



GOLDEN PLAINS SHIRE

# **ATTACHMENTS**

**Under Separate Cover  
Ordinary Council Meeting**

---

**6.00pm Tuesday 25 February 2020**



## Table of Contents

---

7.18	Information Privacy Policy	
	Attachment 1 Information Privacy Policy .....	4

INFORMATION PRIVACY POLICY



# Information Privacy Policy

**INFORMATION PRIVACY POLICY**

**CONTENTS**

1. **PURPOSE**.....3

2. **SCOPE**.....3

3. **POLICY STATEMENT**.....3

4. **PROCEDURES**.....3

5. **RESPONSIBILITIES**.....8

6. **DEFINITIONS OF TERMS OR ABBREVIATIONS USED**.....9

7. **RELATED LEGISLATION AND DOCUMENTS**..... 10

8. **HUMAN RIGHTS STATEMENT OF COMPATABILITY**..... 10

9. **POLICY OWNER**..... 11

10. **FEEDBACK**..... 11

11. **DOCUMENT INFORMATION**..... 11

## INFORMATION PRIVACY POLICY

---

### 1. PURPOSE

- 1.1 To demonstrate that Council views the protection of an individual's privacy as an integral responsibility and ensure complete accountability and integrity, in all its activities and programs.
- 1.2 To ensure Council is transparent about what personal information it can collect and how that information is used, stored, handled and disclosed.
- 1.3 To ensure Council is compliant with the Victorian Privacy and Data Protection Act 2014 (PDP Act) and the Health Records Act 2001.

---

### 2. SCOPE

- 2.1 This policy applies to all people within the Council inclusive of Councillors, Council officers, contracted service providers, committee members, volunteers and those on work experience.

---

### 3. POLICY STATEMENT

- 3.1 Council is committed to complying with its obligations under the Privacy and Data Protection Act 2014 (PDP Act), the Health Records Act 2001 and federal privacy legislation.
- 3.2 In particular, Council will comply with the Information Privacy Principles (IPPs) contained within the PDP Act and Health Information Principles (HPPs) contained in the Health Records Act 2001.
- 3.3 Council is committed to protecting an individual's privacy and personal information.

---

### 4. PROCEDURES

- 4.1 Councils main functions include:
  - Animal Management;
  - Arts and cultural programs;
  - Capital works and maintenance of gardens, roads, pedestrian ways, and public spaces within the shire;
  - Community health services;
  - Environment and water management;
  - Financial planning, budgets, valuations, rates and credit control;
  - Food safety and regulation of food premises;
  - Information technology (IT) infrastructure;
  - Land transfers and subdivisions;
  - Marketing and events;

## INFORMATION PRIVACY POLICY

- Maintenance of Council owned facilities, property and other assets;
- Management of parks, gardens and sporting facilities and services;
- Public safety;
- Recycling and waste management;
- Local laws;
- Services for children, youth, aged people and people with disabilities;
- Urban planning and building regulations; and
- Economic development and tourism.

In its day to day functions and operations, Council collects information in all its areas of function.

### 4.2 How Council manages information

The following describes the way in which Council manages personal information.

#### Collection of personal information (IPP1 / HPP1)

Council will only collect personal information that is necessary for carrying out its functions or activities.

Where reasonable and practicable, collection will be from the individual directly.

All forms and documents that collect personal information will include a:

- Collection Notice relevant to the department and/or project; and
- Council's Privacy Statement.

#### The means in which Council collects information

Council collects information in a variety of ways, including but not limited to:

- During conversations between an individual and Council officers or representatives (face to face or via phone);
- When an individual accesses and interacts with Council's website, social networking sites or sends messages (SMS/MMS) to Council;
- When an individual makes an enquiry, provides feedback or completes an application form (Online or hard copy);
- Via acquisitions or voters roll information from the Victorian Electoral Commission; and
- From other sources (e.g. referred from another entity or unsolicited).

## INFORMATION PRIVACY POLICY

### Types of personal information collected by Council

- Name
- Address (residential, postal and/or email)
- Contact Number (Work, mobile or home)
- Date of birth
- Gender
- Signature
- CCTV footage
- Video and photographs
- Payment information

At times Council may be required to collect sensitive information about an individual for example, to handle a complaint or as required by other government agencies. Sensitive information might include information about an individual's health, racial or ethnic origin, political opinions, education, employment history, association memberships, religious beliefs, sexual orientation, criminal history, genetic or biometric information.

### Use and Disclosure (IPP2 / HPP2)

Council will only use and disclose personal information:

- For the primary purpose it was collected; or
- for a secondary purpose related to the primary purpose, that the individual would reasonably expect; or
- for a secondary purpose that has the consent of the individual; or
- where required by law to do so; or
- For any other reason permitted by the Act.

### Data Quality (IPP3/HPP3)

Council undertakes a number of steps to ensure that the personal information Council collects is accurate, up to date and complete, including;

- Recording information in a consistent format;
- Confirming details with individuals during communications;
- Updating or adding new personal information to existing records; and
- Reviewing information before disclosing it.



## INFORMATION PRIVACY POLICY

### Data Security (IPP4/HPP4)

Council takes proactive steps to protect the security of information it holds from both internal and external threats by:

- Regularly assessing the risk of misuse, interference, loss, and unauthorised access, modification or disclosure of that information; and
- Taking measures to address risks identified by reviewing and implementing best practice measures.

### Openness (IPP5/HPP5)

Council is legally required to have a Privacy Policy and are committed to meeting this requirement. The policy must openly detail Council's management of personal and health information.

A copy of Council's Privacy Policy is publically accessible on Council's website.

Council will also provide a copy of the Privacy Policy, Privacy Statement and/or Collection Statement to any individual upon request.

### Accessing and correcting personal information (IPP6/HPP6)

Access to personal information is managed under the Freedom of Information Act 1982(Vic) (FOI Act), For details on how to make a request under the FOI Act, visit Council's website or, contact Council's FOI Officer in one of the following ways:

#### FOI Officer

Golden Plains Shire Council

Post: PO Box 111 Bannockburn VIC 3331

Email: [governance.administration@gplains.vic.gov.au](mailto:governance.administration@gplains.vic.gov.au); or  
[enquiries@gplains.vic.gov.au](mailto:enquiries@gplains.vic.gov.au)

Ph: 5220 7111

Website: <https://www.goldenplains.vic.gov.au/residents/my-council/about-council/freedom-information>

An individual is also entitled to seek correction or amendment of a document containing their personal information where they believe the information is inaccurate, incomplete, out of date, or would give a misleading impression. The request for amendment must:

- Specify an address or email address to which a decision notice can be sent;
- Specify matters in which the person making the request believes personal information is incomplete, misleading or inaccurate; and
- Specify the amendments to be made.

To make a request for amendment, contact Council's Privacy Officer in one of the following ways:

#### Privacy Officer

Golden Plains Shire Council

Post: PO Box 111 Bannockburn VIC 3331

Email: [governance.administration@gplains.vic.gov.au](mailto:governance.administration@gplains.vic.gov.au); or  
[enquiries@gplains.vic.gov.au](mailto:enquiries@gplains.vic.gov.au)

Ph: 5220 7111

## INFORMATION PRIVACY POLICY

### Unique Identifiers (IPP6/HPP6)

A unique identifier is a string of characters, usually a number, used to identify an individual.

Council will not assign, adopt, use, disclose or require unique identifiers except in 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 Act are satisfied.

Council currently applies unique identifiers in the following forms:

- Reference numbers allocated in relation to:
  - Incoming, outgoing and internal documentation, mail and communication;
  - Property management;
  - Dog and cat registrations;
  - Disabled parking permits;
  - Cat trap bookings;
  - Debtors;
  - Children and Family services
  - Home and Community care (HACC)
  - Customer requests.
  - Aged and Community care client numbers.

### Anonymity (IPP8/HPP8)

Where it is lawful and feasible, individuals will be given the option of not identifying themselves when entering transactions with Council.

Please note, anonymity may limit Council's ability to process a complaint or other matter. This includes the ability to deliver a service and that if Council can't act on the matter with the information supplied, the matter may be closed with no action.

### Transborder Data Flow (IPP9/HPP9)

Council will only transfer personal information outside Victoria if that data transfer conforms to the reasons and conditions outlined in the PDP Act. If personal information travels outside Victoria, the Victorian privacy protection travels with it.

### Sensitive Information (IPP10)

Council will not collect sensitive information about any individual, except in circumstances prescribed in the PDP Act.

### Transfer / closure of the practice of a health service provider (HPP10)

Council may have relationships with health service providers and businesses. In the event these businesses cease to operate, or operate as partners in health services with Council, Council expect to be notified of such closures or transfers.

If the practice or business of a health provider is sold, transferred, or ceases to operate, steps must be taken to notify individuals who have received health services

## INFORMATION PRIVACY POLICY

from the provider.

### **Making information available to another health service provider (HPP11)**

Council will only make information relating to an individual available to another health service provider if requested by the individual and if it is appropriate.

#### **4.3 How to make a complaint or enquiry concerning privacy**

The PDP Act gives any person the right to complain about a breach of their privacy.

To make a complaint about how Council handled personal information, contact Council's Privacy Officer in one of the following ways:

##### **Privacy Officer**

Golden Plains Shire Council

Post: PO Box 111 Bannockburn VIC 3331

Email: [governance.administration@gplains.vic.gov.au](mailto:governance.administration@gplains.vic.gov.au); or  
[enquiries@gplains.vic.gov.au](mailto:enquiries@gplains.vic.gov.au)

Ph: 5220 7111

If Council receive a complaint about how personal information was handled, an investigation will be undertaken to determine what (if any) action should be taken to resolve the complaint.

If a person is not satisfied with the outcome of a complaint, they can apply for a review through the Office of the Victorian Privacy Commissioner:

##### **Office of the Victorian Privacy Commissioner**

Post: PO Box 24274 Melbourne VIC 3001

Email: [enquiries@ovic.vic.gov.au](mailto:enquiries@ovic.vic.gov.au)

Ph: 1300 666 444

Website: <https://ovic.vic.gov.au/privacy/for-the-public/complaints/how-to-make-a-complaint/>

---

## **5. RESPONSIBILITIES**

### **Compliance, monitoring and review**

5.1 The policy owner is Responsible for ensuring the Policy:

- aligns with relevant legislation, government policy and Council's requirements/strategies/values;
- is implemented and monitored (i.e. the policy is followed, reflects the changing policy environment, and emerging issues are identified); and
- is reviewed to evaluate its continuing effectiveness (e.g. achieving its purpose, remains relevant/current).

**INFORMATION PRIVACY POLICY**

**Reporting**

- 5.2 Council is required to investigate and report any privacy breaches to the Office of the Victorian Information Commissioner (OVIC).
- 5.3 Performance and conformance against the Privacy Policy, including the number of privacy complaints and breaches, will be reported to Council’s Audit and Risk Committee, Executives and Councillors on a quarterly basis.
- 5.4 The Privacy Officer will provide a summary of all privacy related issues raised during the year, including comparative information for the prior two years, to the Director Corporate Services on an annual basis.
- 5.5 The Privacy Officer will review and provide a report on key privacy controls and processes used to assist in ensuring compliance with privacy legislation, including their effectiveness, to the Director of Corporate Services on an annual basis.
- 5.6 The Privacy Officer will keep and maintain privacy related registers, including privacy breaches and unique identifies used by Council.

**Records Management**

- 5.7 Council must maintain all records relevant to administering the Privacy and Data Protection Act 2014, the Health Records Act 2001 and this procedure in accordance with the Public Records Act 1973.

---

**6. DEFINITIONS OF TERMS OR ABBREVIATIONS USED**

**6.1 Terms and definitions**

<b>Term</b>	<b>Definition</b>
<i>Council</i>	<i>Golden Plains Shire Council</i>
<i>Complaint</i>	<i>An expression of dissatisfaction with:</i> <ul style="list-style-type: none"> <li>• <i>the quality of a service provided, an action taken, or decision made by Council or its contractor</i></li> <li>• <i>a delay or failure in providing service, taking an action, or making a decision by Council or its contractor</i></li> </ul>
<i>FOI Act</i>	<i>Freedom of Information Act 1982</i>
<i>FOI Officer</i>	<i>A officer formally appointed by the Chief Executive Officer as the FOI Officer. Currently being the:</i> <ul style="list-style-type: none"> <li>- <i>Corporate Governance &amp; Risk Coordinator</i></li> </ul>
<i>Health Information</i>	<i>Information or opinion about 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</i>

**INFORMATION PRIVACY POLICY**

	<i>information about an individual who has been deceased for more than 30 years.</i>
<i>HPPs</i>	<i>Health Privacy Principles</i>
<i>IPPs</i>	<i>Information Privacy Principles</i>
<i>OVIC</i>	<i>Office of the Victorian Information Commissioner</i>
<i>Personal Information</i>	<i>Recorded information or opinion, whether true or not, about an identifiable individual.</i>  <i>Any information linked to an individual including name, address, gender, age, financial details, marital status, education, criminal record or employment history.</i>
<i>PDP Act</i>	<i>Privacy and Data Protection Act 2014</i>
<i>Privacy Officer</i>	<i>An officer formally appointed by the Chief Executive Officer as the Privacy Officer:</i> <i>Currently being the:</i> <i>- Governance &amp; Legal Services Officer;</i> <i>and</i> <i>- Corporate Governance &amp; Risk Coordinator</i>
<i>Sensitive Information</i>	<i>Information or opinion about an individual's ethnic origins, religious beliefs, political opinions or association, philosophical beliefs, membership or professional association or trade union, sexual preferences or practices and criminal records.</i>

**7. RELATED LEGISLATION AND DOCUMENTS**

**Legislation**

*Fences Act 1968*

*Freedom of Information Act 1982*

*Health Records Act 2001*

*Privacy and Data Protection Act 2014 (Victoria)*

*Public Records Act 1982*

**Strategic Documents**

*Information Privacy Policy*

*Information Privacy Procedure*

*Privacy Breach Procedure Manual*

**INFORMATION PRIVACY POLICY**

- Privacy Impact Assessment Template*
- Code of Conduct (Staff)*
- IT Employee Acceptance (Staff)*
- Public Interest Disclosure Policy*
- Public Interest Disclosure Procedure*
- Freedom of Information Procedure*
- Freedom of Information Internal Process Manual*
- Freedom of Information Procedures Manual (FOI Solutions)*
- FOI Processes – Responsibilities Chart*

**References**

- Office of the Victorian Information Commissioner*
- Public Records office of Victoria (PROV)*

**8. HUMAN RIGHTS STATEMENT OF COMPATABILITY**

- 8.1 This Policy does not impact negatively on any rights identified in the Charter of Human Rights and Responsibilities Act 2006 (Vic)

**9. POLICY OWNER**

- 9.1 The Privacy Officer is the policy owner.
- 9.2 The policy owner is the individual who is given the responsibility to review, edit and maintain this policy and associated procedure. The policy owner is also the point of contact for any questions regarding this policy.

**10. FEEDBACK**

- 10.1 You may provide feedback about this document by emailing [enquiries@gplains.vic.gov.au](mailto:enquiries@gplains.vic.gov.au)

**11. DOCUMENT INFORMATION**

DOCUMENT TYPE:	Council Policy document
DOCUMENT STATUS:	<a href="#">Not Approved</a>
DOCUMENT OWNER POSITION:	Privacy Officer
APPROVED BY:	Council
DATE ADOPTED:	25 February 2020

Information Privacy Policy  
 Reference Number:  
 INT20/A2B3BA3

Effective Date: 25 February 2020  
 Page 11 of 12

INFORMATION PRIVACY POLICY

VERSION NUMBER:	1
REVIEW DATE:	25 February 2024
DATE RESCINDED:	N/A
EVIDENCE OF APPROVAL:	  <u>Signed by Chief Executive Officer</u>
FILE LOCATION:	INT20/A2B3BA3
NOTES:	<p>Policy documents are amended from time to time, therefore you should not rely on a printed copy being the current version. Please consult Council's Policy page on the Golden Plains Shire Council website to ensure that the version you are using is up to date. Available at:</p> <p><a href="https://www.goldenplains.vic.gov.au/residents/my-council/about-council/council-policies">https://www.goldenplains.vic.gov.au/residents/my-council/about-council/council-policies</a></p>