



Council Policy Manual

WEST WIMMERA SHIRE COUNCIL

COUNCIL POLICY	
INFORMATION PRIVACY POLICY	Policy No:
	Adopted by Council: 24 July 2024
	Next review date: July 2028
Executive Director:	Director Corporate and Community Services
Responsible Manager:	Governance Manager
Functional Area:	Governance
Introduction and Background	<p>West Wimmera Shire Council believes that the responsible handling of personal information is essential to good corporate governance and is strongly committed to protecting an individual's right to privacy. Accordingly, Council is committed to full compliance with its obligations under the <i>Privacy and Data Protection Act 2014 (PDPA)</i> and the <i>Health Records Act 2001 (HRA)</i>. In particular, Council complies with the Information Privacy Principles (IPPs) and Health Privacy Principles (HPPs) contained in the <i>Privacy and Data Protection Act 2014</i> and the <i>Health Records Act 2001</i>. Obligations under these Acts apply to Councillors, Council staff (employees), agents (consultants, agency staff and volunteers) and contracted service providers. This document outlines the Privacy Principles and details guidelines and processes as to how the Information Privacy Policy should be implemented in practice in the Council and how they will apply to the community.</p>
Purpose & Objectives	<p>Council's Information Privacy Policy illustrates the ways in which we comply with principles and legislative requirements under the <i>Privacy and Data Protection Act 2014</i> and <i>Health Records Act 2001</i>. A clear and accurate privacy policy supports a positive, trusting relationship between Council and members of the public and highlights Council's commitment to always conduct business in accordance with the cornerstones of good governance, leadership and direction, transparency, integrity and accountability. The ongoing development and review of our privacy policy is part of Council's commitment to best practice.</p>



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<p>Response to the Overarching Governance Principles of the Local Government Act 2020</p>	<p>Section 9 of the Local Government Act 2020 states that a Council must in the performance of its role give effect to the overarching governance principles.</p> <p>This policy is in response to the following overarching governance supporting principle/s of the Local Government Act 2020:</p> <p>(a) the public transparency principles (section 58)</p>
<p>Scope</p>	<p>The West Wimmera Shire Council views the protection of an individual's privacy as an integral part of its commitment towards complete accountability and integrity in all its activities, functions and programs. This policy outlines Council's management of personal information as required by the <i>Privacy and Data Protection Act 2014</i>. Ten Information Privacy Principles (IPPs) underpin the PDPA. Under IPP 5, it is a requirement for a local government organisation to have a written policy about its management of personal information and to make this available to anyone who asks for it. This policy applies to all staff, Councillors, Consultants, Contractors, Volunteers of West Wimmera Shire Council and those on Work-placement and Work Experience.</p>
<p>Definitions</p>	<p>Information and Health Privacy Principles - The Information Privacy Principles (IPPs) and Health Privacy Principles (IPPs) are a set of principles that regulate how personal and health information is handled (collected, managed, stored, used, disclosed or transferred by an organisation). These principles underpin the PDPA.</p> <p>Personal Information - Personal information is defined in the PDPA as 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. Personal information can include, but is not limited to, such information as a person's:</p> <ul style="list-style-type: none"> • Name, age, weight or height • Income • Marital Status • Education • Home address and home number • Employee Details or email address <p>Sensitive Information - Sensitive information means information or an opinion about an individual's:</p>



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	<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 or trade association• membership of a trade union, sexual preferences or practices• criminal record
General Privacy Statement	<p>The West Wimmera Shire Council is committed to ensuring that personal information collected, stored and used by Council is handled in a responsible manner and in accordance with the PDPA and HRA. Personal Information is information that can be used on its own or with other information to identify, contact or locate a person, or whose identity can be ascertained from the information. Information provided will be retained for Council use only and will not be disclosed except as required by law or with consent. Council is required to collect and use personal, confidential and sensitive information from individuals and therefore, abides by the Information and Health Privacy Principles identified below:</p> <ul style="list-style-type: none">• Principle 1 Collection• Principle 2 Use and Disclosure• Principle 3 Data Quality• Principle 4 Data Security and Retention• Principle 5 Openness• Principle 6 Access and Correction• Principle 7 Unique Identifiers• Principle 8 Anonymity• Principle 9 Trans-border Data Flows• Principle 10 Sensitive Information• Health Privacy Principle 10 – Transfer /closure of the practice of a health service provider• Health Privacy Principle 11 – Making information available to another health service provider <p>A detailed explanation of each of the IPPs is available from the Office of Victorian Information Commissioner (OVIC) Website.</p>



1.	<p>Policy Details</p> <p>The Information and Health Privacy Principles set out the minimum standards for how personal and health information should be managed in the Victorian public sector. As part of our commitment to meeting the requirements of the Acts and demonstrating good governance, we have outlined our approach in complying with each of the overarching Information and Health Privacy Principles as follows.</p> <p>Collection (Principle 1)</p> <p>Personal or health information will only be collected where it is necessary to carry out our functions and activities. In some circumstances, collection of personal information is required by law. Sensitive information such as details pertaining to date of birth is only collected where the individual has consented or as otherwise permitted under legislation. If we collect information about an individual from another party, we will take reasonable steps to make the individual aware of this.</p> <p>At or near the time of collection, we will notify the individual of the purpose of collecting the information and inform the individual how they can access the information. Collection Notices, such as the example below, are included on every form and explain how we intend to use, share and disclose any personal information collected.</p> <p><i>The West Wimmera Shire Council is committed to protecting your privacy. The personal information requested on this form is being collected by West Wimmera Shire 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 receiving the personal information] for the purpose of [insert how the entities will use 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, please contact West Wimmera Shire Council via telephone [insert number for your work area] or email [insert email address for your work area].</i></p>
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Use and Disclosure (Principle 2)

We will only use or disclose health and personal information for the primary purpose that it was collected, where the individual consents and for other related purposes that an individual would reasonably expect this to occur.

For example:

- a. *Council may use email addresses or mobile phone numbers to inform residents that could be significantly affected, of unplanned events*
- b. *Council would NOT utilise email addresses or mobile phone numbers to advertise an event or for other marketing purposes*

We may share relevant information when it is related to the reason the information was collected, with other work areas within Council, with external service providers and contractors (who are also bound by the same privacy obligations) that have been engaged to provide the service or function on behalf of Council. We will use and disclose information in circumstances where required by law and to protect the health, safety or welfare of an individual or the public. For example, we may disclose personal information when reporting a matter to police.

Personal information is also held in registers that are available for public inspection at the Council office.

Examples of personal information held by Council that is accessible by the public include:

- *Council lease of land information*
- *Register of all registered dogs and cats*
- *Decisions and determinations relating to planning permits*
- *Register of Authorised officers*
- *Summary of personal interest returns*
- *Advertised and open tender information (via eProcure)*



Data Quality (Principle 3)

We will take reasonable steps to ensure that all personal and health information collected, held, used and disclosed is accurate, complete, up-to-date and relevant to Council's purpose, functions and activities. Information will be verified and updated at the time of collection.

For example, our staff will ask for personal details to verify your identity before actioning a request to update your postal address.

Data Security and Retention (Principle 4)

We maintain a secure system for storing personal and health information and take reasonable steps to destroy or permanently de-identify information when it is no longer needed.

Information systems, operational policies and procedures are in place to ensure compliance and to review, maintain and protect personal and health information from misuse, loss and from unauthorised modification or disclosure.

For example, unsolicited personal information received will usually be destroyed or de-identified as soon as practicable.

Openness (Principle 5)

We will take reasonable steps to let people know about the type of information we hold, the purpose for holding it, and how we collect, use and disclose that information. We have established procedures to respond to queries about our personal information handling practices and clearly expressed policies on the way we manage personal information.

Our Information Privacy Policy is published on our external website and is available to anyone who asks for it.

Access and Correction (Principle 6)

Individuals have the right to access their own personal information and can request that we amend or delete incorrect or misleading personal information.

Anyone can request access to documents held by Council however there are some exemptions under the Act.

Examples of exemptions include:

- *documents affecting personal privacy of other people (such as names, addresses, telephone numbers) - section 33(1)*
- *documents relating to commercial information (putting a commercial business at an unreasonable disadvantage) - section 34(1)*
- *information provided in confidence such as complaints – section 35(1)*



- *documents affecting legal proceedings (legal advice or opinions) - section 32(1)*

Access will be provided when requested except in circumstances outlined in legislation or where the Freedom of Information Act 1982 (Vic) applies. Freedom of Information (FOI) gives a general right to individuals to access information held by Government agencies limited by exemptions.

Individuals are encouraged to contact the relevant Council area or the FOI Officer to determine whether information can be accessed before making a formal FOI request. For details on how to make an application under the FOI Act, refer to Council's website.

Unique Identifiers (Principle 7)

At times we may assign a code or number to someone's record to assist with identification. This can take the form of an employee number, client code, reference or invoice number. We only assign, use, disclose or require a unique identifier for the course of conducting business activities efficiently or as required by law.

For example, we utilise the invoice number on an account instead of using someone's name when paying an account

Anonymity (Principle 8)

Where lawful and practicable, we will give individuals the option of remaining anonymous when supplying information or entering into transactions with us. However, individuals need to be aware that anonymity may prevent us from taking appropriate action, resolving an issue or providing a response to the individual.

Transborder Data Flows (Principle 9)

When transferring information outside of Victoria, we will take reasonable steps to ensure that the recipient of the information is bound by privacy protection requirements similar to the Victorian Information Privacy Principles.

Sensitive Information (Principle 10)

The PDP Act places special restrictions on the collection of sensitive information. This includes racial or ethnic origin, political opinions or membership of political associations, religious or philosophical beliefs, membership of professional or trade associations or trade unions, sexual preferences or practices, and criminal record.

We will only collect sensitive information when an individual has consented, collection is required or permitted by law, when necessary for research or statistical purposes as permitted under the Privacy and Data Protection Act.

Transfer or Closure of Health Service (Health Privacy Principle 10) Health Information relating to a discontinued Council Health Service will be managed in accordance with the Health Records Act.



	<p>Making Health Information available to another provider (HealthPrivacy Principle 11)</p> <p>If an individual asks us to make their health information available to another service provider, we will comply with the request as soon as practicable. Council will provide information to other health providers in accordance with the <i>Health Records Act</i>.</p>
3	<p>Privacy Breaches</p> <p>A data breach occurs when personal information held by an organisation is subject to misuse or loss or to unauthorised access, modification or disclosure. A data breach can be accidental or as a result of a malicious act from an external or internal party.</p> <p><i>Examples of data breaches include:</i></p> <ul style="list-style-type: none"><i>An employee takes paper records, an unencrypted USB stick or laptop out of the office and the information is lost or stolen</i><i>An organisation mistakenly provides personal information to the wrong person</i><i>An email containing recipients' email addresses is forwarded to unintended parties</i><i>An organisation's database is illegally accessed by staff members or by individuals outside of the organisation</i> <p>We will act quickly to investigate and understand any privacy breach incidents and take appropriate steps to manage any potential consequences for affected individuals.</p> <p>Your right to make a privacy complaint</p> <p>If you have concerns about how Council has handled your personal information, you have the right to make a complaint. If you believe that we have breached your privacy rights, you should first make a complaint to Council's Privacy Officer and try to resolve the issue.</p> <p>If you aren't satisfied with the way Council dealt with your concerns, you can make a complaint to the Office of the Victorian Information Commissioner (OVIC).</p> <p>Email Council: council@westwimmera.vic.gov.au</p> <p>Post: PO Box 201 Edenhope, VIC 3318</p> <p>Complaints to Council should be made in writing. The complaint will be investigated by Council's Information Privacy Officer and the complainant will be provided with a written response within 30 working days.</p>



4	Responsibility <p>It is the responsibility of the Governance team to review this Policy at least every four years and in accordance with relevant legislation.</p>
5	Related Documents & Resources <p>Legislation / External Document</p> <ul style="list-style-type: none">• <i>Privacy and Data Protection Act 2014</i>• <i>Health Records Act 2001</i>• <i>Freedom of Information Act 1982</i>• <i>Charter of Human Rights and Responsibilities Act 2006</i>• <i>Local Government Act 2020</i> <p>Internal Documents</p> <ul style="list-style-type: none">• Media Relations Policy• Communications Policy• Public Transparency Policy• Code of Conduct <p>A copy of this Policy is available to all staff and is also available on Council's external website.</p> <p>West Wimmera Shire Council websites</p> <p>The following applies when you interact with our websites.</p> <p>Collection and use of personal data</p> <p>The West Wimmera Shire Council's various websites only collect or record personal information you choose to provide through our Contact Us section, subscription to communications, newsletters, initiatives or program updates, online applications etc. You can browse our websites anonymously, without disclosing your personal information.</p> <p>Collection and use of site visit data</p> <p>Cookies are data files that are placed on a device when it is used to visit a website. For the most part they are sessional and just contain system-generated values to identify the user's session for statistical and system administration purposes only. Cookies are used on our sites, but they do not collect any personal information.</p>



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Policy Adopted:	Ordinary Meeting 17March 2021		Policies and Procedures Team
Policy Reviewed:	Ordinary Meeting 24/07/24	Minute Book	SRV Governance - Policies and Procedures Team