*

*Health Records Act 2001 (Vic)*

This policy explains how we apply these laws across Council's activities. It also explains how we manage your personal information. You can gain access to your personal information and correct inaccuracies. It is your right to complain about any possible breaches of the Acts.

### Scope

This policy covers personal information, sensitive information and health information. It refers to all information the Council collects, stores and uses about individuals. This includes all Council employees, Councillors, contractors and volunteers.

## Definitions

Key Term	Definition
The Council	Means Benalla Rural City Council. It is a municipal Council under the <i>Local Government Act 1989</i> .
The Acts	Means the <i>Privacy and Data Protection Act 2014</i> and <i>Health Records Act 2001</i> .
Privacy Principles (IPPs and HPPs)	Information Privacy Principles and Health Privacy Principles. Means the set of principles legislated by the Acts. They regulate the handling of personal information.
Personal information	Means information or opinion about you including that which forms part of a database. It includes information about you that we have collected, whether true or not. It also includes information or opinion that leads to your identity becoming clear.  Does not include health information.
Health information	Means information or an opinion about your physical, mental, or psychological health. It may be information about your disability or a health service provided to you.  For example, we use your health information to provide services. These services may be to help you in your home or to provide services to your family.
Sensitive information	Means information or an opinion about your: <ul style="list-style-type: none"> <li>▪ racial or ethnic origin.</li> <li>▪ political views or group memberships.</li> <li>▪ philosophical or religious beliefs.</li> <li>▪ sexual preferences or criminal record.</li> </ul>
Primary purpose	Means the main reason we collected your personal information.
Reasonable secondary purpose	Means when we need to share your personal information for a purpose other than the reason we collected it. We would only do this when a reasonable person would understand this could occur.  For example, when you provide an updated postal address we share it where required. We share it with other relevant Council departments to update personal information.

## Policy Statement

This Policy outlines how we will manage information under the Acts. The ten IPPs and eleven HPPs of the Acts are:

Information Privacy Principles (IPPs)	Health Privacy Principles (HPPs)
Collection	Collection
Use and Disclosure	Use and Disclosure
Data Quality	Data Quality
Data Security	Data Security and Retention
Openness	Openness
Access and Correction	Access and correction
Unique Identifiers	Identifiers
Anonymity	Anonymity
Trans-Border Data Flows	Trans-Border Data Flows
Sensitive Information	Transfer/closer of the Practice of a Health Service Provider  Making information available to another Health Service provider

## Information Privacy Principles (IPPs) and Health Privacy Principles (HPPs)

This section explores how we manage information under the IPPs and HPPs.

### Collection

The Council only collects personal information when it is necessary to do so. This information includes:

- Name, address birth date, telephone numbers.
- Age, sex, marital status, occupation.
- Motor vehicle registration number.
- An image in a photograph or voice in a recording.
- Images on closed circuit television cameras and body worn cameras.
- Physical, mental or psychological health, or disability of an individual.

Some of the ways we use this information includes:

- To contact you when necessary to provide services you have requested. For example, a request for home help services or to issue a disabled parking permit.
- To contact you to resolve any issues relating to a service or function you have requested. For example, contacting you in response to your report of a fallen tree branch.
- To contact you before a Council or Committee meeting to confirm your attendance. We may also tell you of any changes to the meeting details if you have made a submission for consideration.
- To help with the collection of Council fees and charges. For example, we will use your name and address details to issue rate notices

### **Use and disclosure**

The Council only uses personal information for:

- the primary purpose it was collected
- for a reasonable secondary purpose, or
- in other limited circumstances such as when required to do so by law.

We have measures in place to prevent unauthorised access to your personal information. This will prevent unauthorised disclosure of your personal information.

We may disclose personal information to external organisations. This may include contracted service providers who perform services on behalf of the Council. These contractors are also bound by the provisions of the Act. We will only provide the information they need to provide the service.

We may use personal information for prosecution purposes as part of our law enforcement functions.

Where authorised, the Council may also disclose personal information to:

- Debt collection agencies.
- Government agencies including:
  - Department of Health and Human Services
  - Victorian Workcover Authority,
  - Road Traffic Authority.
- Law enforcement agencies. This could include Victoria Police, to assist with a police investigation.
- Government agencies to help them tell you of works which may impact you or your property.

We may disclose your personal information to other individuals or organisations where it may reduce or prevent a serious threat to your health and safety. This also applies in an emergency where there is a serious threat to public health, safety or welfare.

In an emergency situation, public safety overrides the privacy requirements of the Acts. Privacy law does not stand in the way of responding to legitimate emergencies. In emergency events, we may share information with other organisations and emergency services. We will maintain the quality and security of this shared personal information.

We may share personal information contained in an employment application for pre-employment checks. We share personal information with Victoria Police to process a background check. We may also share with Department of Justice to issue a Working with Children Check. We will ask your permission before sharing your information for a pre-employment check. Sometimes, we may need to share regardless of your permission given, if required to do so by law.

We may publish personal information you provide as part of a public submission. When the information is for a public meeting, it may be published in the agenda and minutes. The published agenda and minutes are available online and in hard copy format.

We may use some of your personal information in the Council's Public registers. Under the *Local Government Act 1989*, any person can inspect our public registers. For example, your name, address and the type of works you are undertaking at your property.

About health information in particular, the Council may disclose health information about you:

- if the Council is providing a health service to you and it is necessary to be able to provide that service.
- if you cannot provide consent or if we cannot get the consent of an authorised person.

### **Data Quality**

Where possible, the Council keeps personal information accurate, complete and up-to-date. You may apply to amend any personal information you have supplied to the Council. For details on how to do so, please refer to the access and correction statement.

### **Data Security**

The Council maintains a secure system for storing personal information. Policies and procedures are in place to protect your personal information. These prevent unauthorised misuse, modification, disclosure or loss. We dispose of personal information when it is no longer needed or as required by law under the Acts.

## **Openness**

We commit to handling your personal information with openness and transparency. This policy describes how we do this.

This policy is available in electronic and hard copy format.

## **Access and correction**

You have the right to request access to your personal or health information held by us. You can also request the correction of inaccurate information. If you want to access your personal information, contact the Council's Privacy Officer:

Privacy Officer	Ph: 03 5760 2660
Customer Service Centre	Email: <a href="mailto:council@benalla.vic.gov.au">council@benalla.vic.gov.au</a>
1 Bridge Street East, Benalla	Post: PO Box 227, Benalla VIC 3671

We provide access except in special circumstances outlined in the Act. For example, for legal proceedings, the *Freedom of Information Act 1982* may apply.

You can ask the Council to correct your personal information if you think it is incorrect. The information may be inaccurate, out-of-date, or incomplete. We handle your requests under the requirements of the Act.

## **Unique identifiers**

Unique identifiers are usually numbers assigned to your record to assist with identification. For example, numbers or codes used for a licence number. We only assign a unique identifier to you if the assignment is necessary to carry out functions.

## **Anonymity**

You do have the option of not identifying yourself when providing information. But, your anonymity may limit our ability to process your complaint or other matter. If you do not supply the personal information we need to perform the function, we may take no further action.

## **Transborder data flows**

The *Privacy and Data Protection Act 2014 (Vic)* is Victorian legislation and does not apply in different states, territories or countries. However, the transfer of personal data from Victoria is regulated by the *Privacy and Data Protection Act 2014 (Vic)*.

There are many restrictions on how and when data is transferred across the Victorian border.

We only transfer personal or health information outside of Victoria when authorised or required by law.

### **Sensitive information**

The Council does not collect sensitive information unless we receive your written consent. There may be some circumstances where law requires us to do so to prevent harm.

### **Transfer or closure of health service**

The Council manages all health information from discontinued health services. We manage the information under the *Health Records Act 2014*.

### **Making information available to another health service provider**

Where you request in writing, we provide your health information to you. If you authorise us, we can also provide your health information to a health service provider.

### **Privacy complaints**

If you are not satisfied with the way we handle your personal or health information, you can make a complaint to:

Privacy Officer	Ph: 03 5760 2660
Customer Service Centre	Email: <a href="mailto:council@benalla.vic.gov.au">council@benalla.vic.gov.au</a>
1 Bridge Street East, Benalla	Post: PO Box 227, Benalla VIC 3672

We process and respond to complaints in writing within 10 business days. We handle all complaints with discretion and confidentiality.

Or you can make a complaint to:

The Office of Victorian Information Commissioner about personal information:

Online: [ovic.vic.gov.au](http://ovic.vic.gov.au)  
Email: [enquiries@ovic.vic.gov.au](mailto:enquiries@ovic.vic.gov.au)  
Telephone: 1300 006 842

The Health Complaints Commissioner about health information:

Online: [hcc.vic.gov.au](http://hcc.vic.gov.au)  
Email: [hcc@hcc.vic.gov.au](mailto:hcc@hcc.vic.gov.au)  
Telephone: 1300 582 113

### **Further information**

If you have any questions about this Policy, contact the Council's Privacy Officer.