

# Information Privacy & Health Records Policy

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| <b>Responsible Department</b>                        | Business Transformation |

This Policy has been authorised.



Anita Curnow  
**Acting Chief Executive Officer**

Dated: 7 January 2022

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# 1. Introduction

This Policy demonstrates Council's commitment to maintaining the responsible and transparent handling of personal information and promoting education and awareness of these practices across the broader organisation.

This Policy provides clear guidance to ensure that Council lawfully and appropriately manages the handling of personal information and health records in accordance with the *Privacy and Data Protection Act 2014* and the *Health Records Act 2011*.

# 2. Alignment

This Policy confirms Council's commitment in the execution of its statutory obligations, responsibilities and duties relating to information privacy in accordance with the *Privacy and Data Protection Act 2014* and the *Health Records Act 2001*.

Personal and health information held by Council is managed in accordance with the privacy principles contained in the Privacy and Data Protection Act 2014 (PDPA).

The ten Information Privacy Principles (IPPs) are the practical core of the PDPA. With limited exemptions, all Victorian government agencies, statutory bodies and local councils must comply with the IPPs, listed below:

- Principle 1 - Collection
- Principle 2 - Use and Disclosure
- Principle 3 - Data Quality
- Principle 4 - Data Security
- Principle 5 - Openness
- Principle 6 - Access and Correction
- Principle 7 - Unique Identifiers
- Principle 8 - Anonymity
- Principle 9 - Trans-border Data Flows
- Principle 10- Sensitive Information

These above listed IPPs have been represented in full at Attachment 1 of this Policy.

This Policy ensures that personal information is managed in accordance with applicable legislation and with the information privacy principles (above IPP 1 to IPP 10) as conferred via the Local Government Act 2020 (Please refer to Attachment 2 for the relevant Local Government Act excerpt).

This Policy is developed in alignment with and in support of Council's Records and Information Management Policy, and also provides specific guidance relating to the management of an individual's personal and health information through Council in the context of the PDPA privacy principles. This encompasses Council's role as both a Local Government authority and as an employer.

This Policy applies to all Councillors, Council officers and contractors of Moreland City Council and applies when these persons are acting in the capacity for which they have been engaged or elected to Council and in representing the organisation in an official or unofficial capacity.

### 3. Organisational Context

This Policy includes personal (and health) information used, collected, presented or accessed at or through their involvement with Council. This may include, but is not limited to, any information which has been disclosed to a Council officer or member through their role or function with Council.

### 4. Sensitive Information

Council recognises that in meeting its statutory obligations, the organisation must balance public interest in the free flow of information with an individual's right to privacy and the protection of personal information, health and sensitive information.

The collection of sensitive information must also be consistent with the requirements under the Local Government Act and only accessed by those Council officers who require the information for the purpose of fulfilling their Council duties or required by law.

### 5. Information Collected

In order to fulfil its functions and deliver services, Council collects relevant personal and health information. The scope of this information collected by Council is provided in Attachment 3 of this Policy.

### 6. Objectives

The protection of personal and health information is a key aspect of good governance practice, accountability and integrity in all of Council's services and legislative functions. This Policy outlines Council's commitment to protecting an individual's right to privacy and the management of personal information appropriately.

This Policy aims to:

- a) Establish a regime for the responsible collection, storage, handling, sharing and disclosure of personal and health information;
- b) Provide individuals with rights of access to information about themselves held by Council; and
- c) Provide individuals with the right to request corrections to their personal information held by Council.

### 7. Policy Details

#### a. Statement of Commitment

Moreland City Council is committed to protecting the privacy of personal and health information it collects and uses by complying with its obligations under the *Privacy and Data Protection Act 2014* and the *Health Records Act 2001* (the Privacy and Health Records Acts). Council has a Policy that outlines the requirements for the collection, management, and handling of personal and health Information.

This Policy and its obligations, responsibilities and duties, along with applicable and relevant legislation apply to Councillors, Council staff (employees), agents (consultants, agency staff and volunteers) and contracted service providers and are a mandatory requirement in any new or existing contract.

#### b. Where Council collects personal and health information

Council will collect and handle a range of personal information in a manner which is lawful whilst in the pursuit of its statutory purpose to ensure peace, order, and good government within the municipal district.

Council only collects personal or health information necessary for Council's functions or activities.

Wherever possible, personal and health information will be collected directly from the individual concerned.

At or near the time of collection, Council will notify the individual the reasons that their personal and health information is being collected, what usual disclosures may be made, if the collection is required by law and their right to access their information once collected.

Whenever possible, a 'privacy collection notice' will be provided at points of collection, including online forms, hard copy forms and telephone calls made to Council's primary customer contact phone lines.

A privacy collection notice will be tailored to the purpose of information collection and may be in the form of a written notice on a form the individual is completing, a notice included in an automated and recorded telephone message, text on a webpage or a notice included in brochures, posters and counter signage, and include:

- a) The identity of Council and how to contact us;
- b) The fact that the individual is able to gain access to the information;
- c) The purpose for which the information is collected;
- d) To whom (or the types of individuals or organisations to which) the organisation usually discloses information of that kind;
- e) Any law that requires the particular information to be collected; and
- f) The main consequences (if any) for the individual if all or part of the information is not provided.

Where lawful and practicable, an individual may remain anonymous when interacting with Council. No identifying details will be collected.

Identification may be necessary when lodging a complaint with Council to prevent malicious or non-genuine complaints or to ensure a service can be delivered. If a person chooses to remain anonymous, they will be advised of the impact of that decision on service delivery.

Council may collect sensitive information but will only do so where the person has given prior consent, the collection is required under law or as permitted in accordance with the Privacy or Health Records Acts.

Council's website can be visited anonymously as the site does not record or collect personal information other than information a person may choose to provide if submitting on-line forms and payments.

Council's website contains links to third party websites and services. Information collected by third party websites is managed in accordance with the third party's own privacy policies.

Council uses social media including Facebook and Twitter to communicate with the public and organisations we regulate. Council may collect information posted on social media for the purpose of engaging with and understanding the views of the community. Where individuals prefer not to communicate with Council via social media, alternative access points are available.

Council uses various applications to conduct online surveys and online forms. This data may be stored on servers located in another country. If individuals do not wish to complete a Council survey online, they may request a hard copy form by completing Council's "contact us" form or by contacting the relevant assigned Council officer.

The Council website, Active Moreland website and Online Library Catalogue use cookies to help Council understand how people interact with us and to improve the user experience. The cookies do not collect identifying data and our websites can be used if cookies are disabled. Further information about cookies is available on Council's website.

### **c. Incoming External Phone Call Recording**

Council provides recorded advice to incoming external calls dialled into the Customer Service Centre, detailing that the phone call will be recorded.

All incoming external calls to Council's customer service centre are recorded to the point of transfer to another business unit, upon which, the recording is ceased. Where the technology becomes available and installed within Council's phone system, the phone recording of all incoming externally received calls may continue beyond the Customer Service Centre and extend the recording of phone calls to continue during and once transferred to the business unit and/or Council officer.

Where a business unit makes the decision to record incoming phone calls received directly or transferred from the Customer Service Centre, prior authorisation from the Unit Manager of the respective business unit is required to be obtained (and details provided to the Unit Manager ICT Infrastructure and Services) with ownership of the phone recording service.

- a) Where calls are transferred from the Customer Service Centre to logged in Council staff agents of an individual business unit, the unit may opt to have the call recording continue, subject to authorisation requirements outlined in the above paragraph.
- b) Where business units elect to record customer phone calls which are directed to agents or Council officers via Council's automatically routed calls system to selected business units, the authorisation requirements outlined in the above paragraph (above item a)) will apply.

Council will publish a Phone Call Recording procedure on the website providing information pertaining to the process, management, and access of phone call recordings by Council.

Customers may request a copy of any recorded phone call where they have personally been recorded as part of a contact with Moreland City Council.

The process of Council recording phone calls will be subject to an annual internal audit that aims to ensure that phone call recordings are only occurring and used pursuant to this Policy, the referred procedure and the Privacy and Data Protection Act 2014.

Council's Phone Recording procedure provides information on the purpose, storage, and process for customers to access their recorded phone call.

All principles, processes and practices involving the recording of incoming calls and management of those calls to Council have been developed in support and consideration of the Council's obligations, responsibilities, and duties pursuant to the Privacy and Data Protection Act 2014 and applicable Information Privacy Principles (IPPs).

## **8. Use**

Council uses personal or health information for the primary purpose for which it was collected or for a related secondary purpose that would be reasonably expected by the individual, including to survey people about the services received.

On occasion, a person's consent may be sought by Council to use their personal information for improving services and communications from arising from Council.

Where Council is required to make a decision on a planning scheme amendment (pursuant to clause 22 Planning and Environment Act 1987), Council will assign or adopt a unique identifier to each individual submission and summarise the content of the submission in accordance with the public availability requirements.

Council will only assign unique identifiers to individuals if it is necessary to carry out functions efficiently and will not use unique identifiers created by other organisations (for example, Medicare).

Council will make an individual's Health Information available to another health service provider where requested to do so by the individual, their agent, or where required by law or for other prescribed exemptions.

## 9. Disclosure

Council only discloses information where the individual consents, for law enforcement purposes, where required by law or for other prescribed exemptions, including but not limited to, requests from Courts, Federal or State Government and Victoria Police.

Personal information may be disclosed to external contracted service providers that undertake works or service on Council's behalf where it is necessary for the contractor to carry out a task that requires this information. Where an external contractor deals with personal information or health information on behalf of Council, this information is limited and they will be required to comply with the Privacy Act or Health Records Act, as applicable.

Personal information in applications for employment with Council or Working with Children Checks will be provided to agencies such as Victoria Police, as part of a background check. Such checks will only be carried out with the individual's written authorisation and the results will not be disclosed to third parties unless authorised by law.

### Planning permit applications

- c) Personal information contained in an objection to a planning permit application may be shared with interested (i.e. third) parties where Council provided a 'collection statement' that informed respondents how their information may be shared.
- d) Whilst Council does not publish objections online, it may occur that objections are shared as part of the planning process. This may include Council providing hard copy objections for inspection at Council offices and emailing or posting copies of objections.
- e) For more information on information shared via the post submission process, refer to Council's website.

### Planning Scheme amendments

Council must make all submissions to an Amendment available to view by any person at its offices for a period of two months after the Amendment is gazetted or lapses. The submission may also be emailed or posted to interested parties during the Amendment process.

Submissions will also be used and disclosed to any other external party as required under the *Planning and Environment Act 1987 (Vic)*. This includes the public process of a Panel Hearing if one is required. Any submission forwarded to Planning Panels Victoria will be managed in accordance with their privacy policy.

Council will make all submissions available to view online on its website during the Planning Scheme Amendment process. All submissions made available online will be redacted to remove personal information (with the exception of a property address that is the subject of the Amendment). Submissions will be removed from the website once the Amendment is finalised.

Personal information may also be contained in Council's Public Registers. Regulations may provide that a person or other Government entity is entitled to inspect Council's Public Registers. Where practicable, Council will endeavour to minimise the personal information disclosed via a public register, if it is not required to disclose personal information and the withholding of personal information does not detract from the purpose of the public register. Council will take reasonable steps to ensure that certain contact information about an individual is not disclosed without the individual's knowledge.

Council has procedures in place specific to privacy implications involved with planning permit applications and planning scheme amendments. These procedures ensure that the planning process is a transparent and easily accessible system while maintaining privacy and confidentiality within the bounds of the Planning & Environment Act 1987 and the Privacy and Data Protection Act 2014. Council's website has information related to privacy, consent and disclosures related to the planning permit and planning scheme amendment processes. Residents are also provided with this information if we send them notice of a planning permit application or exhibition of a planning scheme amendment.

Where authorised by law, (privacy legislation but often other laws) Council may use or provide personal or health information for another reason other than the reason for which it was collected. However, Council only assigns or adopts a unique identifier (e.g. employee/member number) for an individual if it is necessary, authorised by law or with consent.

Council may responsibly and freely access and distribute information obtained through publicly available information such as generally available publications, websites, or publicly accessible directories. Council systems such as Scout, NAV, Grapevine, iChris, Litmos, MagiQ, MoreMaps and other internal Council systems are not considered to be publicly available.

There are some special situations where Council can use or disclose health information without consent. For example, if the Council believes that the use or disclosure is necessary to lessen or prevent a serious and imminent threat to an individual's life, health, safety or welfare or public health, public safety, or public welfare.

Council may also make a disclosure of health information for compassionate reasons if the above-mentioned criterion is met.

Personal information may be disclosed to Council's legal advisors, insurance claims agents and providers, for the purposes of complaints or insurance claims investigation and resolution.

Council may transfer personal information about an individual (other than Council or the individual) outside Victoria if Council reasonably believes the recipient of the information is subject to a law, binding scheme or contract which effectively upholds principles for fair handling of the information that are substantially similar to the Information Privacy Principles in Victoria or:

- a) The individual provides consent;
- b) The transfer is only for the benefit of the individual, it is impractical to obtain consent and if consent was able to be sought, it would likely be obtained.

The transfer of personal information outside of Victoria will only occur where that data transfer is consistent with the reasons outlined in the PDPA.

Where disclosure is for law enforcement a record will be made of the disclosure.

Where it is determined that disclosure would be in the public interest.

A decision to disclose personal information in the public interest requires the following steps:

A briefing from Council's Privacy Officer to the Chief Executive Officer on the matter, outlining:

- a) the reasons the disclosure is in the public interest; and
- b) demonstration that all alternative avenues have been assessed.

Consultation with the Office of the Victorian Information Commissioner to consider:

- a) the necessity for the public interest disclosure
- b) any alternative options that would not breach the privacy principles; and
- c) the terms of the public interest disclosure, if it proceeds; the information to be included; and a comparison with previous determinations under the Privacy Act.

## **10. Council ensuring information is accurate, up to date and secure**

Council takes reasonable steps to ensure personal information is accurate, complete, up-to-date, and relevant.

Council takes reasonable steps to protect personal information held from misuse, loss, unauthorised access, modification, or disclosure.

Council will destroy or permanently de-identify (if possible) information no longer required as per the Retention and Disposal Authorities standards issued by the Public Records Office Victoria in accordance with legislation, including the Public Records Act 1973.



Council records will be stored in accordance with the Records and Information Management Policy.

Council employs a range of procedural, physical, software and hardware safeguards, together with access controls, secure methods of communication and a disaster recovery plan to protect information from a breach of privacy, misuse and loss or unauthorised access or disclosure.

All Council employees receive training to enhance their awareness about their obligations regarding the collection and management of personal information in the workplace. A copy of this Policy is available to all staff via Council's intranet and is also available on Council's external website.

## **11. Accessing or correcting your information held by Council**

An individual may ask for access to their personal or health information with the relevant Council Department, which will be subject to a standardised process.

Council will provide an individual with access to their personal information on request by the individual, subject to a verification of identity process.

If an individual establishes that the information is not accurate, complete, and up-to-date, Council will take reasonable steps to correct the information.

## **12. Administration**

The Unit Manager Governance and Civic Protocols is Council's Privacy Officer, supported by the Legal Services Officers and Manager Governance and Strategy.

The Privacy Officer has the responsibility to assist Council to comply with its obligations regarding the collection, use and disclosure of personal information in accordance with the Privacy and Data Protection Act 2014 and is authorised to provide advice and receive complaints and requests for access and correction of stored information. The Privacy Officer may be required to seek legal advice if required.

The Privacy Officer is responsible for:

- a) Preparing and periodically updating the Policy and guidelines for approval by the Chief Executive Officer;
- b) Ensuring that staff have awareness of their obligations and responsibilities embedded in the Information Privacy and Health Records Policy; and
- c) When necessary, liaising with the senior management team to ensure compliance.

The Privacy Officer is responsible for organising regular privacy training across the organisation for all Council staff and seeking services to undertake Privacy Impact Assessments prior to commencing new initiatives or services.

The Information Privacy and Health Records Policy will be reviewed from time to time to consider significant changes in legislation that affect the accuracy of the Policy document or as required to improve its effectiveness.

## **13. Breaches**

Upon becoming aware that there has been a potential or realised breach of the Information Privacy and Health Records Policy or the Records and Information Management Policy, Council staff must notify their direct supervisor without delay and immediately take steps to contain the breach. The relevant direct supervisor must then notify their direct Manager and Council's Privacy Officer immediately, providing details and description of the alleged breach.

A breach containment and preliminary assessment is then completed by the Privacy Officer which includes an evaluation of the risks associated with the breach, notification to any other relevant areas of Council (for example Integrity Risk and Resilience Unit and Communications) and subsequent notification of the breach to the individual without delay.

At this time, implementation of a process to mitigate risk and the possibility of such a breach occurring again is completed.

The Privacy Officer will also determine whether the breach will be reported to the Office of the Victorian Information Commissioner and where required, will provide that report.

A Privacy Impact Assessment may also be conducted to ensure that the issues raised have been addressed, and that changes have been made or developed to comply with privacy obligations.

At the discretion of the Privacy Officer, breaches of provisions contained in this Policy may necessitate an internal investigation that may give rise to disciplinary action.

## 14. Making a Privacy Complaint or Enquiry to Council

The Privacy Officer will also be the Health Records Officer and will handle enquiries and complaints regarding Council's application of this Policy or the Information Privacy Principles.

Written requests will be responded to within 10 working days of receipt.

Enquiries or Complaints will be directed to Council's Privacy Officer:

Privacy Officer  
 Moreland City Council  
 90 Bell Street  
 COBURG VIC 3058  
 Phone: (03) 9240 1111  
 E-mail: [privacyofficer@moreland.vic.gov.au](mailto:privacyofficer@moreland.vic.gov.au)

However, where a person has received no response or a response which they consider to be inadequate, a submission may be prepared and provided to the Office of the Victorian Information Commissioner or the Health Services Commissioner for resolution.

## 15. Roles and Responsibilities

The following table provides an allocation of roles and responsibilities allocated across Council to appropriately manage all aspects of information privacy and health records management:

| Party/Parties   | Roles and responsibilities  | Timelines |
|---|---|-----------|
| All staff   | Implementation and awareness of the Information Privacy and Health Records Policy as individuals and across respective teams.   | Ongoing   |
| Branch Managers   | A procedural framework for key services and functions that incorporates guidance on the management of personal and health information in accordance with the Information Privacy and Health Records Policy and the Acts.  | Ongoing   |
| Manager Governance & Strategy                               | Responsible for corporate management of information Privacy, driving awareness, training, and management of information privacy across council and response to complaints.  | Ongoing   |
| Unit Manager Governance & Civic Protocols (Privacy Officer) | This role is the designated Council Privacy Officer to raise education and awareness of Policy (including in-house training), investigate and respond to complaints as required. Conduct annual assessment of compliance with Policy.   | Ongoing   |
| Legal Services Officers                                     | Provide advice, guidance on implementation and implications of the Information Privacy and Health Records Policy. Support in the review of this Policy. Provide education, training and awareness of this Policy and assist with investigations and responses to complaints as required by the Unit Manager Governance & Civic Protocols (Privacy Officer). | Ongoing   |
| Team Leader Governance                                      | Supports and advises on matters related to the Policy.  | Ongoing   |
| Manager Information Technology                              | Management of the Records and Information Management Policy and associated standards, procedures, and IT controls.  | Ongoing   |

## 16. Monitoring, Evaluation and Review

This Policy will be reviewed annually and updated as necessary.

Organisational compliance with this Policy will be subject to an annual review conducted by the Privacy Officer.

## 17. Definitions

| Term                         | Definition   |
|------------------------------|--|
| Agent                        | Agent is an individual or organisation employed by Council to perform a service that involves handling personal information. An agency relationship will mean that Council will usually be held responsible for how their agents (like their employees) handle personal information.   |
| Confidentiality              | A concept that relates to, but is different to, privacy. An obligation of confidence is generally owned by the recipient of information to the provider of the information. (Compared to privacy which is the right to the subject of information, no matter who provided it or who received it).  |
| Contracted service Providers | All third parties engaged directly by Council to provide goods or services directly to Council or third parties at Councils discretion.  |
| Consent                      | Means express or implied consent.  |
| Council staff agent          | Means Council staff logged into phone/communication systems who take calls either directly or on-transfer from the customer service team.  |
| De-identified                | Personal information that no longer relates to an identifiable individual or an individual who can be reasonably identified.   |
| Health Information           | Information or an opinion about: <ul style="list-style-type: none"> <li>• the physical, mental or psychological health of an individual;</li> <li>• a disability of an individual;</li> <li>• an individual's expressed wishes about the future provision of health services to them;</li> <li>• a health service provided, or to be provided, to an individual that is also personal information; or</li> </ul> Other personal information, including personal information: <ul style="list-style-type: none"> <li>• collected to provide, make referral or in providing, a health service</li> <li>• about an individual collected in connection with the donation, or intended donation, by the individual of his or her body parts, organs or body substances or</li> <li>• 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 or her descendants.</li> </ul> |
| Health Service               | An activity performed in relation to an individual that is intended or claimed (expressly or otherwise) by the individual or the organisation performing it: <ul style="list-style-type: none"> <li>• to assess, maintain or improve the individual's health;</li> <li>• to diagnose the individual's illness, injury or disability;</li> <li>• to treat the individual's illness, injury or disability or suspected illness, injury or disability;</li> <li>• a disability service, palliative care service or aged care service;</li> <li>• the dispensing of a prescribed drug or medicinal preparation by a pharmacist; or</li> <li>• a service, or class of service, provided in conjunction with an activity or service referred to in the above dot points that are prescribed as a health service.</li> </ul> But does not include a health service, or class of health service, which is exempt for the purpose of the Health Records Act.                        |

| <b>Term</b>           | <b>Definition</b>   |
|-----------------------|---|
| Personal Information  | Information or an opinion (including information or an opinion forming part of a database, work related information or images) that is recorded in any form and whether true or not, about an individual whose identity is apparent, or can be reasonably ascertained, from the information or opinion, but does not include information of a kind to which the <i>Health Records Act 2001</i> applies. |
| Sensitive Information | Information about a person's racial or ethnic origin, political opinions, philosophical or religious beliefs, sexual preferences, criminal record or membership of a trade union, profession, political or trade associations that is also personal information.  |
| Unique identifiers    | An identifier (usually a number) assigned by Council to an individual to identify that individual for the purposes of the operations of Council but does not include an identifier that consists only of the individual's name.   |

## **Associated and Related Moreland City Council Documents**

- Records and Information Management Policy
- Gender Equality Statement of Commitment
- Human Rights Policy
- Social Media Policy

## **References**

- Privacy and Data Protection Act 2014 (Vic)
- Privacy Act 1988 (C'wealth)
- Health Records Act 2001 (Vic)
- Freedom of Information Act 1982 (Vic)
- Planning and Environment Act 1987 (Vic)
- Victorian Charter of Human Rights and Responsibilities Act 2006 (Vic)
- Family Violence Protection Act 2008 (Vic)
- Local Government Act 2020 (Vic)
- Public Records Act 1973 (Vic)
- Equal Opportunity Act 2010 (Vic)
- OVIC Guidelines to the Information Privacy Principles
- OVIC Privacy Impact Assessment Template

## **Attachment 1 - Information Privacy Principles**

### **IPP 1: Collection**

An organisation must only collect personal information that is necessary for the performance of its functions. An organisation must advise individuals of the purpose for the collection of personal information, that they are entitled to access their personal information, and how to do this.

### **IPP 2: Use and disclosure**

An organisation can only use and disclose personal information in accordance with the primary purpose it was collected for or for a related secondary purpose that a person would reasonably expect. In the case of sensitive information (see IPP 10, below), it must be directly related to the primary purpose of collection. Generally, where the use or disclosure would not be reasonably expected, the law allows the use and disclosure authorised or required by another law, or for public interest purposes such as individual or public safety, research purposes, to assist in law enforcement activities or to investigate a suspected unlawful activity. Otherwise use and disclosure for a secondary purpose can only be by consent.

### **IPP 3: Data quality**

Organisations must take reasonable steps to ensure individuals' personal information is accurate, complete and up-to-date.

### **IPP 4: Data security**

Organisations must take reasonable steps to protect individuals' personal information from misuse, loss, unauthorised access, modification, or disclosure. Personal information is to be permanently de-identified or destroyed when it is no longer needed for any purpose. Note that organisations subject to the *Public Records Act 1973* (Vic) must comply with the provisions of that Act regarding the disposal of public records.

### **IPP 5: Openness**

Organisations must produce a document that clearly expresses their policies on the management of personal information; this document is usually called a "privacy policy". An organisation must provide their privacy policy to anyone who requests it.

### **IPP 6: Access and correction**

Individuals have a right to seek access to their personal information and to make corrections, subject to limited exceptions (e.g. if access would threaten the life or health of an individual). Access and correction rights are mainly handled by the *Freedom of Information Act 1982* (Vic) (see (*Office of the Victorian Information Commissioner* - (<https://ovic.vic.gov.au/freedom-of-information/what-is-freedom-of-information/>)).

### **IPP 7: Unique identifiers**

Organisations cannot adopt or share unique identifiers (i.e. a number or other code associated with an individual's name, such as a driver's licence number) except in certain circumstances, such as where the adoption of a unique identifier is necessary for that organisation to carry out one of its functions, or by consent.

### **IPP 8: Anonymity**

If it is lawful and feasible, organisations must give individuals the option of not identifying themselves (i.e. remaining anonymous) when they engage with the organisation.

### **IPP 9: Transborder data flows**

An organisation may not transfer personal information outside Victoria unless the recipient of the information is subject to privacy standards that are similar to the PDP Act, or in other limited circumstances. The privacy rights an individual has in Victoria remain, despite the information being transferred to another jurisdiction.

### **IPP 10: Sensitive information**

An organisation can only collect sensitive information in restricted circumstances, or by consent. "Sensitive information" is defined in schedule 1 of the PDP Act and includes information about an individual's race or ethnicity, political views, religious and philosophical beliefs, sexual preferences, membership of a trade union, or a political or professional association, or information about a criminal record.

Source: Office of the Victorian Information Commissioner

## **Attachment 2 - Privacy Principles Excerpt from the Local Government Act 2020**

- Overarching Governance Principle (a) - Council decisions are to be made and actions taken in accordance with the relevant law.
- Overarching Governance Principle (i) - The transparency of Council decisions, actions and information is to be ensured.
- Public Transparency Principle (a) - Council decision making processes must be transparent except when the Council is dealing with information that is confidential by virtue of any Act.
- Public Transparency Principle (b) - Council information must be publicly available unless the information is confidential, or public availability of the information would be contrary to the public interest.
- Public Transparency Principle (c) - Council information must be understandable and accessible to members of the municipal community.
- Public Transparency Principle (d) - public awareness of the availability of Council information must be facilitated.
- Service Performance Principle (e) - Service delivery must include a fair and effective process for considering and responding to complaints about service provision.
- Service Performance Principle (d) - a Council should seek to continuously improve service delivery to the municipal community in response to performance monitoring;
- Service Performance Principle (e) - service delivery must include a fair and effective process for considering and responding to complaints about service provision.

### **Attachment 3 - Personal and health information collected by Council**

- Title
- First name
- Surname
- Address
- Age
- Sex
- Marital Status / Domestic Partner Status
- Signature
- Photographs and videos
- Payment card (Debit and Credit Cards) details\*
- Motor vehicle registration number.

\*Payment Card – Additional Information

- a) \*Whilst Council collects payment card details for various matters (e.g. rates notice payments), these details are not stored by Council (Council upholds Payment Card Industry Security Standards-PCI DSS).
- b) An exception to the aforementioned (i.e. where Council does retain payment card details) may occur in the instances of
  - Direct Debit Information for Rates; and
  - Direct Debit Information for Payment Plan Arrangements.
- c) In these instances, the collection statement on the relevant notice (e.g. rates notice) confirms the use of collection, purpose of storage and disclosure restrictions etc pursuant to the applicable provisions of this Policy.

Personal and/or health information is collected for functions and services provided by Council including, but not limited to:

- Library membership
- Venue hire
- Sports ground hire
- Community engagement
- Engagement on Council's Social media platforms
- Pet registration
- Rates
- Debt Collection
- Attendance at Council meeting
- Enquiries/Complaints
- Infringement notices
- Maternal and Child Health and Immunisations
- Family Day Care
- School Holiday Program
- Aged Services
- Council events, meetings (including photographic images or video footage)
- Marketing, Research and Communications activities (including photographic images or video footage)
- Enforcement activities (including photographic images or video footage)
- Permit applications including environmental health, local law, building and planning.
- Complaint investigations



- Investigation and response to identified illness in the community
- General services

Unsolicited information, sometimes Council receives personal information that is not necessary for, or related to, any purpose of Council which may include when people send personal information to Council without Council asking for it (including by third parties) and when Council asks for some information, but individuals provide more information than requested. In these circumstances where the unsolicited personal information is not necessary for Council's functions, it may not be 'reasonable' to notify the individual concerned of the collection, in which case the information will simply be stored in accordance with the Public Records Act 1973.