



WARRNAMBOOL  
CITY COUNCIL

# PRIVACY POLICY

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## INTRODUCTION

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Council understands how important it is to our community’s confidence in Council services to ensure that private information we hold about an individual will be treated in a way which ensures their privacy is respected and protected. Accordingly, Council is committed to full compliance with its obligations under the *Privacy and Data Protection Act 2014 (Vic.)* and the *Health Records Act 2001 (Vic.)*

## PURPOSE

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The purpose of Warrnambool City Council’s Privacy Policy (the Policy) is to:

- Convey the principles of responsible management of personal and health information collected by Council
- Promote the protection of the privacy of individuals in all transactions with Council while ensuring a balance with the interests of Council carrying out its functions and/or activities.
- Promote responsible and transparent handling of personal information while ensuring the privacy of individuals is acknowledged and respected.
- Provide a means for individuals to make formal complaints about any alleged interference with their privacy.

## SCOPE

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This Policy applies to all Warrnambool City Council Councillors, staff, volunteers, contractors and agents and to all personal information and health information collected, used, disclosed and stored about any individual including residents, users of Council services, individuals or groups registering for any Council provided services, or those seeking employment with Council.

## DEFINITIONS

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Word/Term	Definition
<b>Agent</b>	means an individual, member of a Council committee or an organisation employed by Council to perform a service that involves handling personal information. An agency relationship will mean that Council will usually be held responsible for how their agents (like their employees) handle personal information.
<b>Council</b>	means Warrnambool City Council

Word/Term	Definition
<b>HRA</b>	means the <i>Health Records Act 2001</i>
<b>Health information</b>	<p>Includes personal information or opinion about:</p> <ul style="list-style-type: none"> <li>• an individual’s physical, mental or psychological health (at any time)</li> <li>• an individual’s disability (at any time)</li> <li>• an individual’s expressed wishes about the future provision of health services to him or her;</li> <li>• health services provided or to be provided to an individual</li> <li>• an individual, information collected to provide a health service to him or her (e.g. disability and age care service, maternal and child health service, immunisation service.).</li> </ul>
<b>Health Privacy Principles (HPPs)</b>	<p>The Health Privacy Principles (HPPs) are a set of eleven principles that regulate how health information is handled. These principles underpin the Health Act</p> <ul style="list-style-type: none"> <li>• HPP 1 – Collection</li> <li>• HPP 2 – Use and Disclosure</li> <li>• HPP 3 – Data Quality</li> <li>• HPP 4 – Data Security</li> <li>• HPP 5 – Openness</li> <li>• HPP 6 – Access and Correction</li> <li>• HPP 7 – Identifiers</li> <li>• HPP 8 – Anonymity</li> <li>• HPP 9 – Trans-border Data flows</li> <li>• HPP 10 – Transfer/closure of the Practice of a Health Service Provider</li> <li>• HPP 11 – Making information available to another Health Service Provider</li> </ul>
<b>Information Privacy Principles (IPPs)</b>	<p>The Information Privacy Principles (IPPs) are a set of ten principles that regulate how personal information is handled. These principles underpin the PDPA</p> <ul style="list-style-type: none"> <li>• IPP 1 – Collection</li> <li>• IPP 2 – Use and Disclosure</li> <li>• IPP 3 – Data Quality</li> <li>• IPP 4 – Data Security</li> <li>• IPP 5 – Openness</li> <li>• IPP 6 – Access and Correction</li> <li>• IPP 7 – Unique Identifiers</li> <li>• IPP 8 - Anonymity</li> <li>• IPP 9 – Trans-border Data Flows</li> <li>• IPP 10 – Sensitive Information</li> </ul>
<b>Personal</b>	means information or opinion (including information or an opinion

Word/Term	Definition
<b>information</b>	<p>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 be reasonably ascertained, from that information or opinion (excluding health information)</p> <p>For example, “personal information” about an individual includes (but is not limited to):</p> <ul style="list-style-type: none"> <li>• name;</li> <li>• date of birth and age</li> <li>• home/postal/email address and telephone number</li> <li>• marital status and religion</li> <li>• income, financial transactions, purchases and spending habits</li> <li>• race and ethnic origin</li> <li>• education</li> <li>• photograph and or video footage</li> <li>• signature</li> </ul>
<b>PDPA</b>	means the <i>Privacy and Data Protection Act 2014 (Vic.)</i>
<b>Primary Purpose</b>	means the main reasons why the personal information was shared with or collected by Council.
<b>Public Register</b>	means documents that are open to inspection by members of the public and contain information required or permitted by legislation.
<b>Secondary Purpose</b>	means a use or disclosure of personal information that a reasonable person would understand could occur or may occur. For example, sharing an updated mailing address on a form with all Council departments instead of remaining just with the department the form was sent to.
<b>Sensitive Information</b>	means personal information or opinion about an individual’s racial or ethnic origin, political views, religious beliefs, sexual preferences, membership of groups or criminal record.
<b>Special Committee</b>	means a Special Committee of Council established under section 86 of the <i>Local Government Act 1989</i> .

## POLICY

This Policy has been informed by the 10 Information Privacy Principles (IPPs) contained in the *Privacy and Data Protection Act 2014*, and the 11 Health Privacy Principles (HPPs) contained in the *Health Records Act 2001*. This policy encompasses both sets of principles.

## 1. Collection

### *Types of Information collected by Council*

Council will only collect personal and health information that is necessary for carrying out its functions and activities, and where reasonable and practicable, such information will be collected from the individual directly. However, Council reserves the right to collect personal and health information from third parties where the law or circumstances warrant it.

The collection of this information could be in various ways, including, but not limited to, the following:

- During conversations between individuals and Council representatives.
- Accessing and interacting with Council's websites or social networking sites.
- When making an enquiry, providing feedback or completing an application form (online or in hard copy).
- Through the use of Council-owned CCTV systems installed in public places for the purpose of surveillance, including cameras in or on Council property and other mobile surveillance equipment.

The information provided may be used for purposes including (but not limited to) the following:

- To make contact where it is necessary in order to provide Council services requested by an individual.
- To make contact where it is necessary to resolve issues relating to Council services or functions.
- As part of Council's commitment to customer service, Council may periodically invite individuals to provide feedback about their experience via a voluntary survey.
- To facilitate the collection of Council fees and charges.
- To enable payment for Council provided goods and services.
- To enable Council to undertake its law enforcement functions.
- To aid community safety

### *Collecting Photographs/Videos*

Council takes photographs/videos both on Council premises and also in public places. These photographs/videos may be used for publicity or enforcement purposes.

Before taking photographs/videos to be used for publicity purposes, Council will seek consent (if practicable) from individuals to take and use the photograph(s). Where feasible, this consent will be obtained in writing.

If however, photographs are to be taken in a public place (such as at a community event) it may not be practicable to obtain individuals consent. In these instances and where practicable to do so, Council will use other methods to inform the public that photographs/videos i.e. signs and or public announcements to advise the public that photographs are being taken.

### **Collecting Unsolicited information**

Sometimes people send personal information to Council without Council requesting it or when Council asks for some information and individuals or third parties provide more information than requested. In these circumstances where unsolicited personal information is not necessary for Council's functions, it may not be 'reasonable' to notify the individual concerned of the collection. In which case the information will simply be stored in Council's systems and disposed of in accordance with the *Public Records Act 1973*.

### **Collecting through Council's websites, social networking sites or SMS/MMS**

If you access and interact with a Council website, social networking site or send SMS/MMS to Council we recommend you read Council's News & Social Media Policy.

Council uses social networking services such as Twitter, Facebook and YouTube, in addition to traditional methods, to connect with our community.

Council uses public social networking sites to identify social trends and issues related to Council's services and events. We use various tools to view public social media and website commentary and may engage directly with individuals who post on these sites to provide service information. In doing so, we may temporarily collect and store your personal information.

Any personal information collected by Council through these sites will be handled in line with this Privacy Policy and our News & Social Media Policy

### **Collecting through Website surveys**

Council uses various applications (such as SurveyMonkey®) to conduct online surveys. This means the data collected online may be stored on servers located in another country (such as the USA). To ensure that you are fully informed on how any personal information you provide in the survey will be stored, please read the privacy policy which is contained on the online survey page, prior to participating. If you do not wish to complete a Council survey online, you can request a hard copy by contacting Council's City Assist department Tel: 03 5559 4800

### **Collecting Online payments**

You are able to make the following payments online, using Council's eService's, which in turn uses the SecurePay payment gateway to collect the credit card details and accept payment for:

- rates
- infringements/fines



- invoices or accounts
- permit fees
- animal registration renewal fees.

Council does not collect or hold credit card information for these payments.

SecurePay is fully compliant with the Payment Card Industry Data Security Standard and they have direct bank links to transact. The SecurePay data is held in Australia. If you do not wish to provide this information online you should arrange to make payment by post to PO BOX 198, Warrnambool Victoria 3280, through Australia Post or in person at the Civic Centre, 25 Liebig Street, Warrnambool.

### **Privacy (Collection) Statement**

Whenever Council collects personal information, you should be given notice of how we intend to use, share and disclose that personal information. This notice could be provided in a form similar to below:

*“The personal information requested on this form is being collected by Warrnambool City Council for the purpose of [insert purpose] or any other directly related purpose. The personal information will also be disclosed to [insert names of any other entities Council will be disclosing the personal information to] for the purpose of [insert how those entities will be using the personal information]. It will not be disclosed to any other external party without your consent, unless required or authorised by law. If the personal information is not collected, [insert details of what will happen – can they still participate in the process, can they be anonymous etc.]. If you wish to alter any of the personal information you have supplied to Warrnambool City Council, please contact Council via telephone [insert number for your work area] or email [insert email address for your work area].”*

## **2. Use and Disclosure**

Council will only use and disclose information about an individual for:

- the primary purpose for which it was collected,
- for a secondary purpose that would be reasonably expected, or
- in other limited circumstances such as when required to do so by law.

Council will take all necessary measures to prevent unauthorised access to, or disclosure of, your personal information.

Where necessary, Council may disclose your personal information to other work areas within Council to assist in actioning an enquiry.

Council also discloses personal information to external organisations such as Council's contracted service providers who perform various services for, and on behalf of, the Council. Council will ensure that these contractors agree to be bound by the provisions of the *PDPA*.

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Information provided to these contractors is limited to the information required by them to provide services on behalf of Council.

Council also discloses personal information to other agencies in the course of an investigation and defence of legal claims against Council. This includes Council's professional advisors, solicitors, insurers and investigators.

Council may also use personal information contained in complaints which you make to Council as part of any prosecution undertaken as part its law enforcement functions.

Where authorised, Council may also disclose personal information to:

- Debt collection agencies.
- Government agencies including the Department of Human Services, the Victorian Workcover Authority and Road Traffic Authority.
- To Police, Fire and State Emergency departments for emergency or law enforcement purposes.
- Government agencies to enable them to advise you of works which may impact upon individuals or properties.
- To individuals for the purpose of serving a notice to fence as required by the Fences Act.
- Where appropriate as prescribed under another Act (e.g. the *Freedom of Information Act*) or Council is required to do so by law (e.g. to the Courts to respond to a subpoena or provide information to assist with an investigation).
- To family members, or other individuals or organisations only if Council believes that the disclosure is necessary to lessen or prevent a serious and imminent threat to an individual's life, health, safety or welfare, or a serious threat to public health, safety or welfare.
- Where an individual's consent has been given.

Personal information in applications for employment with Council will be supplied to agencies such as the Victoria Police as part of a background check, or with the Department of Justice and Regulation as part of a Working with Children Check. The results from such checks will not be disclosed to any third party unless authorised by law or with the applicants' written authorisation.

Personal information provided as part of a public submission to a Council or Special Committee meeting may be included with the published agenda papers and minutes of the meeting. The published agenda papers and minutes are made available online and in hardcopy format.

Personal information may also be contained in Council's Public Registers. Under the *Local Government Act 1989*, any person is entitled to inspect Council's Public Registers.

In the case of health information, 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.

- 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 an authorised person.

### 3. Data Quality

Council will endeavour to make sure that the personal and health information it holds is accurate, complete and up-to-date. A person may request that Council amend any personal information they have provided.

### 4. Data Security

Council will take all reasonable steps to ensure personal and health information is stored safely and securely and is protected from misuse, loss, unauthorised access, modification or disclosure.

Council will take all reasonable steps to destroy or permanently de-identify personal information which is no longer needed for Council purposes, subject to compliance with the *Public Records Act 1973* and the *Health Records Act 2001*.

### 5. Openness

This policy serves as Council's public commitment to openness in the management of personal information.

This policy is available in both electronic (on Council's website [www.warrnambool.vic.gov.au](http://www.warrnambool.vic.gov.au)) and hardcopy format.

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.

### 6. Access and Correction

Should an individual wish to access their personal information, the individual can contact the most relevant Council department directly or Council's FOI/Privacy Officer (PO Box 198, 25 Liebig Street, Warrnambool. Vic., 3280 | Email: [privacy@warrnambool.vic.gov.au](mailto:privacy@warrnambool.vic.gov.au) | Tel: 1300 003 280 or (03) 5559 4800.

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 an individual believes that their personal information is inaccurate, incomplete or out of date, the individual may request Council to correct the information. The request will be dealt with in accordance with the Act.

Council officers from time to time may contact individuals to confirm that the information we hold is correct via telephone, mail or email to ensure Council is meeting our obligations under IPP/HPP 3 - Data Quality.

### **7. Unique Identifiers**

A unique identifier is a number or code that is assigned to someone's record to assist with identification e.g. a drivers licence number. Council will only assign a unique identifier to person if the assignment is reasonably necessary to carry out its functions efficiently.

### **8 Anonymity**

Where lawful and practicable, Council will give individuals the option of not identifying themselves when entering into transactions with Council. However anonymity limits Council ability to process a complaint or other matter. Therefore, if a person chooses not to supply personnel information that is necessary for Council to perform its functions, then Council reserves the right to take no further action on the matter.

### **9. Trans-Border Data Flows**

IPP9 of the PDPA does not prohibit the transfer of personal information outside of Victoria but it does place restrictions on when it can occur. This is because the PDPA is a Victorian law and therefore the IPP's will not apply to organisations in a different state, territory or country. Council will only transfer personal or health information outside of Victoria in accordance with the provisions outlined in 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 Victorian IPPs. 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 and HRA.

### **10. Sensitive Information**

Unless prior consent has been obtained from individuals in writing, or Council is required to do so by law/and or to prevent harm, Council will not collect sensitive information as defined by this Policy.

### **11. Transfer or closure of health service**

Health information relating to a discontinued Council health service will be managed in accordance with the HRA.

### 12. Making information available to another health service provider

Council will provide a copy, or written summary, of health information in its possession where it is requested in writing by the individual, or by a health service provider authorised by the individual.

## PRIVACY COMPLAINTS

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If an individual is dissatisfied with Council's handling of their personal or health information, they may make a complaint to:

Manager Governance Projects & Risk  
Warrnambool City Council  
PO Box 198, 25 Liebig Street,  
Warrnambool. Vic., 3280  
Phone: 1300 003 280 or (03) 5900 4800

A complaint will be investigated in a timely, fair and reasoned way and a written response will be provided. All complaint details will be handled with discretion and confidentiality.

Alternatively, people can complain to:

The Office of Victorian Information Commissioner, regarding personal information online or via email: [www.ovic.vic.gov.au](http://www.ovic.vic.gov.au) or [privacy@cpdp.vic.gov.au](mailto:privacy@cpdp.vic.gov.au) or telephone 1300 006 842 or the Health Complaints Commissioner regarding health information, telephone 1300 582 113 or via [www.hcc.vic.gov.au](http://www.hcc.vic.gov.au).

## POLICY OWNER & REVIEW

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The owner of this policy is the Chief Executive Officer. All enquiries regarding this policy should be initially directed to the Manager Governance Projects & Risk.

This Policy will be reviewed in 2022, or as legislation requires, or Council determines a need has arisen.

## POLICY COMPLIANCE RESPONSIBILITIES

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- The Chief Executive has the ultimate responsibility for ensuring that privacy is managed across the Council.

## PRIVACY POLICY

- Directors and Branch Managers are responsible for ensuring development and implementation of departmental procedures consistent with Council’s legislative obligations and this Policy.
- The Manager Governance Projects & Risk is responsible for monitoring and reporting to the Chief Executive Officer on the corporate implementation of Council’s Privacy Policy.
- The Manager Organisation Development is responsible for ensuring the delivery of privacy compliance induction to new staff and biennial staff refresher training through the corporate training and online learning management programs.
- Each manager and supervisor is accountable for ensuring the implementation of the Privacy Policy through appropriate actions in his/her area of responsibility including ensuring all personal information is collected, used, stored, disclosed and disposed in accordance the Council’s Privacy and Records Management Policies.
- Council staff will respect service users/client’s right to privacy and confidentiality by ensuring the responsible use of the information obtained in the course of delivering Council services and that personal information about individuals is not made available to any person who does not have a legal right to this information.

## CHARTER OF HUMAN RIGHTS COMPLIANCE

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It is considered that this Policy does not impact negatively on any rights identified in the Charter of Human Rights Act (2006).

## REFERENCES

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<b>Acts</b>	Local Government Act 1989 (Vic.) Privacy and Data Protection Act 2014 (Vic.) Health Records Act 2001 (Vic.) Freedom of Information Act 1982 (Vic.) Public Records Act 1973 (Vic.)
<b>Council Related Policies/Procedures</b>	Information Management/Records Management Policy/Procedures Freedom of Information application process News and Social Media Policy Councillor & Staff Interaction Protocol (Responding to Councillor Information Request)
<b>External</b>	Office of the Vic. Information Commissioner – <i>Guidance for the Victorian public sector: Drafting Privacy Policy</i>