18.2 PRIVACY POLICY

Responsible Officer: Governance Officer **Due for Review:** 2027

PURPOSE

Council is committed to meeting community expectations in the responsible handling of personal information and to complying with its obligations under the *Privacy and Data Protection Act 2014* and the *Health Records Act 2001*.

These Acts require ***Council*** to maintain documented policies regarding the management of personal information and to make such policies publicly available. This policy outlines ***Council's*** approach to safeguarding personal information, minimising privacy risks, and effectively managing privacy breaches and complaints.

SCOPE

This policy applies to all ***Councillors***, ***employees***, contractors, members of committees and volunteers engaged by ***Council***.

It governs the management of all personal, sensitive and health information collected, used, disclosed or held by ***Council,*** including information relating to customers, residents, service providers, visitors and members of staff.

RATIONALE

The *Privacy and Data Protection Act 2014* and the *Health Records Act 2001* require ***Council*** to develop, maintain and make publicly available policies governing the management of personal and health information. In addition, section 13 of the *Charter of Human Rights and Responsibilities Act 2006* recognises an individual's right to privacy, including protection from unlawful or arbitrary interference with their privacy, family, home or correspondence, and from unlawful attacks on their reputation.

Council recognises that the responsible and lawful handling of personal and health information is a fundamental component of good governance. ***Council*** balances protecting individual privacy with ensuring appropriate information sharing to support transparency, accountability, and the public interest.

STATEMENT OF POLICY

Council is bound by the 10 Information Privacy Principles (IPPs) and 11 Health Privacy Principles (HPPs) that outline how individuals personal and health information is managed.

How ***Council*** will comply with each of these privacy principles is broadly outlined below:

Principle 1 – Collection (IPP1 & HPP1)

Council will only collect personal information that is reasonably necessary for, or directly related to, its lawful and specific functions and activities. Wherever reasonably practicable, ***Council*** will notify individuals of the purpose(s) for which their personal information is being collected at or before the time of collection. A collection notice will be provided that clearly states the purpose for which the information is being collected.

The types of personal information that ***Council*** may collect include, but are not limited to:

- Name
- Residential, postal and email address
- Telephone number
- Date of birth
- Centrelink Reference Number or Medicare number
- Bank account and/or credit card details
- Driver licence details

Council collects personal information through a variety of channels, depending on the service being provided. These include collection directly from individuals via face-to-face interactions, telephone, email, written correspondence, ***Council's Website***, surveillance systems (e.g. CCTV) and social media platforms.

Council's Website may collect limited information through cookies and analytic tools. This information is used to improve website functionality and user experience and is managed in accordance with this Policy.

Council may also collect personal information from third parties, including government agencies such as the Victorian Electoral Commission, where authorised or required to do so.

In addition, ***Council*** maintains records of an individual's interactions with ***Council*** within its customer record management systems.

Principle 2 – Use and Disclosure (IPP2 & HPP2)

Council will only use or disclose an individual's personal or health information for the primary purpose for which it was collected, unless the individual has consented to another use or disclosure, or unless otherwise authorised or required under the *Privacy and Data Protection Act 2014* or the *Health Records Act 2001*.

Examples of how ***Council*** may use collected information include to:

- respond to requests for ***Council*** services, such as waste collection, road maintenance or animal registration
- support emergency services organisations in delivering emergency response or recovery activities

- enforce Local Laws
- provide information by email or through newsletters
- arrange meetings with ***Council***
- process payments for ***Council*** services
- seek feedback on ***Council*** services
- assist other agencies where required by law, such as Parks Victoria or the Corangamite Catchment Management Authority
- undertake pre-employment checks, such as criminal history checks.

Examples of when ***Council*** may disclose personal or health information include where:

- the individual has provided explicit consent
- the disclosure is necessary for research in the public interest and the information is de-identified
- ***Council*** reasonably believes the disclosure is necessary to lessen or prevent a serious threat to an individual or to public health or safety
- the disclosure is necessary for the investigation of unlawful activity or is requested by a law enforcement agency
- the disclosure is otherwise required or authorised by law.

Where consent is relied upon, ***Council*** will ensure that consent is voluntary, informed, current and specific, and that individuals have the capacity to provide consent.

Principle 3 – Data Quality (IPP3 & HPP3)

Council will take reasonable steps to ensure that personal information and health information it collects, uses, discloses or holds is accurate, complete, up to date and relevant to the purpose for which it is being used. This includes maintaining appropriate processes to verify information at the time of collection, updating records where new or corrected information is provided, and taking steps to ensure information relied upon for decision-making or service delivery is current and fit for purpose. Where ***Council*** becomes aware that information is inaccurate, incomplete, out of date or misleading, it will take reasonable steps to correct the information or otherwise ensure the issue is appropriately noted on the relevant record.

Principle 4 – Data Security (IPP4 & HPP4)

Council will take reasonable steps to protect personal and health information from misuse, loss, unauthorised access, modification or disclosure. This will be achieved through a combination of governance controls, policies, procedures and technical safeguards across information management, business systems, personnel practices and physical security arrangements. These measures include, but are not limited to, access controls, staff training and awareness, secure storage practices, system security monitoring, and appropriate handling and transmission of information.

Council will also take reasonable steps to ensure that access to personal and health information is limited to authorised personnel who require the information to perform their duties, and that information is handled in a manner consistent with relevant legislation and ***Council*** policies.

Council will further take reasonable steps to destroy or permanently de-identify personal information when it is no longer required for any authorised purpose, in accordance with the *Public Records Act 1973* and any applicable records retention and disposal authorities.

Principle 5 – Openness (IPP5 & HPP5)

This Privacy Policy is publicly available on ***Council's Website*** and will be made available upon request. ***Council*** is committed to transparency in its management of personal and health information.

Upon request, ***Council*** will take reasonable steps to provide individuals with information about:

- the types of personal and health information it holds about them
- the purposes for which the information is collected, held and used
- how the information is collected
- how the information is stored and secured
- how the information is used and, where appropriate, disclosed.

Council will provide this information in a clear and accessible manner, subject to any applicable legal restrictions.

Principle 6 – Access and Correction (IPP6 & HPP6)

Individuals have a right to request access to personal and health information held about them by ***Council*** and to request correction of any information that is inaccurate, incomplete, out of date or misleading. ***Council*** will respond to such requests in accordance with the *Privacy and Data Protection Act 2014* and the *Health Records Act 2001*.

Council will take reasonable steps to provide access to the requested information and to correct information where appropriate. However, access may be refused in certain circumstances where exemptions apply under the relevant legislation.

Where ***Council*** denies access to personal or health information, it will provide the individual with written reasons for the decision, unless it would be unreasonable to do so, and will inform the individual of any available avenues for review or complaint.

Requests for access to documents may also be made under *Freedom of Information Act 1982*, which operates alongside privacy legislation. An application form and further information on how to make a Freedom of Information application, can be found on ***Council's*** website.

Principle 7 – Unique Identifiers (IPP7 & HPP7)

Council will not assign, adopt, use, disclose or require unique health or other identifiers from individuals except for the course of conducting normal business or if allowed or required by law.

Principle 8 – Anonymity (IPP8 & HPP8)

Council will, where it is lawful and practicable, give individuals the option of not identifying themselves when entering into transactions with ***Council. Council*** will ensure that individuals are aware of all, if any, limitations to services if the information required is not provided.

Principle 9 – Transborder Data Flows (IPP9 & HPP9)

Where personal or health information is transferred or stored outside Victoria, ***Council*** will take reasonable steps to ensure that the information continues to be protected in accordance with the *Privacy and Data Protection Act 2014* and the *Health Records Act 2001*. ***Council*** will ensure that any external service providers or third parties handling such information are subject to appropriate contractual, legal or other safeguards to maintain privacy protections consistent with Victorian privacy principles.

Council utilises cloud-based and other information technology services that may be located outside Victoria. In doing so, ***Council*** will take reasonable steps to ensure that these providers comply with applicable privacy obligations and that appropriate security and data protection measures are in place to safeguard personal and health information.

Principle 10

Sensitive Information (IPP10)

Council will not collect sensitive information about an individual except in accordance with the *Privacy and Data Protection Act 2014*. Sensitive information will only be collected where it is necessary for a lawful ***Council*** function or activity and where the individual has provided consent, or where collection is otherwise authorised or required by law.

Council will take reasonable steps to ensure that any collection of sensitive information is limited to what is directly relevant and necessary for the specific purpose, and that such information is handled with an appropriate level of confidentiality and care.

Making information available to another health service provider (HPP10)

Health information relating to a discontinued ***Council*** health service will be managed in accordance with the *Health Records Act 2001*. ***Council*** will take reasonable steps to ensure that such information is securely retained, transferred, or otherwise handled in a lawful manner, including making arrangements for the ongoing storage, access, or transfer of records to another health service provider where required.

Council will ensure that individuals' rights to access their health information are maintained, and that appropriate safeguards remain in place to protect the confidentiality and integrity of the information following the discontinuation of the service.

Principle 11 – Making information available to another health service provider (HPP11)

Council's health services will disclose health information to other health service providers in accordance with the *Health Records Act 2001*. Such disclosures will occur where it is necessary to support the provision of ongoing care, treatment or services to an individual, or where otherwise authorised or required by law.

Council will take reasonable steps to ensure that any disclosure is limited to the information necessary for the intended purpose, is made securely, and is provided only to authorised recipients. ***Council*** will also ensure that the confidentiality and integrity of health information is maintained throughout the disclosure process.

Council's Privacy Officer

Council's Privacy ***Officer*** is responsible for receiving and managing enquiries, complaints and requests relating to personal and health information. The Privacy ***Officer*** will respond to written or verbal requests within seven business days of receipt and will ensure matters are handled in a timely and appropriate manner.

Council's Privacy ***Officer*** is responsible to monitor compliance with privacy legislation, provide internal advice and report privacy risks or issues to senior management where appropriate. The Privacy ***Officer*** will escalate significant privacy risks or breaches to the ***Chief Executive Officer*** and where appropriate, report to ***Councils Audit and Risk Committee.***

Councillors may refer any privacy-related enquiries to the ***Chief Executive Officer*** in the first instance for appropriate action.

How to make a Complaint or Enquiry about Privacy

If an individual is dissatisfied with ***Council's*** handling of their personal or health information, or wishes to make a complaint, they may do so in the first instance by contacting ***Council's*** Privacy ***Officer***. ***Council*** will acknowledge and respond to complaints within seven days of receipt, and will handle all complaints in a timely, fair and transparent manner in accordance with relevant legislation and ***Council*** procedures.

Council's Privacy ***Officer*** can be contacted via:

Email – inq@colacotway.vic.gov.au – Attn Privacy ***Officer***

Phone – 5232 9400

Post – PO Box 283, Colac, VIC, 3250

If an individual is unsatisfied with the Privacy ***Officer***'s response, a further complaint can be made to the Officer of the Victorian Information Commissioner.

In relation to health records held by ***Council*** and any breach of the *Health Records Act 2001*, a complaint can be made to the Health Complaints Commissioner.

Breach of Privacy

If a suspected or confirmed breach of personal or health information is identified, ***Council*** will take immediate action to report the breach to the Privacy ***Officer*** or the ***Chief Executive Officer*** for assessment and response. ***Council*** will manage all privacy breaches in a timely and structured manner to minimise potential harm and prevent recurrence.

Council's response will include, where appropriate:

- taking immediate steps to contain the breach and prevent further unauthorised access, use or disclosure of information
- assessing the nature and extent of the breach, including the risk of harm to affected individuals

- notifying affected individuals and/or relevant regulatory authorities, such as the Office of the Victorian Information Commissioner, where required or appropriate
- investigating the cause of the breach and implementing corrective actions to reduce the likelihood of similar incidents occurring in the future, including reviewing and improving ***Council's*** policies, procedures and systems.

Council will ensure that all privacy breaches are managed in accordance with applicable legislation and best practice guidelines.

Privacy Training for Staff

Council requires all employees and contractors to complete privacy awareness training as part of the induction process. As part of this process, all new staff and contractors must acknowledge and agree to comply with ***Council's*** Code of Conduct, including obligations under the *Privacy and Data Protection Act 2014*.

Council is committed to maintaining a high level of privacy awareness and will ensure that employees and contractors undertake regular refresher training to reinforce their responsibilities in handling personal and health information in accordance with applicable legislation and ***Council*** policies.

Council will provide ongoing role-based privacy training where appropriate, particularly for staff handling sensitive or high-risk information.

DEFINITIONS

Disclosure – includes providing personal and/or health information to a third party (such as a contractor) and providing a record containing personal and/or health information to a member of the public.

Health information – generally includes information or opinion about the physical, mental, psychological health or disability of an individual. The full definition of health information can be found in section 3 of the *Health Records Act 2001.*

Health Privacy Principles (HPPs) – is a set of principles contained in the *Health Records Act 2001* (Vic) that regulates the handling of health information.

Information Privacy Principles (IPPs) – is a set of principles contained in the *Privacy Data Protection Act 2014* (Vic) that regulates the handling of personal information.

Personal Information – information or an opinion 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. The full definition of personal information can be found in the *Privacy and Data Protection Act 2014* at section 3.

Sensitive information – personal information that includes information or an opinion or about an individual's 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 orientation or practices or criminal record.

RELATED DOCUMENTS AND PROCEDURES

Complaints Policy

Health Complaints Commissioner

Information Management Policy

Public Transparency Policy

Office of the Victorian Information Commissioner

REFERENCES

Aged Care Act 2024 (Cth)

Freedom of Information Act 1982 (Victoria)

Health Records Act 2001 (Victoria)

Health Records Regulations 2023 (Victoria)

Local Government Act 2020 (Victoria)

Privacy Act 1988 (Commonwealth)

Privacy and Data Protection Act 2014 (Victoria)

Public Records Act 1973 (Victoria)

Charter of Human Rights and Responsibilities 2006 (Victoria)

DOCUMENT HISTORY

Version	Document History	Approved by	Date
1		Adopted by Council	24 May 2006
2	Reviewed		25 November 2009
3	Reviewed		24 July 2013
4	Reviewed		22 April 2015
5	Revised		