

Privacy

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Purpose

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

The purpose of this policy is to outline how Council delivers on this commitment while ensuring compliance to relevant legislation including the Information Privacy Principles (IPP) as contained in the *Privacy and Data Protection Act 2014* and the Health Privacy Principles contained in the *Health Records Act 2001*.

Scope

This Policy applies to any personal or health information held by Council.

Definitions

Personal Information

Personal information means information or an opinion about an individual whose identity is apparent, or can reasonably be ascertained, from the information or opinion.

For example, Council holds personal information regarding its ratepayers such as names and addresses in order to carry out its functions (for example planning, valuations, property services, child-care services). In some instances, personal information may be contained on a public register (for example a register of planning permits, food premises or animal registration details).

Sensitive Information

Sensitive information is defined as personal information or an opinion about an individual's race or ethnic origin, political opinions or associations, religious or philosophical beliefs or affiliations, trade union memberships, sexual preferences or practices, criminal record, or their health or genetic information.

External Contractors

Council may outsource some of its functions to third parties (for example immunisations). This may require the contractor to collect, use or disclose certain personal information. It is the intention of Council to require contractors to comply with the IPPs and the provision of the *Privacy and Data Protection Act 2014* in all respects.

Health Information

Health information includes information about the physical, mental or psychological health, or disability of an individual. It also includes information collected to provide a health service to an individual (such as a disability or aged care service, immunisation service or maternal health care service), including an individual's expressed wishes about the future provision of health services.

Privacy Principles

Principle 1 - Collection

Council will only collect personal and health information that is necessary to performing its specific and legitimate functions and activities. All information will be collected by fair and lawful means and not in an unreasonably intrusive way.

Council will provide details of:

- why it is collecting personal and health information;
- the purpose for which the information will be used;
- how that information can be accessed;
- with whom the information may be shared;
- any relevant laws; and
- the consequences for the individual if all or part of the information is not collected.

Under normal circumstances Council may only collect personal and health information about an individual from that individual. However, if Council collects personal and health information about an individual from someone else, all reasonable steps will be taken to ensure that the individual is informed of their rights relating to the information collected.

Principle 2 - Use and Disclosure

Council will not use or disclose personal and health information for a purpose other than the primary purpose except for those conditions specified in the Acts.

Principle 3 - Data Quality

Council will take reasonable steps to make sure that the personal and health information it collects uses or discloses is accurate, complete and up-to-date.

Principle 4 – Data Security

Council will take reasonable steps to protect all personal and health information it holds from misuse, loss, unauthorised access, modification or disclosure. Council will take reasonable steps to lawfully and responsibly destroy or permanently de-identify personal and health information when it is no longer needed for any purpose as specified in the Acts.

Principle 5 - Openness

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

Principle 6 - Access and Correction

Council will provide access to information it holds about an individual when requested by that individual except in specific circumstances as outlined within the Act.

Where Council holds personal and health information about an individual and the individual is able to establish that the information is incorrect, Council will take reasonable steps to correct information as soon as practicable and within 45 days of the request. If, however, Council denies access or correction, Council will provide reasons.

In the event that Council and an individual disagree about the veracity of personal and health information held by Council, Council will take reasonable steps to record a statement relating to the disputed information if requested by the individual.

Principle 7 - Unique Identifiers

Council will not assign, adopt, use, disclose or require unique identifiers from individuals except in the course of conducting normal Council business or if required by law. Council will only use or disclose unique identifiers assigned to individuals by other organisations if the individual consents to the use and disclosure, or if the conditions for use and disclosure set out in the Acts are satisfied.

Principle 8 - Anonymity

Council will, **where it is lawful and practicable**, give individuals the option of not identifying themselves when entering into transactions with Council.

Principle 9 - Transborder Data Flows

Council may transfer personal and health information outside of Victoria only if that data transfer conforms to one of the reasons and conditions outlined in the Acts.

Principle 10 – Sensitive Information

Council will not collect sensitive information about an individual except for circumstances specified under the Acts.

Principle 11 - Transfer or Closure of the Practice of a Health Service Provider

If the health services of Council are to be transferred or closed, Council will take reasonable steps to notify relevant individuals of alternative health services, of the options to transfer their information to the new health service provider or the individual's nominated health service provider, and of the option to obtain their own health records.

Principle 12 - Making Information available to another Health Service Provider

Council will upon consent by an individual, provide a copy of, or written summary of, their health information to a specified health service provider, on payment of a fee not exceeding the prescribed maximum fee and subject to the regulations.

Complaints

If an individual feels aggrieved by Council's handling of their personal, sensitive or health information, he/she may make a complaint to Council's Privacy Officer, telephone (02) 6071 5100. The complaint will be investigated as soon as possible (but no later than 5 business days) and a written response will be provided to the individual.

Alternatively, the Office of the Health Complaints Commissioner can be contacted by telephone on 1300 582 113, or The Office of the Victorian Information Commissioner (OVIC) can be contacted by telephone on 1300 006 842.

Please note that the Commissioners may decline to hear the complaint if the individual has not first made a complaint to Council.

Further Information

If an individual has any queries about this Privacy Policy, they can contact the Council, telephone (02) 6071 5100.

Deployment

Management and staff will be responsible for the delivery of this policy within their areas of responsibility.

Relevant Legislation

Privacy and Data Protection Act 2014

Health Records Act 2001

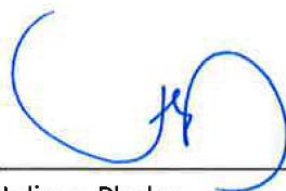
Results

The deployment of this policy together with the results achieved will be reviewed at least annually.

Human Rights Charter Compatibility

This policy has been assessed as being compatible with the *Charter of Human Rights and Responsibilities Act 2006 [Vic]*.

Authorised by:



Juliana Phelps
Chief Executive Officer