

<b>POLICY TITLE</b>	<b>Information Privacy Policy</b>
<b>POLICY TYPE</b>	<b>Council</b>
<b>GROUP</b>	<b>Corporate Services</b>

## 1. Background

Council believes that the responsible handling of personal information is a key aspect of democratic governance, and is strongly committed to protecting an individual's right to privacy. All councils are required to comply with the principles laid out in the Victorian *Privacy and Data Protection Act 2014* that establishes protective standards for the handling of personal information throughout its life cycle, from collection to use and disclosure, storage, security, accessibility and disposal.

## 2. Purpose

Council is committed to full compliance with its obligations under the Victorian *Privacy and Data Protection Act 2014* and the *Victoria Health Records Act 2001* (Acts). In particular, Council will comply with the Information Privacy Principles and Health Privacy Principles contained in the Acts.

## 3. Scope

This policy extends to all Councillors, Council employees, contractors and agents. This policy covers all personal and health information held by Moonee Valley City Council.

## 4. Definitions

**Health information** means:

- information or an opinion about:
  - the physical, mental or psychological health of an individual,
  - a disability (at any time) of an individual
  - an individual's expressed wishes about the future provision of health services to him or her

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- a health service provided, or to be provided, to an individual that is also personal (identifying or potentially identifying, recorded) information, or
- other personal information collected to provide, or in providing, a health service, or
- the dispensing on prescription of a drug or medicinal preparation by a pharmacist.

**Sensitive Information** means information or an opinion about an individual's—

- racial or ethnic origin; or
- political opinions; or
- membership of a political association; or
- religious beliefs or affiliations; or
- philosophical beliefs; or
- membership of a professional or trade association; or
- membership of a trade union; or
- sexual preferences or practices; or
- criminal record.

**Unique identifier** means 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 *Health Records Act 2001*.

## 5. Responsibility

Council's appointed Privacy Officer has the responsibility to communicate and implement this policy and where applicable ensure compliance with the relevant Acts.

## 6. Legislation

*Privacy and Data Protection Act 2014* (Victoria)  
*Health Records Act 2001* (Victoria)

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## **7. Policy**

### **7.1 Personal information**

This Policy applies to personal information held 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 (eg names and addresses) in order to carry out its functions (eg planning, valuation and property services). It may also request personal information in order to provide education, welfare and other community services (eg child care services). In some instances, personal information may be contained on a public register (register of building permits, food premises and animal registration details).

### **7.2 Sensitive Information**

Council may also hold sensitive information. Sensitive information includes information or an opinion about an individual's racial or ethnic origin, political opinions, trade union membership, philosophical or religious beliefs, sexual preferences or criminal record.

Council will not collect sensitive information about an individual except in circumstances specified by the Act or in circumstance whereby such information is both directly pertinent and necessary to specific, proper and legitimate functions of one or more of its activities.

### **7.3 Collection**

Council will only collect personal information that is necessary for its functions and activities. 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 Acts.

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. If Council collects personal information about you from someone else, it will take reasonable steps to make you aware of these matters.

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#### **7.4 Use and Disclosure**

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 or where you would reasonably expect this to occur) or where the use or disclosure is specifically authorised by any Act or Regulation.

Council may use or disclosure personal information to further the investigation of an unlawful activity that has been committed, being committed or in reporting concerns of the unlawful activity to the relevant authority. Council may further use or disclosure personal information when necessary to lessen or prevent a threat to the life, health, safety or welfare of an individual or the public.

#### **7.5 Data Quality and Security**

Council will take reasonable steps to make sure that to ensure that the personal information it hold is accurate, complete and up to date.

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. 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.

#### **7.6 Openness**

Council will make available its policies on the management of personal information. On request, Council will take reasonable steps to provide individuals with general information on the types of information it holds, for what purposes, and how it collects, holds, uses and discloses that information.

#### **7.7 Access and Correction**

Any person wishing to access their personal information details held by Council may contact 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 Acts.

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**7.8 Unique Identifiers**

Council will not assign unique identifiers unless necessary to carry out Council's function efficiently nor will Council adopt, use or disclose a unique identifier assigned by another organisation unless necessary to carry out Council's function efficiently or with the consent of the individual.

**7.9 Anonymity**

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

**7.10 External Contractors**

While personal information is usually handled by Council staff, Council may outsource some of its functions to third parties. This may require the contractor to collect, use or disclose certain personal information (eg garbage collection). It is Council's intention to require contractors to comply with the Act in all respects.

**7.11 Transborder Data Flows**

Council will transfer personal information outside of Victoria only if that data transfer conforms with the reasons and conditions outlined in the Acts.

**7.12 Health Records**

All health information held by Council will be managed in accordance with the *Health Records Act 2001*.

If the practice or business of a health service provider operated by Council is to be transferred or closed, Council will comply with a prescribed set of procedures and give notice to former clients and the public.

If you request Council as a health service provider to make its health information available to another provider, Council will comply with your request as soon as practicable.

**7.13 Complaints**

If you feel aggrieved by Council's handling of your personal information, you may make a complaint to Council's Privacy Officer. Your complaint will be investigated as soon as possible (but no later than 5 business days) and you will be provided with a written response. Alternatively, you may make a complaint to the Privacy Commissioner (although the Commissioner may decline to hear the complaint if you have not first made a complaint to Council).

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**7.14 Further Information**

Queries or complaints may be directed to Council's Privacy Officer on:

Tel: (03) 9243 8775  
or postal address at  
The Privacy Officer  
Moonee Valley City Council  
PO Box 126  
Moonee Ponds VIC 3039

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