



Information Privacy Policy

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*.

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.

Definitions

Personal Information	<p>Information or an opinion (including information or an opinion forming part of a database), 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. This may include but is not limited to:</p> <ul style="list-style-type: none"> • name • address (residential, postal, email) • telephone number (work, home, mobile) • date of birth • signature • licence number • motor vehicle registration number • photograph or video footage
Sensitive Information	<p>Sensitive information means information or an opinion that relates to an individuals:</p> <ul style="list-style-type: none"> • 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
Health Information	<p>Information about an individual's health and other personal information collected during the provision of a health service, such as Maternal and Child Health.</p>
Information Privacy Principles (IPPs)	<p>A set of ten (10) principles contained in the <i>Privacy and Data Protection Act 2014</i>, which regulate how personal information is handled</p>
Privacy Breach	<p>Personal Information held by Council that is subject to unauthorised access, misuse, loss, modification or disclosure.</p>
Unique Identifier	<p>A unique identifier is a number or code that is assigned by Council to someone's record to assist with identification of an individual (similar to a driver's license number)</p>

Secondary Purpose	The secondary purposes for use and disclosure must be related to the primary purpose of collection and consistent with what an individual would reasonably expect. A secondary purpose should have a logical connection or is closely associated with the primary purpose.
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Legislative context

- *Privacy and Data Protection Act 2014*
- *Health Records Act 2001*
- *Freedom of Information Act 1982*
- *Local Government Act 1989*
- *Local Government Act 2020*
- *Victorian Charter of Human Rights and Responsibilities Act 2006*
- *Public Records Act 1973*

Related policies and documents

- Employee Code of Conduct
- Councillor Code of Conduct
- Social Media Policy
- Cyber Security and Incident Response Plan
- Community Transparency Policy
- Fraud and Corruption Framework

Policy

Council must comply with the 10 Information Privacy Principles (IPPs) contained within the *Privacy and Data Protection Act 2014*.

1. Collection

Council will only collect personal information that is necessary for one or more of its functions and activities. The information will be collected by fair and lawful means and not in an unreasonable or intrusive manner.

When collecting personal or health information from an individual, Council will take reasonable steps to advise that individual for what purpose(s) the information will be used for and if it will be disclosed to any third parties.

If personal information is collected from a third party, where possible, we will take reasonable steps to ensure that the individual is informed.

2. Use and Disclosure

Council will only use or disclose personal information in carrying out the functions and activities of the Council. Generally, this means that Council will not use or

disclose information except for the primary purpose for which the information was collected.

We may disclose personal information in certain circumstances to the following ;

- Third parties or contractors, where necessary, for them to carry out a specific job or task.
- Law Enforcement agencies to assist in police investigations.
- State and Commonwealth Government agencies as required under legislation.
- Government agencies to enable them to advise you of works that may affect you or your property.
- Insurers and legal advisors to assist Council in responding to insurance claims and/or legal proceedings.
- Printer and mailing services to assist in mailing out Council correspondence.
- Ombudsmen and other regulators to assist in their investigation of a complaint received by them about Council.
- Debt collection agencies to recover unpaid Council fees and fines.
- Other third parties where Council believes disclosure is necessary to lessen or prevent serious injury to an individual's life, health, safety or welfare, or where there is a serious threat to public health, safety or welfare.

Reasonable steps will be taken to ensure that third parties and contractors comply with the IPPs.

Council maintains public registers which may contain personal information as required or permitted by law. These registers are publicly accessible under particular circumstance, for example by inspection.

When interacting with Council, we may also invite you to provide feedback about your experiences interacting with Council and its services. We may use your personal information you provide to contact you for feedback or to complete a survey. Council may engage a third party to conduct surveys on our behalf. All surveys and feedback are voluntary and you do not have to participate.

Council will take measures to protect information collected against unauthorised access or disclosure.

3. Data Quality

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.

Council will take reasonable steps to ensure data collected is accurate complete and up to date. Where reasonably possible Council will check the accuracy of information with the individual before using it.

4. Security

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

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

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.

In addition to this policy we may use other methods to advise you how we collect and manage your information, including;

- Collection notices on forms.
- CCTV signage.
- Telephone messaging including verbal notification during phone calls.
- Signage and other notifications at Council meetings and public events regarding audio/visual recordings or photography.

6. Access and Correction

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.

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.

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 unique identifier is typically a number or code that is assigned for the primary purpose of identifying an individual.

Council will only assign a unique identifier to a person if it is reasonably necessary to carry out Council functions efficiently.

Council shall not assign to an individual a unique identifier that, to Council's knowledge, has been assigned to that individual by another agency.

8. Anonymity

Council will, where it is lawful and practicable, give individuals the option of not identifying themselves when entering into transactions with Council, particularly if they are seeking general information.

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

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. Information may only be transferred out of Victoria when

- The individual has consented.
- If the disclosure is authorised by law.
- If the recipient of the information is subject to a law, binding scheme, or contract with privacy principles that are substantially similar to those in the Privacy and Data Protection Act 2014.

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

Sensitive information may be collected when it is necessary for research, or the compilation or analysis of statistics, relevant to government funded targeted welfare or educational services. It may also be collected where it is necessary for a legal or equitable claim.

Council will only disclose sensitive information about individuals under certain circumstances;

- Where the person to whom the information relates has consented.

- Where required or authorised under law.
- When it is necessary to establish, exercise or defend a legal claim.
- To prevent or lessen serious threat to the life or health of any person.

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.

Baw Baw Shire Council
PO Box 304
WARRAGUL VIC 3820
Email: baw.baw@bawbawshire.vic.gov.au

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

Approval date	8 May 2025
Approval authority	Baw Baw Shire Council
Effective from	8 May 2025
Review term	2 years
Next review date	2027
Responsible position	Privacy Officer
Responsible Director	Director of Governance and Information Services
Version	2