

COUNCIL POLICY

# **Information Privacy Policy**

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**DOCUMENT UNCONTROLLED WHEN PRINTED**

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**REVISION RECORD**

MANDATORY – Use 1.0, 2.0 for adopted / approved versions and 1.1, 1.2 for drafts or revisions without change.

Date	Version	Revision description
03/04/2002	1.0	Adopted by Council
11/11/2014	2.0	Adopted by Council Incorporating changes in response to repeal of <i>Information Privacy Act 2000</i> and proclamation of <i>Privacy and Data Protection Act 2014</i> .
01/06/2021	3.0	Adopted by Council Renamed from "Provision of Information and Privacy Policy" to "Information Privacy Policy".

## 1. Purpose

The purpose of this policy is to provide guidance and advice on the way Alpine Shire Council (Council) will collect, hold, use and disclose personal and health information of individuals. This policy also details how individuals can request access to their information, in addition to outlining the privacy complaint process.

## 2. Scope

This Policy applies to all Council employees, Councillors, contractors and volunteers as well as any individual, business or other organisation that receives access to personal information held by Council.

In some instances, Council will be required to disclose personal information in order to meet Council's specific legislative responsibilities. Where this occurs, Council will not be in breach of its legislative obligations under privacy legislation.

## 3. Policy details

### 3.1 COUNCIL'S OBLIGATIONS

All personal and health information collected by Council must be managed in accordance with the Information Privacy Principles (IPPs) and Health Privacy Principles (HPPs). These principles establish standards for the handling of personal, sensitive and health information including collection, use, disclosure, storage, security, accessibility and disposal.

Council must comply with these principles which are detailed on the following pages.

#### **IPP / HPP 1 Collection of personal or health information**

Council will only collect personal or health information that is necessary for its specific and legitimate functions and activities. If it is reasonable and practical to do so, Council will collect personal and health information directly from an individual and will inform the individual of the purpose for which the information is being collected.

Council will only collect an individual's information from someone else if the individual's consent is provided or if the information is received from another government agency or authority if it is lawful to do so.

If Council collects information about an individual from another government agency or authority, Council will take reasonable steps to:

- confirm that the information collected is accurate;
- ensure that the individual is made aware of the collection and its purpose; and
- explain how the information will be used and disclosed by Council and the process to gain access to the information before this information is used.

These reasonable steps will include attempting to make contact with the individual by telephone, mail, or email.

## **IPP / HPP 2 Use and Disclosure of personal or health information**

Council will use and disclose personal and health information for the purpose for which the information was collected (primary purpose).

Council may only use the information for a secondary purpose if a person: has given consent, would reasonably expect Council to do so, or if the secondary purpose is related to the primary purpose of collection.

Where Council is legally obliged or authorised to disclose personal information, it will do so in accordance with the legislation and make access to any personal information on a 'need to know' basis only.

Requests for disclosure of personal information outside of the primary purpose will be dealt with in accordance with IPP 2.1a-h:

- 2.1a Reasonably expected related secondary purpose
- 2.1b Consent
- 2.1c Necessary for research or statistics in public interest
- 2.1d Necessary to lessen or prevent serious threats to health or safety
- 2.1e Investigating suspected unlawful activity
- 2.1f Required or authorised by law
- 2.1g Reasonably necessary assistance for law enforcement and protection of public revenue
- 2.1h Commonwealth security agencies

## **IPP / HPP 3 Data Quality**

Council will take reasonable steps to ensure any personal and health information held is accurate, complete and up-to-date and ensure that appropriate avenues are available to individuals to access and correct their personal information.

## **IPP / HPP 4 Data Security**

Council will take reasonable steps to ensure any personal and health information collected is protected from loss and unauthorised use, access, modification or disclosure. Council will also 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 that any personal information that is no longer required is disposed of appropriately.

## **IPP / HPP 5 Openness**

Council will make this Policy available to any individual who requests a copy and ensure that all employees, volunteers, contractors and Councillors are familiar with this Policy.

## **IPP / HPP 6 Access & Correction**

Council may process requests for access, information and correction of personal or health information without the need for a formal request. However, in some cases, Council may manage requests for access and / or correction in accordance with the *Freedom of Information Act 1982*.

## **IPP / HPP 7 Unique identifiers**

Council will not adopt or share a unique identifier except when it is necessary to do so to enable Council to carry out any of its functions. Council will not require an individual to provide a unique identifier in order to obtain a service unless required to do so by law.

## **IPP / HPP 8 Anonymity**

Where it is lawful and practical to do so, an individual has the option of not identifying themselves when interacting with Council.

## **IPP / HPP 9 Trans-border Data Flows**

Council will only transfer personal or health information outside Victoria in accordance with the provisions outlined in the Privacy Legislation.

## **IPP 10 Sensitive information**

Council will not collect sensitive information unless one of the exceptions listed in IPP 10 applies, such as the person has given their consent, the collection is required by law or the collection is necessary to prevent or lessen a serious threat to the health of any individual.

## **HPP 10 and 11 Health Service Provider Changes**

In the event that a health service offered by Council is discontinued, the health information held by Council will be managed in accordance with the *Health Records Act 2001*.

## **3.2 GENERALLY AVAILABLE INFORMATION**

Council's legislative obligations under the Privacy Legislation does 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* (Cth).

## **3.3 PUBLIC REGISTERS**

A public register is not exempt from the requirements of the Privacy Legislation. Accordingly, Council must ensure that any public registers it administers do not contravene an IPP or HPP where the register contains personal or health information.

### 3.4 STAFF TRAINING AND AWARENESS

All Council employees will receive training, both during induction and on an ongoing basis, to enhance their awareness of how personal information must be handled by Council to ensure legislative compliance.

### 3.5 COMPLAINTS

A person may complain to Council's Governance Officer regarding the handling of personal and health information.

Alternatively, a complaint may be lodged with the Office of the Victorian Information Commissioner or the Health Complaints Commissioner. The Commissioners may decline to entertain the complaint if the complainant has not first lodged the complaint with Council.

Organisation	Contact
Alpine Shire Council	Governance Officer Phone: 03 5755 0555 Email: <a href="mailto:info@alpineshire.vic.gov.au">info@alpineshire.vic.gov.au</a>
Victorian Information Commissioner	<a href="http://www.ovic.vic.gov.au">www.ovic.vic.gov.au</a>
Health Complaints Commissioner	<a href="http://www.hcc.vic.gov.au">www.hcc.vic.gov.au</a>

## 4. Roles and responsibilities

The following positions are responsible for

Responsibility	Role / Position
Implementation of this Policy	Governance Officer
Compliance with this Policy	All Council staff, volunteers, contractors and Councillors
Development and review of this Policy	Governance Officer Manager Corporate Directors Chief Executive Officer
Interpretation of this Policy and the provision of advice	Governance Officer Directors Chief Executive Officer

## 5. Breaches

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

## 6. Human Rights Charter compatibility

This Policy has been assessed as being compatible with the *Charter of Human Rights and Responsibilities Act 2006*.

## 7. 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

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

### Related Guidelines, Operational Directives or Policies

- CCTV Surveillance Camera Policy
- Corporate Records Policy
- Complaint Handling Policy

## 8. Definitions and abbreviations

Term	Meaning
Health information	Information or an opinion about the physical, mental or psychological health of an individual, disability of an individual or a health service provided or to be provided to an individual, where that information is also personal information. Health information also includes other information that is collected to provide or in providing a health service. It does not include information about an individual who has been deceased more than 30 years.
Health Service	Means an activity that is intended or claimed to assess, maintain or improve an individual's health, to diagnose or treat the individual's illness, injury or disability.



Term	Meaning
HPPs	Health Privacy Principles as outlined in the <i>Health Records Act 2001</i> . HPPs are a set of principles that regulate the handling of health information.
HRA	<i>Health Records Act 2001</i>
IPPs	Information Privacy Principles as outlined in the <i>Privacy and Data Protection Act 2014</i> . IPPs are a set of principles that regulate the handling of personal information.
Personal information	<p>Means information or an opinion 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.</p> <p>Examples of personal information include, but are not limited to: name, address, phone number, email address, date of birth, property ownership.</p> <p>Personal information may be contained in Council records such as databases, correspondence, public submissions, customer requests, permits, property records, tenders and contracts.</p>
PDPA	<i>Privacy and Data Protection Act 2014</i>
Privacy Legislation	Means the <i>Privacy and Data Protection Act 2014</i> and the <i>Health Records Act 2001</i>
Public Record	Includes a record which is made or received by a public officer in the course of carrying out their duties.
Public Register	<p>Means a document held by Council that is open to inspection by members of the public containing information that —</p> <ul style="list-style-type: none"> <li>• a person or body was required or permitted to give to Council under an Act or regulation; and</li> <li>• would be personal information if the document were not a generally available publication</li> </ul>

Term	Meaning
Sensitive information	Means personal information or an opinion about a person's: <ul style="list-style-type: none"> <li>• race or ethnic origin</li> <li>• political opinions</li> <li>• membership of a political association</li> <li>• religious beliefs or affiliations</li> <li>• philosophical beliefs</li> <li>• membership of a professional association</li> <li>• membership of a trade union</li> <li>• sexual preferences or practices</li> <li>• criminal record</li> </ul>
Unique identifier	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.

## 9. Approval

THE COMMON SEAL OF THE ALPINE SHIRE COUNCIL was hereunto affixed this 1st day of June 2021 in the presence of:

The common seal of Alpine Shire Council was applied by resolution at the Ordinary Council Meeting held on 1 June 2021. A copy of the signed and sealed document is held in Council's records.

.....  
COUNCILLOR NAME

.....  
SIGNATURE

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COUNCILLOR NAME

.....  
SIGNATURE

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CHIEF EXECUTIVE OFFICER NAME

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SIGNATURE