

Privacy and Data Protection

Council Policy Number	081
Date adopted	19 January 2022
Scheduled for review	January 2026



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1. Preamble

In accordance with the *Privacy and Data Protection Act 2014* ('PDPA') and the *Health Records Act 2001* ('HRA'), Campaspe Shire Council ('Council') is required to adopt policies on the management and handling of personal and health information of individuals. Council views the protection of an individual's privacy as an essential part of its commitment towards accountability and integrity across all its activities and programs.

2. Purpose

Council is committed to protecting an individual's right to privacy and considers the responsible management of personal and health information a key aspect of good corporate governance. The purpose of this policy is to provide guidance and advice on the way in which Council collects, holds, uses and discloses the personal and health information of individuals. The policy details how individuals can request access to their information, and also outlines the privacy complaint process.

3. Scope

This policy concerns all personal and health information about an individual that is collected, stored, used or disclosed by Council.

All employees, Councillors, contractors and volunteers engaged by Council are required to adhere to this policy.

4. Definitions

Personal information	Defined in the PDPA as <i>'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 Health Records Act 2001 applies'</i> .
Health information	Information or opinion about an individual's physical, mental or psychological health, health services, disabilities, organ donation, and genetic information, as well as any personal information supplied for the purpose of obtaining a health service.
Health Privacy Principles	A set of 11 principles set out in Schedule 1 of the HRA that regulate the handling of health information.
Information Privacy Principles	A set of 10 principles set out in Schedule 1 of the PDPA that regulate how personal information is handled.
Sensitive information	Personal information or an opinion about an individual's: <ul style="list-style-type: none"> ▪ Racial or ethnic origin. ▪ Political opinions. ▪ Membership of a political association. ▪ Religious beliefs or affiliations. ▪ Philosophical beliefs. ▪ Membership of a professional trade association. ▪ Membership of a trade union. ▪ Sexual orientation or practices. ▪ Criminal record.

Public registers

Documents that Councils are required to make publicly available pursuant to Victorian Government legislation. These registers:

- Are open to inspection by members of the public;
- Contain information required or permitted by legislation; and
- May contain personal information.

5. Policy Statement

To ensure the privacy of individuals is protected, Council will adhere to the Information Privacy and Health Privacy Principles, contained in Schedule 1 of the PDPA and HRA respectively.

Unless required under specific legislation, it is the policy of Council that:

- Personal information is managed in accordance with the 10 Information Privacy Principles ('IPPs') as stipulated in Schedule 1 of the PDPA; and
- Health information is managed in accordance with the 11 Health Privacy Principles ('HPPs') as stipulated in Schedule 1 of the HRA.

Whilst the IPPs and the HPPs are strongly aligned, HPP 10 and HPP 11 have some key differences and are therefore listed independently.

5.1. Collection of personal information (IPP 1)

Council will only collect personal information that is necessary to carry out its functions or activities. The information may be used for purposes including, but not limited to, the following:

- To make contact with individuals, where it is necessary, in order to provide services.
- As part of Council's commitment to customer service we may periodically invite individuals to provide feedback, via a survey, about their experience. Participation in any survey is voluntary.
- For Council, or their contracted service providers to make contact, where it is necessary, to resolve issues relating to services or functions which have been brought to Council's attention. For example, making contact in response to a report of a fallen tree branch.
- To make contact prior to a Council meeting to confirm attendance, and/or advise of any changes to the meeting details where a submission for consideration has been made.
- To supply material concerning Council initiatives and programs where personal information has been provided to Council for this purpose - such as where an individual has opted to be included on a mailing list for a Council publication.
- To facilitate the collection of Council fees and charges - Council uses name and address details to forward rate notices.
- To allow payment for Council provided goods and services.
- To enable Council to undertake its law enforcement functions. For example Council collects information about individuals from various Road Traffic Authorities to process parking infringement notices.
- To aid community safety. Council collects images via closed circuit television cameras which are located on some Council owned buildings. Footage and photographs of incidents are, in certain circumstances, made available to members of Victoria Police for law enforcement purposes.

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.

Council will generally only collect personal information about a child under the age of 18 years 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 information where parental/guardian involvement may hinder the delivery of services to a young person.

When collecting information, Council will take reasonable steps to advise the individual concerned of what information is being collected, for what purpose, whether the law requires the collection of the information, and the main consequences, if any, of not providing the information. If Council is collecting the information in hard copy or online, a collection notice will be provided. See *Appendix A – Collection notices*.

Photographs and CCTV footage are at times taken on Council's premises and in public places. The photographs or video footage may be used by Council for publicity, or for enforcement purposes. Where practicable, consent will be obtained through a photograph release and permission form. When photographs are taken in a public space (for example during a community event), and obtaining individual consent is not practicable, Council will use other methods to inform members of the public that photographs or CCTV are being taken and how that information will be used – including signage, a public announcement, and the distribution of collection cards. These methods will inform the individual that the images may be taken and will provide an opportunity for the individual to approach and advise Council officers that they do not want the photographs or footage to be used.

5.2. Use and disclosure of information (IPP 2)

Council will take all necessary measures to prevent unauthorised access to, or disclosure of, personal information. Staff are required to report any potential breaches at the time of detection.

Council will not use or disclose personal information other than for the primary purpose for which it was collected unless one of the following apply:

- Consent has been provided.
- The use or disclosure is for a related secondary purpose that would reasonably be expected.
- As required, or permitted, by the PDPA, the HRA or any other legislation.

Council may disclose personal information to other parties under certain circumstances. Listed below are some examples of specific circumstances.

Contracted service providers

Council outsources some of its functions to third parties (contractors) who perform various services for and on behalf of Council. Council may disclose personal information it has collected about an individual to the contractor, where it is necessary for the contractor to carry out a specific job or task. For example, personal information is passed on to a contractor for the purposes of waste kerbside collection. The information provided to the contractor is limited to what is required to be able to provide the service.

All Council contractors have agreed to be bound by the provisions of the PDPA and the HRA in the same way, and to the same extent as Council.

Where authorised or required by law

Council may disclose personal information to Victoria Police to assist in the prevention, detection, investigation, prosecution or punishment of criminal offences or breaches of law.

Written submissions to Council

Personal information, provided as part of a public submission to a Council meeting, may be included with the published agenda papers and minutes of the meeting. These documents are displayed online and are available in hardcopy format for an indefinite period.

Public registers

Personal information may also be contained in registers Council is required to make available for public inspection under the *Local Government Act 2020 (Vic)*.

5.3. Data Quality (IPP 3)

Council will take reasonable steps to ensure that the personal information it holds is accurate, complete and up to date. Individuals may request that Council amend any personal information they have supplied. Details on how to amend personal information are outlined in 5.6 Access and Correction.

5.4. Data Security (IPP 4)

Council will take all necessary steps to ensure personal information is stored safely and securely, and regardless of the format in which the information is held, it will be protected from misuse, loss, and unauthorised modification and disclosure. Council has developed a Protective Data Security Plan 2020 which details the relevant security controls Council applies throughout the information lifecycle.

Any personal information provided, which is no longer necessary for Council's purposes, will be disposed of in accordance with the document disposal requirements of the *Public Records Act 1973 (Vic)*.

5.5. Openness (IPP 5)

On request, Council must inform an individual, in general terms, of what information it holds regarding the individual, for what purpose the information is held, and how the information is collected, used and disclosed. Council is not required to inform individuals about what information is specifically held about them.

This policy and Council's privacy statement detail Council's management of personal and health information. The documents are available upon request by contacting Council on 1300 666 535 or via email shire@campaspe.vic.gov.au. They are also available to download from Council's website www.campaspe.vic.gov.au.

5.6. Access and Correction (IPP 6)

In some circumstances Council can process requests for access to and/or correction of documents containing personal information informally, without the need for a formal request. There is no application fee applicable to an informal request.

However, in some instances, Council may manage requests for access to and/or correction of personal information in accordance with the provisions of the *Freedom of Information Act 1982 (Vic)* (FOI Act).

Under the FOI Act, a person is entitled to seek correction or amendment of a document containing their personal affairs information, where they believe the information is inaccurate, incomplete, out of date, or would give a misleading impression. Requests under the FOI Act must:

- Be made in writing and addressed to:
Manager Governance and Strategy
Campaspe Shire Council
PO Box 35
ECHUCA VIC 3564 or
Email: shire@campaspe.vic.gov.au
- Specify an address to which a decision notice can be sent to the person making the request;
- State the matters in respect of which the person making the request believes the personal affairs information is inaccurate, incomplete, out of date or misleading; and
- Detail the amendments the person making the request wishes to be made.

Where a person makes a request to correct their personal information, Council will take reasonable steps to notify the person of the decision regarding the request as soon as practicable, but within 30 days of the request being received.

Further information about the FOI Act can be found on Council's website www.campaspe.vic.gov.au.

5.7. Unique identifiers (IPP 7)

A unique identifier is a number or code that is assigned to someone's information to assist with identification (similar to a drivers licence number). Council will only assign identifiers to records if it is necessary to enable Council to carry out a function efficiently. For example, maternal child health clients who are assigned a unique identifier by the state-wide integrated system – Child Development Information System.

5.8. Anonymity (IPP 8)

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

However, as anonymity may limit Council's ability to process a complaint or other matter, Council reserves the right to take no action if the individual chooses not to supply the relevant personal information necessary for Council to perform its functions.

For some services provided by Council, such as maternal and child health or immunisation, it is a legal requirement that individuals provide the relevant personal information.

5.9. Trans-border data flows (IPP 9)

Council may transfer personal information to an individual or organisation outside Victoria only in limited circumstances, some of which include:

- When consent has been provided;
- If disclosure is authorised by law; and
- Where the recipient of the information is subject to a law binding scheme or contract with similar principles as the PDPA.

5.10. Sensitive information (IPP 10)

Council will not collect sensitive information, except in circumstances prescribed in the PDPA, or where the information is directly pertinent and necessary to one of its functions.

5.11. Transfer or closure of the practice of a health service provider (HPP 10)

This principle applies if the practice, or business, of a health service provider is to be sold or otherwise transferred, or if the practice or business is closed down.

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

5.12. Making information available to another health service provider (HPP 11)

Council's health services will provide health information to other health providers in accordance with the HRA.

5.13. Complaints or enquiries concerning privacy

The PDPA provides the right for an individual to complain about a breach of privacy made by Council. In the first instance, privacy complaints can be directed to Council's Manager Governance and Strategy. The complaint must relate to a breach of one or more of the ten IPPs, or 11 HPP's, and can only be about personal information that is recorded in some form. For information regarding general complaints please see Council's Complaints Policy available at www.campaspe.vic.gov.au.

Complaints will be acknowledged within seven business days and will be investigated as soon as practicable.

Alternatively, a privacy complaint can be directed to the:

Office of the Victorian Information Commissioner (OVIC)
PO Box 24274
MELBOURNE VIC 3001
Email: enquiries@ovic.com.au
1300 006 842

OVIC's role is to try and resolve privacy complaints through a conciliation process.

Complaints regarding the handling of health information can be directed to the:

Health Complaints Commissioner
Level 26
570 Burke Street
MELBOURNE VIC 3000
Email: hcc@hcc.vic.gov.au
1300 582 113

The Health Complaints Commissioner resolves complaints about healthcare and the handling of health information in Victoria.

5.14. Public registers

The following public registers are among those currently maintained by Council which may include personal information:

- Council meeting agendas and minutes.
- Details of overseas or interstate travel undertaken in an official capacity by Councillors or Council staff in the previous 12 months.
- Names of Councillors and Council officers who were required to submit a return of interest during the financial year, and the dates the returns were submitted.
- Details of all leases involving land, which were entered into by Council as lessor, including the lessee and the terms and value of the lease.
- A register of donations and grants made by Council during the financial year.
- A list of the names of the organisations of which Council was a member during the financial year, and details of all membership fees and other amounts and services provided during that year to each organisation.
- A register of registered dogs and cats (including ownership details) in the municipality maintained by Council pursuant to the *Domestic Animals Act 1994*.
- Campaign donation returns received from candidates in the last Council election.

Council's planning and building department keep the following registers:

- Building permits kept pursuant to s31 of the *Building Act 1993*.
- Occupancy permits and temporary approvals received by Council and kept pursuant to s74 of the *Building Act 1993*.
- Emergency orders, building notices and building orders given to Council under part 8 of the *Building Act 1993*, as required under s126 of the *Building Act 1993*.
- Applications for planning permits and all decisions and determinations relating to permits. Details of planning applications received by Council are also available at www.campaspe.vic.gov.au.

6. Further Information

Copies of this policy are available from Council's head office located at the corner of Hare and Heygarth Streets, Echuca. Further information can be obtained from Council's Manager Governance and Strategy who can be contacted as follows:

Telephone: 1300 666 535

Email: shire@campaspe.vic.gov.au

Postal address: PO Box 35, ECHUCA VIC 3564

7. Human Rights

This policy has considered and complies with the Victorian Charter of *Human Rights and Responsibilities Act 2006*.

8. Relevant Legislation

Responsibilities under the *Child Youth and Families Act 2005*

Education and Care Services National Law Act 2010

Freedom of Information Act 1982

Health Records Act 2001

Healthcare Identifiers Act 2010 (Commonwealth)

Local Government Act 2020

Privacy and Data Protection Act 2014

Public Health and Wellbeing Act 2008

Public Records Act 1973

Victorian Charter of Human Rights and Responsibilities Act 2006

Working with Children Act 2005

Note: If a provision made by or under the PDPA (other than Division 5, 6 or 7 of Part 3) is inconsistent with a provision made by or under any other Act that other provision prevails to the extent of the inconsistency.

9. Attachments

Appendix A – Collection notices

10. Review Period

Four years

Responsible officer


Manager Governance and Strategy

11. Administrative Updates

It is recognised that, from time to time, circumstances may change leading to the need for minor administrative changes to this document. Where an update does not materially alter the policy, such a change may be made administratively. Examples include a change to the name of a Council department, a change to the name of a Federal or State Government department, and a minor update to legislation which does not have a material impact. However, any change or update which materially alters this document must be approved by EMG.

12. Approval History

Revised	17 October 2017	Minute Book Reference No 2865 (item 6.3)
Revised	17 February 2021	Minute Book Reference No 184 (item 9.8)
Revised	18 February 2021	Administrative updated to apply consistent references to Campaspe Shire Council ('Council')
Revised	26 March 2021	Administrative update to Approval History Reference No
Revised	19 January 2022	Minute Book Reference No 8 (item 9.6)

Chief Executive Officer: 

Date: 24 JANUARY 2022

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Appendix A Collection Notices

General purpose

Personal and health information collected by Campaspe Shire Council ('Council') is used for municipal purposes as specified in the *Local Government Act 2020*. The information provided will be used solely for these purposes, or any other directly related purposes. The information will not be disclosed to any external party without your consent, unless required or authorised by law.

If you wish to access or alter any of the personal information you have provided, please contact Council on 1300 666 535 or shire@campaspe.vic.gov.au. For further information on how we manage your information please refer to Council's Privacy and Data Protection Policy at www.campaspe@vic.gov.au.

For immunisation purposes

In accordance with the *Public Health and Wellbeing Act 2008* Council is responsible for coordinating and providing immunisation services to children being educated within the municipal district. Council reports all vaccines administered to the Australian Immunisation Register. The data will be kept confidential and any identifying information will not be disclosed for any other purpose.

You can access or amend your information by contacting Council or the Australian Immunisation Register. For further information on how Council manages your information please refer to Council's Privacy and Data Protection Policy at www.campaspe.vic.gov.au.

For immunisation purposes – where the transfer or exchange of health information occurs (such as the Secondary School Vaccine Program)

Council is responsible for coordinating and providing immunisation services to children being educated within the municipal district. In accordance with the *Public Health and Wellbeing Act 2008* Council reports all vaccines administered to the Australian Immunisation Register.

Information related to you or your child will be used or disclosed for purposes directly related to your child's immunisation, and in ways that you would reasonably expect. This may include the transfer or exchange of relevant information to your GP, to your child's GP, to another treating health service or hospital, or another local Council.

You can access or amend your information by contacting Council or the Australian Immunisation Register. For further information on how Council manages your information please refer to Council's Privacy and Data Protection Policy www.campaspe.vic.gov.au.

Maternal and Child Health

The maternal and child health nurse has discussed with me how and why certain information about my child and family will be collected, stored and disclosed. I understand that this information will be collected, stored and disclosed in line with the *Privacy and Data Protection Act 2014 (Vic)* and the *Health Records Act 2001 (Vic)* and only shared with my consent or where required by law. The personal and health information will be used by Council for the purpose of providing early years services, including kindergarten central registration when my child becomes age eligible.

You can access or amend your information by contacting Council. For further information on how Council manages your information please refer to Council's Privacy and Data Protection Policy www.campaspe.vic.gov.au.

Closed Circuit Television (CCTV)

Council uses closed circuit television (CCTV) systems to monitor and record activity in some public places for the purpose of discouraging unlawful behaviour, and assisting to apprehend offenders. Should an incident occur, the footage will be provided as evidence to Victoria Police to assist with their investigations.

The images recorded are securely stored and may only be viewed by authorised officers. Copies of recordings will not be made available to third parties, except where required by law. Appropriate signage is installed on the building where the camera operates.

For further information on how Council manages your information please refer to Council's Privacy and Data Protection Policy at www.campaspe.vic.gov.au.