



WARRNAMBOOL
CITY COUNCIL

PRIVACY POLICY

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1. INTRODUCTION

1.1 Purpose

This Privacy Policy explains how the Warrnambool City Council manages the personal and health information it collects about individuals.

1.2 Scope

This policy applies to all of Warrnambool City Council’s operations and functions

Any reference to Council or Council staff in this policy includes reference to Councillors, agents of Council (consultants, agency staff, volunteers and contracted service providers).

1.3 Definitions

| Term | Definition |
|------------------------------|--|
| Personal information | means information or opinion, whether true or not, formally or informally obtained about a readily identifiable individual (or an individual whose identity can be reasonably ascertained) that includes: <ul style="list-style-type: none"> • 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; or • An individual’s Pension number/Medicare card number etc. |
| Sensitive Information | means information or opinion, whether true or not, about a readily identifiable individual (or an individual whose identity can be reasonably ascertained) that includes: <ul style="list-style-type: none"> • 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; or • Criminal record. |
| Health information | means information or opinion, whether true or not, about a readily identifiable individual (or an individual whose identity can be reasonably ascertained) that includes: <ul style="list-style-type: none"> • The physical, mental or psychological health (at any time) of an individual; |

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| | <ul style="list-style-type: none"> • 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; or • Other personal and sensitive information collected if the council service unit is considered to be a 'health service provider' (e.g. Maternal and Child Health, Immunisation, HACC, etc). |
| Agent | means an individual, committee or 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. |
| Contracted Service Provider (CSP) | Means a service provider which is required to comply with the Information Privacy Act and Health Records Act due to entering into a contract with Council. |
| Public Register | Hold documents that are open to inspection by members of the public and contain information required or permitted by legislation. |

1.4 References

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|------------------------------------|---|
| Acts | Local Government Act 1989 Privacy and Data Protection Act 2014 replacing the Information Privacy Act 2001 Health Records Act 2001 Freedom of Information Act 1982 Public Records Act 1973 |
| Related Policies/Procedures | Records Management Policy/Procedures Procedure for Freedom of Information Applications (refer Council web-site) |

2. POLICY

2.1 Policy Statement

OUR COMMITMENT TO PROTECT YOUR PRIVACY

Building collaborative relationships, ensuring the safety and trust of our citizens, customers and clients are key foundations in the delivery of Warrnambool City Council services to our community.

Council service users and clients have a right to privacy, dignity and confidentiality.

We understand how important it is to our community's confidence in Council services to ensure that any personal information we hold about an individual will be treated in a way which ensures their privacy is protected.

Our commitment in respect of personal information is to abide by the Privacy Principles and the protection of personal information, as set out in this Policy, Victorian legislation and other relevant law.

Whilst we appreciate the advantages of being part of a small well connected community, we also understand that this uniqueness places a higher level of responsibility on Council and our staff.

Our Privacy Policy recognises that any personal information we may collect about you will only be used for the purposes indicated in our Policy. It is important to us that you are confident that any personal information we collect from you or is received by us about you will be treated with appropriate respect ensuring protection of your personal information.

2.2 Privacy Principles

2.2.1 Principle 1 – Collection

Council will only collect personal and health information that is necessary for specific and legitimate functions and activities of the council. 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;
- how that information can be accessed;
- the purpose for which the information is collected;
- with whom the council shares 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 his or her rights relating to the information collected.

2.2.2 Principle 2 – Use and Disclosure

Council will not use or disclose information about an individual other than for the primary purpose for which it was collected unless one of the following applies:

- It is for a related purpose that the individual would reasonably expect.
- Where Council has the consent of the individual to do so.

- If, as defined in the Health Records Act (HRA), the individual is incapable of giving consent.
- As required or permitted by the Information Privacy Act (IPA) or any other legislation.

2.2.3 Principle 3 – Data Quality

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

2.2.4 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 & responsibly destroy or permanently de-identify personal information when it is no longer needed for any purpose, subject to compliance with the *Public Records Act 1973* and any other applicable Act or Regulation.

2.2.5 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, subject to the provisions of the *Freedom of Information Act 1982* and any other applicable Act or Regulation.

2.2.6 Principle 6 – Access and Correction

Council will provide access to information held by council about an individual on request except in specific circumstances as outlined within the Acts. The process for an individual requesting access to their recorded personal and health information about themselves, i.e.: documents, is through a Freedom of Information request.

Where council holds personal and health information about an individual and the individual is able to establish that information is incorrect, council will take reasonable steps to correct information as soon as practicable but 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.

2.2.7 Principle 7 – Unique Identifiers

Council will not assign, adopt, use, disclose or require unique identifiers from individuals except for 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 the conditions for use and disclosure set out in the Acts are satisfied.

2.2.8 Principle 8 – Anonymity

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

2.2.9 Principle 9 – Transborder Data Flows

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

2.2.10 Principle 10 – Sensitive Information

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

2.2.11 Principle 11 – Health Records Act

If council's health services were to be transferred or closed, council would take reasonable steps to notify recipients of the health services and notify 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 the regulations.

3. ADMINISTRATION

Council will take reasonable steps to ensure the information it holds is accurate, complete and up-to-date. A number of procedural, physical, software and hardware safeguards are used, together with access controls, secure methods of communication and back up and disaster recovery systems to protect information from misuse and loss, unauthorised access, modification and disclosure.

Information is retained and/or disposed of in accordance with the Public Records Office Victoria Retention and Disposal Authorities.

3.1 Privacy Consent Statements

Where practical, a statement outlining Council's policy regarding the handling of Personal and Health Information will be used at all points of collection, and for all outgoing correspondence which requests Personal Information. This applies to both hardcopy and electronic communication.

3.2 Access to Information Held by Council

Council does maintain a number of Public registers that are open to inspection by members of the public. These registers may contain information required or permitted by legislation.

An individual may ask to view their own personal or health information with the relevant department. However personal information about individuals will not be made available to any person who does not have a legal right to this information.

Where access is deemed not appropriate, formal requests for access to documents will be handled in accordance with the Freedom of Information Act 1982 and enquiries should be directed to the FOI/Privacy Officer, Warrnambool City Council, PO Box 198, Warrnambool, 3280 or via email on privacy@warrnambool.vic.gov.au.

3.3 Privacy Complaints

If a person is dissatisfied with Council's handling of their personal information, a complaint may be made to Council's FOI/Privacy Officer (Tel: 03 5559 4814). Complaints should be made in writing and may be forwarded by mail or email (privacy@warrnambool.vic.gov.au).

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, the individual may make a complaint to the Privacy Commissioner in relation to personal information, telephone 1300 666 444 or the Health Services Commissioner in relation to health information, telephone 1300 582 113. Please note that the Commissioners may decline to hear the complaint if the individual has not first made a complaint to Council.

4. GOVERNANCE

4.1 Owner

The Manager Governance is responsible for monitoring the currency and viability of these procedures and updating when required.

4.2 Review

This Policy will be reviewed no later than three years after their formulation or as required to ensure they meet the objectives of the Act and accord with the IBAC guidelines.

4.3 Compliance Responsibility

- The Chief Executive has the ultimate responsibility for ensuring that privacy is managed across the Council.
- Directors and Branch Managers are responsible for ensuring development and implementation of departmental procedures consistent with Council's legislative obligations and Privacy Policy.

- The Manager Governance is responsible for monitoring and reporting to the Chief Executive on the corporate implementation of Council's Privacy Policy.
- The Organisation Development Branch is responsible for ensuring the delivery 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.

4.4 Charter of Human Rights Compliance

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