

POLICY TITLE	Information Privacy Policy
POLICY TYPE	Council
DIRECTORATE	Organisational Performance

1. Background

Council believes that the responsible handling of personal, sensitive and Health information is a key aspect of good governance, and is essential to protecting an individual's right to privacy.

Accordingly, Moonee Valley City Council (Council) is committed to full compliance with its obligations under the *Privacy and Data Protection Act 2014* and *Health Records Act 2001* in the management and handling of the personal and health information of individuals.

2. Purpose

This policy outlines how the Council will collect, hold, use and disclose the personal and health information of individuals; maintains a central customer database and how individuals can gain access to their information, correct inaccuracies and lodge complaints in relation to any possible breaches.

3. Scope

This policy extends to all Councillors, Council employees, contractors and agents. This policy covers all personal, sensitive and health information (known collectively as 'information') held by Council.

4. Definition

The following definitions are provided as per the *Privacy and Data Protection Act 2014*.

- **Personal information**

Means information or opinion, whether true or not, and whether recorded in material form or not, about a living individual whose identity is apparent, or can reasonably be ascertained from the information or opinion.

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- **Sensitive Information**
Means information or opinion about an individual's ethnic origins, religious beliefs, political opinions or association, philosophical beliefs, membership of professional association or trade union, sexual preferences or practices and criminal record.
- **Health information**
Means 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.

5. Responsibility

Council's appointed Privacy Officer has the responsibility to communicate and implement this policy and to ensure compliance with the relevant Acts.

6. Legislation

- *Privacy and Data Protection Act 2014 (Victoria)*
- *Health Records Act 2001 (Victoria)*
- *Charter of Human Rights and Responsibilities Act 2006 (Victoria)*
- *Freedom of Information Act 1982 (Victoria)*

7. Policy

7.1 Personal Information

As part of the services provided to the community, the Council may hold personal information that is necessary for its function 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.

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- 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 other sensitive information of individuals receiving Council services related to Childcare, Maternal and Child Health, Pre-school, Youth, Family, Leisure, Aged Care and the like.
- Personal information of employees and contract service providers, relevant to their employment/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).

7.2 Sensitive Information

Council may also hold sensitive information. Sensitive information includes information or an opinion about an individual's racial or ethnic origin, political opinions, trade union membership, philosophical or religious beliefs, gender, sexual preferences or criminal record.

7.3 Health Information

Under certain circumstances, Council is required to hold health information in relation to individuals. Health information includes information about the physical, mental or psychological health, or disability of an individual. It also includes information collected to provide a health service to an individual (such as a disability or aged care service, immunisation service or maternal health care service), including an individual's expressed wishes about the future provision of health services.

7.4 Collection

Council will only collect personal, sensitive and health information that is necessary for its functions and activities. In some instances, Council is required by law to collect this information. Council will only collect sensitive information and health information where an individual has consented or it is permitted under the Acts.

If it is reasonable and practicable to do so, Council will collect personal, sensitive and health information about an individual directly from that individual. Council will also inform the individual about their rights/obligations

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under the Acts, including the purpose/s for which the information is being collected. If Council collects this information about an individual from someone else, it will take reasonable steps to make the individual concerned aware of these matters.

7.5 Use and disclosure

Council will only use the information that it collects within Council, or disclose it outside Council, for the purpose for which it was collected or in accordance with the Act, or where the use or disclosure is specifically authorised by any other Act or Regulation.

Council may use or disclose information for law enforcement purposes to assist in the investigation of an unlawful activity that has been committed, being committed or in reporting concerns of the unlawful activity to the relevant authority. Council may further use or disclose information where necessary to lessen or prevent a threat to the life, health, safety or welfare of an individual or group.

7.6 Data Quality and Security

Council will endeavour to maintain a secure system for storing information. A range of technological and operational policies and procedures are employed to protect information from misuse and loss and from unauthorised modification or disclosure.

Council will dispose of information where it is no longer necessary to fulfil the purposes for which the information was collected or as required by law.

7.7 Transborder Data Flows

Council will only transfer information outside of Victoria if that data transfer conforms to the reasons and conditions outlined within the Acts.

7.8 Openness

Council will make available its policies on the management of information. On request, Council will take reasonable steps to provide individuals with general information on the types of information it holds, for what purposes, and how it collects, holds, uses and discloses that information.

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7.9 Access and Correction

Any person wishing to access their personal information details held by Council may contact Council's Privacy Officer. Access will be provided except in the circumstances outlined in the relevant Act, for example, where the information relates to legal proceedings or where the *Freedom of Information Act 1982* applies.

If individuals believe that their information is inaccurate, incomplete or out of date, they may request Council to correct the information. All such requests will be dealt with in accordance with the relevant Acts.

7.10 Identifiers and Anonymity

Council maintains a central 'Name and Address Register' (NAR database) and assigns a unique NAR identifier to each individual to ensure that there is only one name record for each individual customer so as to maintain data integrity. This database may be used by Council to contact residents, ratepayers and customers in relation to Council functions and services.

If an individual's contact details change, they are encouraged to contact Council so that the Database can be updated. Council conducts data matching periodically to ensure accurate name records are maintained on individual customers.

In some instances, Council may elect to de-identify information by assigning a number to an individual or group. This will only be done in those instances where it is reasonable for Council to do so, and where it is not likely to impact on Council's ability to perform its duties and functions effectively.

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

7.11 Obligations as a Health Service Provider

All health information held by Council will be managed in accordance with the *Health Records Act 2001*.

Where Council is providing health services, it will meet its obligations in relation to making information available to other health service providers, and notifying the public of any closure or transfer of its practices.

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7.12 External Contractors

While information is usually handled by Council staff, Council may outsource some of its functions to third parties. This may require the third party to collect, use or disclose certain information (e.g. garbage collection or health information). It is Council's intention to require contractors to comply with the Acts in all respects.

7.13 Enquiries or Complaints

If an individual would like more information on this policy, or feels aggrieved by Council's handling of their information, they can contact Council's Privacy Officer. Depending on the nature of the enquiry or complaint, it will be responded to as soon as possible (but no later than 5 business days) and a written response will be provided.

Privacy Officer
Moonee Valley City Council
PO Box 126
MOONEE PONDS VIC 3039
T: 03 9243 8888
E: council@mvcc.vic.gov.au

Alternatively, the individual may make a complaint to the Office of the Victorian Information Commissioner (OVIC) in relation to personal and/or sensitive information, or the Health Services Commissioner in relation to health information. Please note that the Commissioners may decline to hear the complaint if the individual has not first made a complaint to Council.

Complaints to the OVIC must be made in writing and can be sent to:

Office of the Victorian Information Commissioner
Privacy and Data Protection
PO Box 24014
MELBOURNE VIC 3001
T: 1300 666 444
E: privacy@cpdp.vic.gov.au

8. Charter of Human Rights

This Policy has been assessed as being compatible with the *Charter of Human Rights and Responsibilities Act 2006*.

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9. Review

This policy will be reviewed by February 2020. The Council, at its discretion, may determine an earlier review.

10. Related Documents

Appendix A – *Information Privacy Principles (IPP's)*

Appendix B – *Health Privacy Principles (HPP's)*

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Appendix A: Information Privacy Principles (IPP's)

Information Privacy Policy

Privacy and Data Protection Act 2014 (Victoria)

No.	Subject		Key Principles
1.	Collection	1.1	An organisation (including a person) must not collect personal information about an individual unless the information is necessary for one or more of its functions or activities
		1.3	At or near the time of collection, the organisation must notify the individual of a range of prescribed matters including the identity of the organisation, the purpose, proposed use and disclosure, right to access etc
2.	Use and disclosure	2.1	An organisation must not use or disclose personal information about an individual for a purpose (the secondary purpose) other than the primary purpose of collection unless a prescribed exception applies
3.	Data quality	3.1	An organisation must take reasonable steps to make sure that the personal information it collects, uses or discloses is accurate, complete and up to date
4.	Data security	4.1	An organisation must take reasonable steps to protect personal information it holds from misuse and loss and from unauthorised access, modification or disclosure. An organisation must take reasonable steps to destroy or permanently de-identify personal information if it is no longer needed for any purpose
5.	Openness	5.1	An organisation must set out in a document clearly expressed policies on its management of personal information. The organisation must make the document available to anyone who asks for it
		5.2	On request by a person, an organisation must take reasonable steps to let the person know, generally, what sort of personal information it holds, for what purposes, and how it collects, holds, uses and discloses that information
6.	Access and correction	6.1	If an organisation holds personal information about an individual, it must provide the individual with access to the information on request by the individual, except to the extent that prescribed exceptions apply
		6.5	If an organisation holds personal information about an individual and the individual is able to establish that the information is not accurate, complete or up to date, the organisation must take reasonable steps to correct the information so that it is accurate, complete and up to date
7.	Unique identifiers	7.1	An organisation must not assign unique identifiers to individuals unless the assignment of unique identifiers is necessary to enable the organisation to carry out any of its functions efficiently
		7.2	An organisation must not adopt as its own identifier of an individual a unique identifier of the individual that has been assigned by another organisation unless prescribed exceptions apply
8.	Anonymity	8.1	Wherever it is lawful and practicable, individuals must have the option of not identifying themselves when entering transactions with an organisation
9.	Transborder data flows	9.1	An organisation may transfer personal information about an individual to someone (other than the organisation or the individual) who is outside Victoria only if prescribed conditions apply
10.	Sensitive information	10.1	An organisation must not collect sensitive information about an individual unless the individual has consented or prescribed exceptions apply

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Appendix B: Health Privacy Principles (HPP's)
Information Privacy Policy

Health Records Act 2001 (Victoria)

No.	Subject		Key Principles
1.	Collection	1.1	An organisation (including a person) must not collect health information about an individual unless the information is necessary for one or more of its functions or activities and the individual has consented.
		1.4	At or near the time of collection, the organisation must notify the individual of a range of prescribed matters including the purpose, proposed use and disclosure, right to access etc.
2.	Use and disclosure	2.1	An organisation may use health or personal information about an individual only for the primary purpose for which the information was collected.
		2.2	An organisation must not use or disclose health information about an individual for a purpose other than the primary purpose unless the individual has consented to the use or disclosure
3.	Data quality	3.1	An organisation must take reasonable steps to make sure that the health information it collects, uses or discloses is accurate, complete and up to date and relevant to its functions
4.	Data security and retention	4.1	An organisation must take reasonable steps to protect the health information it holds from misuse and loss and from unauthorised access, modification or disclosure
		4.2	A health service provider must not delete health information relating to an individual, even if it is later found or claimed to be inaccurate unless prescribed conditions apply
5.	Openness	5.1	An organisation must set out in a document its health information management policies, and access rights, and must make the document available to anyone who asks for it
		5.2	On request by an individual, an organisation must take reasonable steps to advise the individual about whether it holds their health information, how and why it is held, and the process for seeking access
6.	Access and correction	6.1	If an organisation holds health information about an individual, it must provide the individual with access to the information on request by the individual, unless prescribed conditions apply
		6.5	If an individual is able to establish that their information held by an organisation is inaccurate, incomplete, misleading or out of date, the organisation must take reasonable steps to correct the information
7.	Identifiers	7.1	An organisation may only assign identifiers to individuals if the assignment of identifiers is reasonably necessary to enable the organisation to carry out any of its functions efficiently
		7.2	A private sector organisation may not adopt as its own identifier of an individual an identifier that has been assigned to that person by a public sector organisation unless prescribed exceptions apply
8.	Anonymity	8.1	Wherever it is lawful and practicable, individuals must have the option of not identifying themselves when entering transactions with an organisation
9.	Transborder data flows	9.1	An organisation may transfer health information about an individual to someone (other than the organisation or the individual) who is outside Victoria only if prescribed conditions apply
10.	Transfer or closure of the practice of a health service provider	10.1	If the practice or business of a health service provider is to be transferred or closed, the provider must comply with a prescribed set of procedures, including notification to former clients and the public

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Appendix B: Health Privacy Principles (HPP's)

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11.	Making information available to another provider	11.1	If an individual requests a health service provider to make their health information available to another provider, the former must comply with the request
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