

PRIVACY POLICY

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File No.	HCC04/778
Strategic Objective	5.3 Provide responsible and transparent governance, services and infrastructure which responds to and supports community needs.
Adopted by Council	15 March 2016
Re-Adopted	26 July 2021
Date for Review	July 2026
Responsible Officer	Manager Governance
Department	Governance

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1 POLICY STATEMENT

This policy outlines how Council will ensure compliance with the Privacy and Data Protection Act 2014 and the Health Records Act 2001.

2 PURPOSE

2.1 Council is committed to ensuring that personal information collected, held or disposed of by the organisation is managed in a responsible manner and in accordance with the Information Privacy Principles (IPPs) incorporated within the Privacy and Data Protection Act 2014 (PDP Act) and the Health Records Act 2001 (HR Act).

2.2 In achieving these objectives, Council will:

2.2.1 balance the public interest in the transparency and accessibility of Council information with the public interest in protecting the privacy of personal information.

2.2.2 promote the responsible and transparent handling of personal information.

3 SCOPE (refer to IPP5)

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

3.2 This Policy applies to all Councillors, Council staff and any persons undertaking duties on Council's behalf. Council staff includes full-time, part-time, casuals and temporary employees as well as volunteers, contractors and consultants whilst engaged by Council.

3.3 This Policy details Council's management of personal information. It can be downloaded from Council's website or a copy can be obtained via email to contactus@hume.vic.gov.au attention of Council's Privacy Officer.

4 COUNCIL FUNCTIONS

4.1 The Local Government Act 2020 states that the role of a council is to provide good governance in its municipal district for the benefit and wellbeing of the municipal community. In support of this role, priority is to be given to achieving the best outcomes for the community, including future generations.

4.2 In seeking to achieve its primary role, Council manages a broad range of functions and services which facilitates Council's mission to enhance the social, economic and environmental prosperity of our community through vision, leadership, excellence and inclusion. Functions and services of Council include:

- a) Community services such as childcare and aged and disability services
- b) Libraries and learning, as shown through the development of global Learning Centres
- c) Provision and maintenance of parks and open space
- d) Leisure centres and recreation programs
- e) Statutory and strategic planning
- f) Customer service.

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4.3 In order to effectively provide these services and functions, Council may require access to personal and sensitive information. This Policy outlines how that personal and sensitive information will be managed.

5 POLICY

5.1 Collection Notice (refers to IPP 1)

5.1.1 When collecting personal or health information, Council will take reasonable steps to advise the individual of what information is being sought, for what purpose, whether any law requires the collection of the information and the main consequences, if any, of not providing the information.

5.1.2 It is acknowledged that some of the information collected by Council is not voluntary and is mandated by law.

5.2 Information Collected (refers to IPPs 1, 7, 8 and 10)

5.2.1 Council will only collect personal and health information that is necessary for its functions and activities; and will do so in a lawful, fair and non-intrusive manner. Typical information collected includes details from:

- a) Property ownership e.g. ratepayer
- b) Planning and building permit applications
- c) Food premises, animal and wastewater registrations
- d) Correspondence from the public, enquiries, submissions, surveys and complaints
- e) Home and community care recipients
- f) Insurance claims
- g) Maternal and Child Health services
- h) Childcare services.

5.2.2 Council will only collect sensitive information where consent has been given or as permitted or required by law.

5.2.3 Under normal circumstances, Council will collect personal information about an individual directly from that individual. However, if Council collects personal information about an individual from someone else, Council will take reasonable steps to ensure that individual is informed of that collection.

5.2.4 A unique identifier is a number or code applied to someone's record to assist with identification (similar to a driver's licence number). Council will only assign a unique identifier to a person if that assignment is reasonably necessary to carry out its functions efficiently.

5.2.5 Individuals will have the option of remaining anonymous when supplying information or entering into transactions with Council whenever lawful and practicable. It is acknowledged, however, that many transactions with Council cannot, under law, remain anonymous.

5.3 Use and Disclosure (refers to IPP 2)

5.3.1 Council staff are provided with the information necessary for them to carry out their authorised functions and activities. Staff members are required to handle all

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personal and health information with discretion and to comply with the provisions of the PDP Act.

5.3.2 Council will only use or disclose personal and health information for the purpose for which it was collected; for a reasonably expected, related purpose; another legally authorised purpose or with an individual's consent.

5.3.3 Information collected for the purpose of providing education, welfare and other community support services may be shared with other organisations for the purpose of providing such services.

5.3.4 Council does outsource some of its functions to third party contractors. Information will only be disclosed as necessary to allow them to carry out their authorised functions and activities, and all contractors will be required to comply with privacy law in all respects. Legally prescribed information will be contained on public registers, e.g. register of building permits, food premises and animal registration details.

5.4 Data Quality and Security (refers to IPPs 3, 4 and 9)

5.4.1 Council will take reasonable steps to ensure the information it holds is accurate, complete and up-to-date. Where possible, accuracy of personal or health information will be checked before it is used.

5.4.2 A number of procedural, physical, software and hardware safeguards, together with access controls, secure methods of communication and back-up and disaster recovery systems are used to protect information from misuse and loss, unauthorised access, modification and disclosure.

5.4.3 Generally, information is destroyed or permanently de-identified when it is no longer required. However, information held by Council is subject to the Public Records Act 1973 and is required to be disposed of or retained under the relevant Retention & Disposal Authority.

5.4.4 The PDP Act does not prohibit the transfer of personal information outside of Victoria but it does place restrictions on when this can occur. Council will only transfer personal or health information outside of Victoria in accordance with the provisions of the PDP Act or the HR Act. Council may use cloud computing services outside of Victoria in which case Council must ensure compliance with the Victorian IPPs and HPPs in engaging with those services.

5.4.5 Generally, Council will not send personal or health information outside Victoria without obtaining consent.

5.5 Access and Correction (refers to IPP 6)

Individuals have the right to seek access to their personal and health information and make corrections. Requests for access to and/or correction of documents containing personal or health information held by Council will be handled in accordance with the Freedom of Information Act 1982 and should be addressed to the FOI Officer, Hume City Council, 1079 Pascoe Vale Road, Broadmeadows, or by post, PO Box 119 Dallas, Victoria 3047, or by email to contactus@hume.vic.gov.au.

5.6 Privacy Complaints

5.6.1 Complaints relating to privacy are handled by Council's Privacy Officer – Coordinator Risk Management. Complaints will be investigated in accordance with Council's Customer Feedback and Complaints Handling Policy.

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5.6.2 Privacy complaints should be provided in writing and addressed to the Privacy Officer, Hume City Council, PO Box 119 Dallas Victoria 3047, or by email to contactus@hume.vic.gov.au.

If an individual is not satisfied with the way in which a complaint is managed by Council, a formal complaint can be made to the Office of the Victorian Information Commissioner (OVIC), or the Health Complaints Commissioner.

OVIC has oversight of Council's collection, use and disclosure of information generally. The functions of OVIC, and the Privacy and Data Protection Commissioner are set out in the Freedom of Information Act 1982 (FOI Act) and the PDP Act.

The Health Complaints Commissioner is an independent organisation that resolves complaints about healthcare and the handling of health information in Victoria.

Office of the Victorian Information Commissioner

Complaints can also be made via secure online web form or in writing to PO Box 24014, Melbourne Vic 3001.

Telephone: 1300 666 444

Email: enquiries@ovic.gov.au

Website: ovic.vic.gov.au

Health Complaints Commissioner

Complaints can be made via secure online web form or by telephone 1300 582 113.

Address: Level 26, 570 Bourke Street Melbourne, Vic 3000.

Website: www.hcc.vic.gov.au

6 DEFINITIONS AND ABBREVIATIONS

Council's Privacy Officer	Coordinator Risk Management
Elements of consent	The individual must have the capacity to consent. <ul style="list-style-type: none">- Consent must be voluntary- Consent must be informed- Consent must be specific- Consent must be current.
Health information	Information or an opinion about the physical, mental or psychological health of an individual, a disability, an individual's expressed wishes for future provision of health services or any health service provided to an individual, or other information collected to provide or in providing a health service.
HPPs	Health Privacy principles contained in the Health Records Act 2001 (Vic).
HR Act	Health Records Act 2001 (Vic)

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IPPs

Information Privacy Principles. There are ten IPPs contained in the schedule to the Privacy and Data Protection Act 2014. These relate to:

1. Collection
2. Use and disclosure
3. Data quality
4. Data Security
5. Openness
6. Access and Correction
7. Unique identifiers
8. Anonymity
9. Transborder data flow
10. Sensitive information

Personal information

Information or an opinion (including information or an opinion forming part of a database or system), 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.

PDP Act

Privacy and Data Protection Act 2014 (Vic)

Sensitive information

Information relating to an individual's racial or ethnic origin, religious beliefs, membership of groups or criminal records.

7 HUMAN RIGHTS STATEMENT

It is considered that this policy does not impact negatively on any rights identified in the Charter of Human Rights and Responsibilities Act (2006). Hume City Council is committed to consultation and cooperation between management and employees.

8 RELEVANT LEGISLATION AND GUIDELINES

- 8.1 Local Government Act 1989 (Vic)
- 8.2 Local Government Act 2020 (Vic)
- 8.3 Privacy and Data Protection Act 2014 (Vic)
- 8.4 Health Records Act 2001 (Vic)
- 8.5 Freedom of Information Act 1982 (Vic)

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