Privacy Policy

1. Purpose

Wodonga Council (Council) views the protection of an individual's privacy as an integral part of its commitment towards accountability and integrity in all its activities and programs.

This policy outlines Council's commitment to protecting an individual's right to privacy and to the responsible management of personal information (as required by the *Privacy and Data Protection Act 2014* (PDPA)) and health information (as required by the *Health Records Act 2001* (HRA)).

2. Scope

This policy applies to all councillors, officers, contractors, volunteers and members of committees of Council.

The policy covers all personal and health information held by Council, including information sourced from third parties.

3. Definitions

'Personal information' is recorded information or opinion, whether true or not, about a readily identifiable individual (or an individual whose identity can be reasonably ascertained) that includes:

- An individual's name;
- An individual's home address;
- An individual's telephone number/email address;
- An individual's date of birth and age;
- An individual's marital status;
- An individual's financial status;
- An individual's financial/business transactions with Council; and
- An individual's Pension number/Medicare card number etc.

'Sensitive information' is recorded information or opinion, whether true or not, about a readily identifiable individual (or an individual whose identity can be reasonably ascertained) that includes:

- Racial or ethnic origin;
- Political opinions or membership of a political association;
- Religious beliefs or affiliations;
- Philosophical beliefs;
- Membership of a professional or trade association, or a trade union;
- Sexual preferences or practices; and
- Criminal record.

'Health information' is recorded information or opinion, whether true or not, about a readily identifiable individual (or an individual whose identity can be reasonably ascertained) that includes:

- The physical, mental or psychological health (at any time) of an individual;
- The disability (at any time) of an individual;

- An individual's expressed wishes about the future provision of health services to him or her;
- A health service provided or to be provided to the individual; and
- Other personal and sensitive information collected (as considered by the IPA) if the Council business unit is considered to be a 'health service provider' (e.g. Maternal and Child Health, Immunisation, HACC, etc).

'Information Privacy Principles (IPPs)': are a set of principles contained in the PDPA that regulate the handling of personal information.

'Health Privacy Principles (HPPs)': are a set of principles contained in the HRA that regulate the handling of health information.

Note: Information or opinion taking the form of 'personal information', 'sensitive information' and 'health information' can be recorded as part of a database.

4. Policy

This policy reflects the requirements of the IPPs and the HPPs.

4.1 Collection

Personal and health information will only be collected if it is necessary for the specific and legitimate functions and activities of Council. All information will be collected by fair and lawful means and not in an unreasonably intrusive way. Council will only collect sensitive information where consent has been given or as permitted under legislation.

Council will, at the point of collection, provide details of:

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

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

This information typically includes but is not limited to the following:

- name
- address (postal and email)
- telephone number (work, home and mobile)
- date of birth
- occupation
- Medicare number
- credit card and bank account numbers
- motor vehicle registration number.

4.2 Use and disclosure

Council will use personal information for the primary purpose for which it was collected. Examples include use for levying rates, billing, collection of debts, property valuation, town

planning and building approvals, provision of family services, community services and animal management services, waste management services, enforcement activities and asset management.

Council will only use personal or health information within Council, or disclose it outside Council, for a secondary purpose:

- If it is required by law to do so
- If the individual has consented to the use or disclosure;
- If the individual would reasonably expect such use or disclosure to occur; or
- In the other circumstances provided for in the IPPs or HPPs.

For example, the information may be disclosed:

- To Council's contracted service providers. Council requires these service providers to comply with the IPPs and HPPs when providing the services;
- To individuals for the purpose of serving a notice to fence as required by the Fences Act 2014*;*
- Under the *Planning and Environment Act 1987* disclosure of the personal details of an objector to a planning permit is allowed during the inspection period for physical inspection at Council's office. However, it prohibits the disclosure of certain personal information in a document that is made available on an internet site, or after the inspection period has closed.
- Copies of petitions lodged with Council will be made available to councillors. However, copies of petitions will not be included in published agenda or minutes of Council meeting business papers, either hard copy or electronically.
- To the Victorian Electoral Commission for the compilation of Voters Rolls;
- To Statutory Bodies (e.g. Centrelink, Child Support Agency, Department of Health , Department of Education, Transport Accident Commission and Victorian WorkCover Authority) for purposes required by relevant legislation.
- To Victoria Police, Fire Rescue Victoria, CFA or SES for emergency or law enforcement purposes;
- Where an Act necessitates disclosure, such as the *Freedom of Information Act 1982* (Vic);
- Under the Victorian Government's Information Sharing reforms dealing with the collection, use and sharing of sensitive information in relation to family violence and child wellbeing and safety;
- In public registers that need to be maintained under legislation;
- To an individuals authorised representatives, health service providers or legal advisers;
- To Council's professional advisers, including accountants, auditors, insurers, bankers, valuers, debt collection agents, IT providers and lawyers;
- In building permits and plans made available to property owners and the Victorian Building Authority;
- To recipients outside Victoria, although only if they are governed by substantially similar privacy legislation or the individual has consented to the transfer or would be likely to give it, if it was practicable to obtain that consent; and
- To agencies such as the Victoria Police as part of a background check for employment, including a Working with Children check. Such checks will only be carried out with written authorisation and the results not disclosed to third parties unless authorised by law.

In the case of health information in particular, Council may disclose health information about someone:

- If Council is providing a health service to them and it is necessary to be able to provide that service; and
- Where the person is incapable of providing consent and it is not reasonably practicable to obtain the consent of an authorised representative or the person does not have such an authorised person.

4.2.1 Use and Disclosure of Personal Information for Community Consultation
Personal information collected during community consultation activities, such as names, contact details, or feedback, may be used to inform Council decision-making.

When providing community feedback persons will be required to provide consent for the sharing of their personal information. Where a person chooses not to share their personal information, their feedback will be treated as a general submission, rather than as a formal submission.

4.3 Quality and security
Prior to the use and disclosure of personal or health information, reasonable steps will be taken to ensure that the information is relevant, and to the extent necessary, accurate, complete and up-to-date for the purpose for which it is to be used.

Council will endeavour to maintain a secure system for storing such information and will utilise appropriate technologies, security methods, operational policies and procedures to protect the information from unauthorised access, improper use, alteration, unlawful or accidental destruction and accidental loss.

All personal and health information will be removed from Council systems, if it is no longer needed for any purpose, except where it needs to be retained in accordance with the Public Records Act 1973 or any other applicable Act or Regulation.

4.4 Access and correction
Individuals may request access to their personal and health information. Such requests are generally managed under the *Freedom of Information Act 1982* (and the HRA where relevant). Please contact Council's Privacy Officer in the first instance to discuss your requirements.

Council may charge an access fee for recovering the costs of retrieving the required personal or health information.

Where Council holds personal or health information about an individual and the individual is able to establish that information is incorrect, it will take reasonable steps to correct information as soon as practicable but within 30 days of the request. If, however, Council denies access or correction, it will provide reasons for the denial.

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

4.5 Unique identifiers and anonymity
A unique identifier is a number or code that is assigned to someone's record to assist with identification (similar to a drivers licence number).

Council will not adopt as its own identifier, an identifier that has been assigned by another government agency.

Council will not use or disclose the identifier assigned to an individual by another government agency, unless the consent of the individual has been obtained or it is permitted by law to do so.

Council will only assign identifiers to records if it is necessary to enable Council to carry out a function efficiently.

Whenever it is lawful and practicable, individuals may exercise the option of not identifying themselves when dealing with the Council. However, in some cases, what Council can do in response may be limited. For example, it may not be possible to investigate an anonymous complaint without further information.

4.6 Transborder data flows

Council will only transfer personal or health information outside of Victoria in accordance with the provisions of the PDPA and HRA.

While Council uses cloud computing services based outside Victoria, it has taken 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 IPPs or HPPs. It also ensures the hosts/recipients are subject to laws and/or binding contractual arrangements that provide similar protections to that afforded under the PDPA or HRA.

4.7 Sensitive information

Council will not collect sensitive information about an individual except by consent or when required by legislation.

4.8 Health Records Act

If Council's health services were to be transferred or closed, it would take reasonable steps to notify recipients of health services and advise them of the options to transfer their information to the new health service provider or a health service provider nominated by themselves or retain their own health records.

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 regulations made under the HRA.

4.9 Complaints

If an individual feels aggrieved by Council's handling of their personal, sensitive or health information, they may make a complaint to Council's Privacy Officer (Telephone: 02 6022 9300).

The complaint will be investigated promptly (but no later than five business days after receipt) and a written response will be provided to the individual.

Alternatively, the individual may make a complaint to the Office of the Victorian Information Commissioner (OVIC) in relation to personal information or to the Health Complaints Commissioner (HCC) in relation to health information.

OVIC: www.ovic.gov.au
enquiries@ovic.vic.gov.au

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1300 006 842

HCC hcc.vic.gov.au
1300 582 113.

Both OVIC and HCC are able to receive complaints about possible privacy breaches and work with the respective parties to conciliate a resolution. Please note that the Commissioners may decline to hear the complaint if the individual has not first made a complaint to Council.

5. Related policies

- Community Engagement Policy
- Complaint Handling Policy
- Diversity, Equity and Inclusion Policy
- Public Transparency Policy
- Good Governance Framework

6. Related legislation

- Charter of Human Rights and Responsibilities Act 2006
- Freedom of Information Act 1982
- Health Records Act 2001
- Privacy and Data Protection Act 2014
- Public Records Act 1973

7. References

Wodonga Council Privacy Guidelines
Digital Communications Procedure

8. Review

Council may review this policy at any time but unless otherwise requested at least every two years from date of adoption. The two year review period is in line with guidance provided by OVIC. 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 eg: typographical errors, a change to the name of a related policy, or a change to the name of legislation.

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Next Review:	20 March 2025