

COUNCIL POLICY



45. PROVISION OF INFORMATION AND PRIVACY

DOCUMENT UNCONTROLLED WHEN PRINTED

DOCUMENT CONTROL

Policy Number: 045	Status: Adopted	
Approved by: Council	Date approved/adopted: 11 November 2014	Next review date: November 2016
Directorate: Corporate and Community	Department: Corporate Governance	Contact officer: Information Privacy Officer (nominated)

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REVISION RECORD

Date:	Version:	Revision description:
3/04/2002	1.0	Adopted by Council
24/09/2014	1.01	Draft revision in response to repeal of <i>Information Privacy Act 2000</i> and proclamation of <i>Privacy and Data Protection Act 2014</i>
11/11/2014	2.0	Version 2.0 adopted by Council

1. TITLE

Alpine Shire Council Provision of Information and Privacy Policy

2. POLICY STATEMENT

The Alpine Shire Council ('**Council**') is committed to protecting any personal information it collects by upholding the aims and objectives of the *Privacy and Data Protection Act 2014* ('**Act**') and the Information Privacy Principles ('**IPPs**') prescribed within the Act.

3. PURPOSE

The Act requires that all organisations within the Victorian Public Sector, including councils, collect, disseminate and use any personal information in accordance with the prescribed IPPs.

Council is required to collect certain personal information relating to residents and ratepayers for statutory purposes in accordance with the *Local Government Act 1987*, the *Health Records Act 2001* and other acts and regulations.

The purpose of this policy is to guide and support the management of personal information collected by Council with regard to its obligations under all relevant legislation.

4. SCOPE

This policy applies to all Council employees, councillors, contractors and volunteers as well as any individual, business or other organisation requesting access to any personal information collected by Council other than statutorily required.

Where conflict exists, neither this policy nor the *Privacy and Data Protection Act 2014* prevail over any existing legislation.

5. OBJECTIVE

The objective of this policy is to ensure that any personal information collected by Council is handled appropriately and in accordance with the IPPs.

This includes but is not limited to the management of databases, correspondence, public submissions, customer requests, planning and building permits and property records, health records, and tender and contract records that contain personal information.

6. POLICY DETAILS

Council must comply with the Information Privacy Principles contained within Schedule 1 of the *Privacy and Data Protection Act 2014* with regard to its' handling of personal information.

Section 20 of the Act states that:

"an organisation must not do and act, or engage in a practice, that contravenes an Information Privacy Principle in respect of personal information collected, held, managed, used, disclosed or transferred by it".

Information Privacy Principles – Council's Obligations

All personal information collected by Council must be managed in accordance with the IPPs.

It is Council policy that councillors, employees, volunteers and contractors must meet the obligations for each IPP as outlined in the following table:

IPP	OBLIGATIONS
1. Collection	<ul style="list-style-type: none">• only collect personal information that is necessary for the performance of their functions; and• take reasonable steps to state the reasons why an individual's personal information is being collected at the time of collection or as soon as practically possible after collection.
2. Use and Disclosure	<ul style="list-style-type: none">• only use and disclose personal information in accordance with the primary purpose for which it was collected, or a secondary purpose that a person would reasonably expect; and• make access to any personal information on a 'need to know' basis only.
3. Data Quality	<ul style="list-style-type: none">• take reasonable steps to ensure any personal information held is accurate, complete and up to date; and• ensure appropriate avenues are available to individuals to access and correct their personal information where required as per IPP 6.

IPP	OBLIGATIONS
4. Data Security	<ul style="list-style-type: none"> • take reasonable steps to ensure any personal information collected is protected from loss and unauthorised use, access, modification or disclosure; • take appropriate action to ensure files, databases and other records are held securely and may only be accessed by an authorised officer and/or Councillor; and • ensure any personal information that is no longer required is disposed of appropriately.
5. Openness	<ul style="list-style-type: none"> • make this policy available to any individual who requests a copy; and • ensure all employees, volunteers, contractors and Councillors are familiar with this policy.
6. Access and Correction	<ul style="list-style-type: none"> • ensure that upon request, an individual is granted access to their personal information, except under certain circumstances as detailed in IPP 6; and • ensure any request to access personal information complies with the <i>Freedom of Information Act 1982</i> and follows the processes set out within that Act.
7. Unique Identifiers	<ul style="list-style-type: none"> • not adopt or share a unique identifier except in certain circumstances, such as where it is necessary to do so to enable Council to carry out any of its functions; and • not require any individual to provide a unique identifier in order to obtain a service unless required to do so by law.
8. Anonymity	<ul style="list-style-type: none"> • afford individuals the opportunity to remain anonymous when dealing with Council where possible.
9. Trans-border Data Flows	<ul style="list-style-type: none"> • take reasonable steps to ensure any transfer of personal information outside of the state of Victoria will not be used by the recipient in a manner inconsistent with the <i>Privacy and Data Protection Act 2014</i>.
10. Sensitive Information	<ul style="list-style-type: none"> • ensure that any sensitive information collected is done within the limitations of IPP 10 only.

Generally Available Publications

The Act and IPPs do not apply to any information that is:

- a generally available publication;
- a public record made in accordance with the *Public Records Act 1973*;
- a document kept for reference, study or exhibition in a library, art gallery or museum; or
- any document archived under the *Copyright Act 1968* (Commonwealth).

Public Registers

A public register, although defined as a 'generally available document or publication', is NOT exempt from the requirements of the Act.

Council must ensure any public register it administers do not contravene an IPP if the information contained therein is personal information.

7. ROLES AND RESPONSIBILITIES

The following positions are responsible for approving, implementing, complying with, monitoring, evaluating, reviewing and providing advice on this policy and any supporting procedures and guidelines:

Implementation	<ul style="list-style-type: none">• Information Privacy Officer (nominated)
Compliance	<ul style="list-style-type: none">• All staff, volunteers, contractors and councillors
Development/Review	<ul style="list-style-type: none">• Information Privacy Officer (nominated)• Directors• CEO
Interpretation/Advice	<ul style="list-style-type: none">• Information Privacy Officer (nominated)• Directors• CEO

8. SUPPORTING DOCUMENTS

This Policy should be read in conjunction with all other relevant Council policies and procedures, as well as relevant legislative requirements.

Related Legislation

- *Privacy and Data Protection Act 2014*
- *Local Government Act 1987*
- *Freedom of Information Act 1982*
- *Charter of Human Rights and Responsibilities Act 2006*
- *Health Records Act 2001*
- *Public Records Act 1973*
- *Copyright Act 1968* (Commonwealth)

Related Policies and Procedures

- ASC Policy No.093 CCTV Surveillance Camera Policy
- CCTV Surveillance Camera Operating Procedures Part 1 and 2
- Corporate Records Policy (internal)
- Corporate Records Disposal Policy (internal)
- Use of Council Computer Email & Internet Policy (internal)

9. HUMAN RIGHTS CHARTER

This policy has been considered in relation to the Victorian *Charter of Human Rights and Responsibilities Act 2006* and it has been determined that it does not contravene the Charter.

10. MONITORING, EVALUATION AND REVIEW

Council will actively monitor all practices in relation to the handling of personal information within the organisation.

Review of this policy and associated documentation will occur every two years. Minor amendments to the policy may be authorised by the CEO at any time where such changes do not alter the substance of the policy.

11. NON-COMPLIANCE, BREACHES AND SANCTIONS

Failure to comply with this Council policy, supporting procedures or guidelines will be subject to investigation, which may lead to disciplinary action.

The Privacy and Data Protection Commissioner ('**PDPC**') will investigate any alleged breach of the Act. If the alleged breach is proven to have occurred and satisfied all the conditions stated in section 78(1), the PDPC may serve a compliance notice on Council. Failure to comply with a compliance notice is an indictable offence.

12. DEFINITIONS AND ABBREVIATIONS

The following table provides definitions of terms used in this policy and explanations of any abbreviations and acronyms used.

TERM/ABBREVIATION	MEANING
Act	<i>Privacy and Data Protection Act 2014</i>
ASC	Alpine Shire Council
CEO	Chief Executive Officer of the Council
Council	Alpine Shire Council
Employee	An individual working for the Alpine Shire Council, including contractors, staff on exchange, volunteers, cadets, apprentices, work experience and graduate placements.
Generally available publication	A publication (whether in paper or electronic form) that is generally available to members of the public and includes information held on a public register. Refer to Section 3 of the Act.
Handling of personal information	Collection, holding, management, use, disclosure or transfer of personal information. Refer to Section 3 of the Act.
IPPs	Information Privacy Principle As set out in Schedule 1 of the Act.
PDPC	Privacy and Data Protection Commissioner of Victoria
Personal information	information or an opinion (including information or an opinion forming part of a database), that is 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, but does not include information of a kind to which the <i>Health Records Act 2001</i> applies. Refer to Section 3 of the Act.

TERM/ABBREVIATION	MEANING
Public record	<ul style="list-style-type: none"> a) any record made or received by a public officer in the course of his duties; and b) any record made or received by a court or person acting judicially in Victoria— but does not include— c) a record which is beneficially owned by a person or body other than the Crown or a public office or a person or body referred to in section 2B; or d) a prescribed record held for the purpose of preservation by a public office to which it was transferred before the commencement of the Arts Institutions (Amendment) Act 1994 by a person or body other than the Crown or a public office; or e) a record, other than a prescribed record, held for the purpose of preservation by a public office to which it was transferred, whether before or after the commencement of the Arts Institutions (Amendment) Act 1994 , by a person or body other than the Crown or a public office. <p>Refer Section 2 of the <i>Public Records Act 1973</i></p>
Public register	<p>a document held by a public sector agency or a Council and open to inspection by members of the public (whether or not on payment of a fee) under an Act or regulation (other than the <i>Freedom of Information Act 1982</i> or the <i>Public Records Act 1973</i>) containing information that—</p> <ul style="list-style-type: none"> a) a person or body was required or permitted to give to that public sector agency or Council under an Act or regulation; and b) would be personal information if the document were not a generally available publication <p>Refer to Section 3 of the Act.</p>

TERM/ABBREVIATION	MEANING
Sensitive information	<p>information or an opinion about an individual's—</p> <ul style="list-style-type: none"> a) racial or ethnic origin; or b) political opinions; or c) membership of a political association; or d) religious beliefs or affiliations; or e) philosophical beliefs; or f) membership of a professional or trade association; or g) membership of a trade union; or h) sexual preferences or practices; or i) criminal record— <p>that is also personal information. Refer to Section 1 of the Act.</p>
Unique identifier	<p>an identifier (usually a number) assigned by an organisation to an individual uniquely to identify that individual for the purposes of the operations of the organisation but does not include an identifier that consists only of the individual's name but does not include an identifier within the meaning of the <i>Health Records Act 2001</i>. Refer to Section 1 of the Act.</p>

13. APPROVAL

THE COMMON SEAL OF THE
ALPINE SHIRE COUNCIL was
hereunto affixed this.....day of
.....2014 in the
presence of:

.....
COUNCILLOR

.....
COUNCILLOR

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CHIEF EXECUTIVE OFFICER