



Information Privacy Policy

Background

The responsible handling of personal information is a key aspect of democratic governance, and Council is strongly committed to protecting an individual's right to privacy.

This Privacy Policy explains how Baw Baw Shire Council will implement the principles contained in the legislation and how they will be applied across Council's activities.

Council is committed to ensuring that the personal information it collects is stored and disposed of responsibly and in accordance with the *Privacy and Data Protection Act 2014* and the *Health Records Act 2001*.

Purpose

The Policy explains how Council will collect, store, use and disclose personal information of individuals. It also advises the process of how individuals can gain access to their personal information, correct inaccuracies in the information collected and how an individual may complain about possible breaches of *Privacy and Data Protection Act 2014* and the *Health Records Act 2001*.

Owner

Business Information Coordinator/Privacy Officer

Scope

The *Privacy and Data Protection Act 2014* is binding on all Councillors, council staff, contractors and other bodies providing services to Council through third party contracts or agreements.

Contracted service providers, including subcontractors to them, are to be alerted to Council's Information Privacy Policy on the basis that compliance with the Policy, and the Act, is a requirement in any new contract. Compliance is required in all existing contracts.

The services provided to Baw Baw Shire Council by third party contractors may include but is not limited to:

- Road Maintenance
- Valuation of Properties
- Garbage and Waste Services
- Recreation Facility Management

Personal Information

This Policy applies to personal information held or collected by Council. Personal information means 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.

For example, Council holds personal information on its ratepayers (e.g. names and addresses) to carry out its functions (e.g. planning, valuation and property services). It may also request personal information to provide education, welfare and other community services (e.g. childcare services). In some instances, personal information may be contained on a public register (register of building permits, food premises and animal registration details).

Legislative context

- *Privacy and Data Protection Act 2014*
- *Health Records Act 2001*
- *Freedom of Information Act 1982*
- *Local Government Act 1989*

Related policies and documents

- Code of Conduct

Policy

Council must comply with the privacy principles contained within the *Privacy and Data Protection Act 2014*, further detail on specific principles is outlined below:

1. Collection

- a. Council will only collect personal information that is necessary for its functions and activities.
- b. In some instances, Council is required by law to collect personal information. Council will only collect sensitive information where you have consented or as permitted under the Act.
- c. If it is reasonable and practicable to do so, Council will collect personal information about you, directly from you. When doing so, it will inform you 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.

2. Use and Disclosure

- a. 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 Act (e.g. where you have consented, as permitted/required by law or where you would reasonably expect this to occur).
- b. Council will take measures to protect information collected against unauthorised access or disclosure.

3. Data Quality

- a. Data quality is important in decision making and communication as it assists in maintaining the privacy of individuals and the community. We rely on individuals to provide correct and up to date information in the first instance and to inform us to any changes in their details.
- b. Council will take reasonable steps to ensure data collected is accurate complete and up to date.

4. Security

- a. Council will endeavour to maintain a secure system for storing personal information. Technological and operational policies and procedures are in place to protect personal information from misuse and loss and from unauthorised modification or disclosure.
- b. 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 under the *Public Records Act 1973*.

5. Openness

- a. Council shall be open in the way it handles personal information by making available clearly stated policies on its collection, use and management of personal information.

6. Access and Correction

- a. Individuals have the right to request any information Council holds on them. Should you wish to access your personal information, please send your written request to the Council's Privacy Officer.
- b. Access will be provided except in the circumstances outlined in the Act, for example, where the information relates to legal proceedings or where the *Freedom of Information Act 1982* applies.

c. If you believe that your personal information is inaccurate, incomplete or out of date, you may request Council to correct the information. Your request will be dealt with in accordance with the Act.

7. Unique Identifiers

a. A unique identifier is defined in the *Privacy and Data Protection Act 2014* as a number or code that is assigned to someone's record to assist with identification. Council will only assign a unique identifier to a person if the assignment is reasonably necessary to carry out its functions efficiently.

8. Anonymity

a. Where lawful and practicable, Council will give you the option of not identifying yourself when supplying information or entering into transactions with it.

b. Anonymity may limit Council's ability to process a complaint or other matter. If you choose not to supply personal information that is necessary for the Council to perform its functions, then Council reserves the right to take no further action on that matter.

9. Transborder Data Flows

a. The *Privacy and Data Protection Act 2014* does not prohibit the transfer of personal information outside of Victoria, but it does place restrictions on when it can occur. This is because the act is a Victorian law and will not apply to organisations located in a different state, territory or country.

b. Council will only transfer personal or health information outside of Victoria in accordance with the provisions outlined in the Privacy and Health Records Acts.

c. While Council will use cloud computing services based outside Victoria, it will take all reasonable steps to ensure that the information which it transfers will not be held, used or disclosed by the host of the information inconsistently with the Victorian regulations. It also ensures the hosts/recipients are subject to laws and/or binding contractual arrangements that provide similar protections to that afforded under the act.

10. Sensitive Information

a. Sensitive information is a subset of personal information and is only collected when it is reasonable and practicable to do so and can only be collected with the individuals consent or where it is permitted by law.

b. Sensitive information means information or an opinion that relates to an individual:

- Racial or ethnic origin

- Political opinions
- Membership of a political association
- Religious beliefs or affiliations
- Philosophical beliefs
- Membership of a professional or trade association
- Membership of a trade union
- Sexual preferences or practices
- Criminal record

c. Council will only collect and use sensitive information for the specific purposes for which it is collected.

Health Information

Health information will only be collected if necessary to specific functions of Council. The additional collection of this information will be in line with the *Health Records Act 2001*. Health information will only be collected from individuals or persons with authority to disclose such information.

Compliance and Complaints

Council encourages individuals to send written complaints directly to Councils Privacy Officer about a breach, or perceived breach of privacy.

Where an individual is not satisfied with the Councils response, complaints can be directed to the Commissioner for Privacy & Data Protection at:

Office of the Victorian Information Commissioner

PO Box 24274

MELBOURNE VIC 3001

Email: enquiries@ovic.vic.gov.au

Guide detail

Approved/Adopted

This Guide was endorsed by the Customer and Information Services Steering Committee on 27/02/2023

Review

This Guide will be reviewed on 27/02/2025

The Guide will be reviewed every two years or any time relevant legislation is amended.