

ATTACHMENT TO AGENDA ITEM

Ordinary Meeting

18 February 2020

Agenda Item 9.4 Privacy Policy

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GREATER SHEPPARTON CITY COUNCIL

Policy Number 37.POL12

Privacy Policy

Version 1.1

Adopted by Council **18 February 2020**

Last Reviewed 19 September 2017

Business Unit:	Corporate Governance
Responsible Officer:	Team Leader Governance
Approved By:	Chief Executive Officer
Next Review:	Within 6 months of a general election

DOCUMENT REVISIONS

Version #	Summary of Changes	Date Adopted
1	Policy first adopted.	19 September 2017
1.1	Minor changes made in accordance with recommendations made by Office of the Victorian Information Commissioner and an internal audit.	18 February 2020

PURPOSE

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

OBJECTIVE

In accordance with the *Privacy and Data Protection Act 2014* and the *Health Records Act 2001*, Victorian councils are required to comply with the Information Privacy Principles and Health Privacy Principles and adopt policies on the management and handling of personal and health information of individuals.

SCOPE

The Greater Shepparton City Council is committed to protecting an individual's right to privacy and the responsible handling of personal and health information. This policy applies to Councillors, employees, volunteers and any service providers engaged by Council.

Council will adhere to the Information Privacy and Health Privacy Principles to ensure that the privacy of individuals is protected.

DEFINITIONS

Reference term	Definition
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.
Health Information	Information or opinion about the physical, mental psychological health of an individual, disability of an individual or a health service provided or to be provided to an individual, but does not include information about an individual who has been deceased for more than 30 years.
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.
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.
Sensitive Information	Personal information about an individual's: <ul style="list-style-type: none"> • Race 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 trade association; or • Membership of a trade union; or • Sexual preferences; or • Criminal record.

POLICY

As part of the services provided to the community, the Council may collect and handle personal and health information that is necessary for its functions and activities. For example:

- name, address, property, bank account and other financial details of residents and ratepayers for undertaking its rating and valuation services, town planning and building statutory functions and other property related services and enforcement activities;
- name, address and contact details of individuals who contact Council with respect to requests or complaints related to Council services;
- age, occupation, physical disabilities, health related and sensitive information of individuals receiving Council services related to child care, maternal and child health, immunisation, pre-school, youth, family, leisure and aged care; and
- personal information of employees and contracted service providers, relevant to their employment or contract with Council.

In some instances personal information is contained on a public register such as for planning and building permits, food premises and animal registration databases.

Collection of Information

Council will collect personal information lawfully and fairly, in a number of ways, including:

- directly from the individual, where practicable, such as via an application form or correspondence or in response to a request from Council;
- from third parties, such as contracted service providers, health service providers or the individual's authorised representatives or legal advisers;
- from publicly available sources of information; and/or
- when legally required to do so.

So far as it is practicable to do so, Council will collect personal information about an individual directly from that individual. If Council collects personal information about an individual from someone else, it will take reasonable steps to ensure that the individual is made aware of this.

Council will not collect sensitive or health related information unless:

- the individual has consented;
- it is required by law;
- it is necessary to prevent or lessen a serious threat to the life, health or safety of an individual or the public;
- it is necessary for the establishment, exercise or defense of a legal claim;
- it is necessary for research, compilation and analysis of statistics relevant to government funded community programs; or
- it is otherwise permitted by the law.

Council will take reasonable steps to retain confidentiality of any health information given in confidence about an individual, by another person or a health service provider, in relation to the provision of care or health services to the individual.

Upon collection Council will take reasonable steps to inform the individual:

- why the information is being collected;
- to whom the information is usually disclosed to;
- any law that requires Council to collect the information;
- the consequences for the individual if all or part of the information is not collected (if applicable); and
- the fact that the individual is able to gain access to the information and how Council may be contacted.

Council will generally only collect personal information about a child under the age of 18 with the consent of the child's parent or guardian. However in certain circumstances Council may exercise discretion in obtaining parental/guardian consent for the collection of a young person's information where parental/guardian involvement may hinder the delivery of services to a young person.

Use and Disclosure

Council will use personal information for the primary purpose for which it was collected (for example, levying rates, billing, collection of debts, property valuation, town planning and building approvals, provision of family services, community services, animal management services, waste management services, enforcement activities and asset management).

Council may also use or disclose personal information for a related purpose which an individual would reasonably expect the Council to use or disclose the information for, or where the individual has consented to the use or disclosure.

The information may be disclosed:

- to Council's contracted service providers who manage the services provided by Council, including but not limited to garbage collection, meal preparation for aged care services, management of leisure centres, management of pre-schools, environmental health inspections and infrastructure maintenance.
- to water authorities for the purposes of ensuring that data held by both is maintained as correct and up-to-date as possible;
- in connection with the investigation of complaints or alleged unlawful activity;
- to individuals for the purposes of providing a fencing notice in accordance with section 14 of the *Fences Act 1968*;
- to the Victorian Electoral Commission and Australian Electoral Commission for compilation of the voters rolls;
- to statutory bodies (e.g. Centrelink, Child Support Agency, Department of Health & Human Services, Department of Education & Training, Transport Accident Commission and WorkSafe Victoria) for purposes required by relevant legislation;
- to statutory bodies (e.g. VicRoads, Rural Roads Victoria) for the purpose of targeted consultation processes on major projects that could affect residents;

- to the Australian Immunisation Register for the purposes of registering vaccinations;
- to the police, fire department or the State Emergency Service for emergency or law enforcement purposes;
- where permitted under another Act, including the *Freedom of Information Act 1982*;
- for public registers that need to be maintained in accordance with various Acts, as a release of information relevant for the purpose for which the registers exist;
- 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, information technology providers and lawyers;
- to organisations assisting Council to perform statistical analyses for improving the services being delivered to the community. However, where practicable and reasonable, steps will be taken to de-identify the information in these circumstances;
- to an immediate family member of the individual, for emergency reasons or if it is necessary to provide the appropriate care or health service to the individual;
- to housing support agencies to assist in the finding of alternative accommodation in cases of emergency;
- in relation to building permits and plans to property owners and the Victorian Building Authority; and
- to the Lost Dogs Home, RSPCA and Australian Animal Registry for animal management purposes.
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Personal information provided as part of a public submission to a Council or committee meeting may be disclosed in published agenda papers and minutes of the meeting which are available online and made available in hardcopy for inspection.

Council public registers are available for inspection and in some instances are available online.

Council may disclose health information about someone where the person has provided consent to the disclosure. Council may also disclose health information about an individual to an immediate family member if Council believes that the disclosure is necessary to provide appropriate health services to care for the individual and:

- the individual is incapable of giving consent; and
- disclosure is not contrary to any wish expressed by the individual before they became incapable of giving consent; and
- the immediate family member who has requested the information is over 18 years of age or has sufficient maturity to receive the information.

In some circumstances Council may disclose health information about someone for a secondary purpose, if Council knows, or suspects, that the person is deceased, missing or has been involved in an accident and is therefore incapable of consenting. Such

disclosure may occur in situations where it is reasonable to identify the person, or to identify and locate an immediate family member so that the police, a coroner, or other prescribed organisations can contact them.

If an individual requests a Council operated health service provider to make health information relating to them available to another health service provider, or that person authorises another health service provider to request the health information from Council, Council may provide a copy or written summary, of that health information to that other health service provider as soon as practicable. A fee may be payable in these circumstances.

Quality and Security

Prior to the use and disclosure of personal 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 personal 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 retained in accordance with the requirements of the *Public Records Act 1973*.

Openness

This document sets out Council's policy on its management of personal and health information. Please refer to Council's website privacy statement for information concerning the collection and management of personal information when interacting with Council online.

To obtain a copy of this Policy or additional information concerning the handling of personal or health information please contact the Council.

Access and Correction

Council often processes requests for access and correction administratively without the need for a formal request. However, in some cases, Council may manage requests for access and/or correction in accordance with the provisions of the *Freedom of Information Act 1982* and its Freedom of Information Policy which is available on the Council website.

Unique Identifiers

Council only assigns unique identifiers to individuals where the assignment is necessary to enable Council to carry out its functions efficiently.

In limited cases Council may also adopt use and disclose a unique identifier assigned to an individual by another organisation, for instance the unique identifier assigned by the Department of Health to administer the provision of aged care services.

Anonymity

Where it is lawful and practicable to do so, an individual has the option of not identifying themselves when interacting with Council. The most efficient way to interact with Council anonymously is by contacting customer service on 5832 9700.

Transfer of Information Outside of Victoria

Council will only transfer personal or health information outside of Victoria in accordance with the provisions outlined in the *Privacy and Data Protection 2014* and *Health Records Act 2001*.

Sensitive Information

- Council will not collect sensitive information unless an individual has consented or collection is required or permitted by law, or when necessary for research or statistical purposes as permitted under the *Privacy and Data Protection Act 2014*.

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COMPLAINTS

An individual may lodge a complaint with the Council's Governance Compliance Officer regarding the handling of personal and health information.

Any person that receives a privacy complaint must immediately refer the complaint to the Governance Compliance Officer.

In the first instance, Council encourages individuals to contact the Governance Compliance Officer by telephone directly (see contact information below) to discuss the complaint to determine if it can be resolved informally. If the matter cannot be resolved informally a written complaint may be submitted. A written complaint should:

- identify the individual making the complaint and contain their contact information. Complaints can also be made anonymously however in such cases Council may be unable to provide a response.
- explain how the individual believes their privacy has been breached;
- explain the effect the alleged breach has had on the individual;
- describe what is sought to resolve the complaint; and
- include as much evidence and information as possible to allow the complaint to be investigated.

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Council will investigate privacy complaints as soon as practicable and provide a response within 10 working days. Such a response may be of an interim nature if the time is insufficient to provide a detailed response.

Alternatively, individuals may lodge a complaint with the Victorian Information Commissioner with respect to personal information, or the Health Complaints Commissioner for health information, about a Council act or practice that may be an interference with their privacy. The Commissioners may decline to entertain the complaint if the complainant has not first lodged the complaint with Council.

Victorian Information Commissioner

Phone: 1300 006 842

Email: enquiries@ovic.vic.gov.au

Health Complaints Commissioner

Phone: 1300 582 113

Email: hcc@hcc.vic.gov.au**FURTHER INFORMATION**

Copies of this policy are readily available from the Council office. Further information with respect to Council's Privacy Policy can be obtained from the Governance Compliance Officer.

The Governance Compliance Officer may be contacted as follows:

Direct telephone:	(03) 5832 9897
Council's telephone:	(03) 5832 9700
Email address:	council@shepparton.vic.gov.au
Postal address:	Governance Compliance Officer Greater Shepparton City Council Locked Bag 1000 SHEPPARTON VIC 3632

RELATED POLICIES AND PROCEDURES

- Information and Records Management Policy
- Freedom of Information Policy

RELATED LEGISLATION

- *Local Government Act 1989*
- *Privacy and Data Protection Act 2014*
- *Health Records Act 2001*
- *Freedom of Information Act 1982*
- *Public Records Act 1973*

REVIEW

The Team Leader Governance is to review the Privacy Policy every two years and within six months of a general election.

Suggested revisions are to be submitted to Council for consideration.

Peter Harriott
Chief Executive Officer

Date