

Privacy and Data Protection Policy

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Related legislation: <i>(Legislation correct at time of writing)</i>	• Local Government Act 2020 • Privacy and Data Protection Act 2014 (Vic) • Freedom of Information Act 1982 (Vic) • Health Records Act 2001 (Vic) • Health Services Act 1988 (Vic) • Child Wellbeing and Safety Act 2005 (Vic) • Charter of Human Rights and Responsibilities Act 2006 (Vic) • Family Violence Protection Amendment (Information Sharing) Act 2017 (Vic) • Privacy Act 1988 (Cth) • Public Records Act 1973 (Vic) • Surveillance Devices Act 1999 • Aged Care Act 2023 (Cth)		
Related strategic documents, policies, or procedures:	• Complaints Policy • Councillor Code of Conduct • CCTV Policy • Employee Code of Conduct • Public Transparency Policy • Family Violence Multi Agency Risk Assessment and Management Framework (MARAM) • Information Privacy Principals (IPP) • Health Privacy Principals (HPP) • Public Records Office of Victoria Standards • Department of Health Privacy Policy • Cyber Data and Privacy Information • Information Pricing Agreement Department of Transport and planning • Information Technology Strategy • Information Technology Standards and procedures		

Privacy and Data Protection Policy

- Privacy Statement
- Aged Care Quality Standards
- Business Impact and Liability Guideline

Date	Version Number	Details of Version	Modified by
12/02/2019	1	Whole document review and update	Principal Governance Coordinator
05/08/2020	2	Review	Records Management Coordinator
3/07/2024	3	Review	Governance Coordinator
18/02/2025	4	Adopted	Governance Coordinator

1. Purpose

Mount Alexander Shire Council (Council) considers that the responsible handling of personal information is a key aspect of good corporate governance, and is strongly committed to protecting an individual's right to privacy as required by the *Privacy and Data Protection Act 2014 (Vic)* and the *Health Records Act 2001 (Vic)*.

2. Scope

This policy applies to Mount Alexander Shire Councillors, employees (including full time, part time, casual, agency staff and students), and Community Asset Committees created under Section 65 of the *Local Government Act 2020*. This policy is also applied in the management of contractors, volunteer groups and consultants.

The scope of the policy includes personal and health information which is collected, used, disclosed or held by any area of Council, including:

- information about an individual through their interaction with the Council
- information about an individual collected from third parties
- information about an individual through any of the Council's public access interfaces
- information about an individual regardless of the format and includes information collected:
 - o via forms
 - o in person
 - o via correspondence
 - o over the phone
 - o via Closed Circuit Television systems (CCTV)
 - o in photographs and video
 - o via the web

3. Policy

Mount Alexander Shire Council is committed to the protection of an individual's privacy.

To support this commitment, we will ensure that personal information is managed in accordance with the 10 Information Privacy Principles (IPPs) contained in the *Privacy and Data Protection Act 2014 (Vic)* and the 11 Health Privacy Principles (HPPs) contained in the *Health Records Act 2001 (Vic)*, from the time it is first collected until it is ultimately disposed of when no longer required, in alignment with organisational protocols.

3.1. Principle 1 – Collection (IPP 1 / HPP 1)

Council will only collect personal or health information supplied by a person when it is necessary for its functions or activities. The types of information collected may alter subject to any changes to the *Privacy and Data Protection Act 2014 (Vic)* and/or *Privacy Act 1988 (Cth)*. This information typically includes (but is not limited to) the following:

a) Personal information including:

- name
- address (residential, postal and email)
- telephone number/s (work, home and mobile)
- date of birth
- occupation

b) Health information including:

- records of injury or disability
- immunisation records
- Medicare number
- maternal and child health records
- Workcover records
- fitness records
- blood type
- aged care client records and care plans

c) Sensitive information including:

- support needs
- criminal record checks
- working with children checks
- race or ethnic origin information
- religious beliefs or affiliations
- sexual orientation
- philosophical beliefs
- motor vehicle registration number
- memberships of professional trade associations or trade unions.
- insurance details
- images, such as photographs or video footage

This information may be used for a range of purposes, including:

- To contact a person where it is necessary to provide a service requested by that person, for example, obtaining a parking permit.
- Council may invite individuals and community groups to provide feedback about its customer service or service provision. Any such survey is voluntary.
- To contact a person where it is necessary to resolve issues relating to Council services or functions. For example, in response to a fallen tree branch or a damaged rubbish bin, service levels and needs in aged care and maternal child health.
- To contact a person prior to a Council or Committee meeting to confirm attendance.
- To provide material about Council business including initiatives and programs where a person has either provided information or requested the provision of information. This may include information provided via a mailing list to which the person has consented to be on.
- To arrange for the collection of Council fees and charges, including mailing out rates notices.
- To enable payment for Council fees and services. For this purpose, Council collects credit card and bank account details when goods and services are paid for.
- To enable Council to undertake its law enforcement functions. For example, Council may need to lawfully collect information from other agencies to enforce parking infringement notices.
- To provide personal assistance to individuals serviced by Council's Home and Aged Care program, Maternal and Child Health Services and Immunisation Services.

3.2. Principle 2 – Use and Disclosure (IPP 2 / HPP 2)

Council takes appropriate and reasonable measures to prevent unauthorised access to, or disclosure of, personal information.

Council will only use and disclose personal and health information in the following circumstances, subject to the disclosing Officer's delegation:

- For the primary purpose for which the information was collected and intended.
- For a directly related and reasonably expected secondary purpose.¹
- To contracted service providers who perform services on behalf of Council, for example, debt recovery services for unpaid rates.

¹ The secondary purpose for which the information is used or disclosed must be connected to or associated with the primary purpose. It must relate to the primary purpose for which it was collected. If sensitive information is involved, the secondary purpose has to be directly related to the primary purpose. For example, Council may collect information from ratepayers in relation to owners' properties. The primary purpose of collection may be to make decisions about amenities, value, uses and upkeep of those properties. However, disclosure of this information to a relevant authority for the secondary purpose of safety against bushfire, flood or extreme weather would be a related and reasonably expected secondary purpose.

- In the course of legal action or the investigation of a claim against Council. This includes but is not limited to Council's solicitors, consultants and investigators.
- As a part of law enforcement functions, such as parking enforcement.
- To government agencies including but not limited to the Victorian WorkCover Authority, VicRoads, the Department of Families, Fairness and Housing, and the Commonwealth Government (Aged Care Services).
- To law enforcement agencies, including but not limited to the courts and Victoria Police, where there is a lawful right to request or provide the information.
- In circumstances where Council considers it necessary to lessen or prevent a serious or imminent threat to an individual's life, health, safety or welfare or a serious threat to public health, safety or welfare.

Personal information on applications for employment with Council may be supplied to agencies such as Victoria Police or authorised providers for the purposes of conducting pre-employment and screening checks. This is mandatory in relation to a Working with Children Check under the *Working with Children Act 2005*. Such checks will only be carried out with the written consent of the applicant.

Personal information, such as a name, provided as a part of a public submission to Council or a Committee of Council, may be included with relevant published agenda papers and minutes of the meeting. These may be displayed online and in hard copy and are available to members of the public. However, where lawful and practicable, individuals may seek to have their personal details removed.

Personal Information may be shared with organisations that are authorised through regulations, as well as organisations providing funded services relevant to family violence risk assessment and are management in accordance with the *Family Violence Protection Amendment (Information Sharing) Act 2017*.

Council will ensure that personal information is not disclosed to other organisations and authorities outside Council except if required or authorised by law or where we have the person's consent.

Personal and health information of Aged Care Clients, Maternal Health Services, Immunisation may be shared on government portals. When exchanging information to another provider for the purpose of shared care, then an encryption service must be used at all times.

3.3. Principle 3 – Data Quality (IPP 3 / HPP 3)

Council seeks to ensure that the personal information held is accurate, complete and up to date. Personal information supplied to Council may be amended on request. See Principle 6 for details on how to do this.

3.4. Principle 4 – Data Security (IPP 4 / HPP 4)

Council takes all necessary steps to ensure that personal information is stored safely and securely to ensure that personal information held by Council is protected from misuse, loss and unauthorised viewing and/or disclosure.

Privacy and Data Protection Policy

Personal information that has been provided to Council and is no longer required will be disposed of in accordance with the requirements of the *Public Records Act 1973 (Vic)*.

Council must hold the health information for 7 years after the health information was collected or, in the case of a child, until the individual turns 25.

Should Council delete health information or transfer it to another organisation and cease to hold it, it must make a written note of the transfer or destruction.

3.5. Principle 5 – Openness (IPP 5 / HPP 5)

This policy document details Council's management of personal information. It may be downloaded from the Council's website at www.mountalexander.vic.gov.au.

3.6. Principle 6 – Access and Correction (IPP 6 / HPP 6)

Requests for access to and correction of documents containing personal information are generally managed under the *Freedom of Information Act 1982 (Vic)* and the Professional Standards of that Act. However, some requests for personal information may be dealt with informally. To determine whether a request should be made under the *Freedom of Information Act 1982* or can be addressed outside the *Freedom of Information Act 1982*, enquiries should be made with the Council's Governance Unit.

A request for access to an individual's own personal or health information should be processed by the relevant business unit.

Requests under the *Freedom of Information Act 1982* must be made in writing stating the details of documents or information sought, addressed to the Freedom of Information Officer at:

info@mountalexander.vic.gov.au or Mount Alexander Shire Council
P.O. Box 185, CASTLEMAINE VIC 3450

If a person requests Council to correct personal information, reasonable steps will be taken to assess the accuracy of the proposed amendments. The applicant will be notified of the outcome of their request within 30 days.

3.7. Principle 7 – Unique Identifiers (IPP 7 / HPP 7)

A unique identifier is a number or code that is assigned to a person's record to assist in identification (similar to a driver's licence number). Council will only assign identifiers to records if it is necessary to enable Council to effectively carry out its functions.

Unique identifiers will not be assigned to data captured by CCTV Systems.

3.8. Principle 8 – Anonymity (IPP 8 / HPP 8)

Where lawful and practicable, Council will accept information where the person supplying personal information wishes to remain anonymous. However, anonymity may limit Council's ability to process a complaint or other issue and Council may decide to take no action depending on the nature of the personal information provided. For example, the

personal information may relate to a witnessed incident, which could not be pursued unless the personal information were to be made known.

3.9. Principle 9 – Trans Border Data Flows (IPP 9 / HPP 9)

Council may transfer personal information to an individual or organisation outside Victoria in the following circumstances only:

- with the person's consent; or
- if the disclosure is authorised by law; or
- if the recipient of the information is subject to a legally binding scheme or contract similar to the *Privacy and Data Protection Act 2014 (Vic)*; or
- when the transfer or closure of a health service practice takes place.

3.10. Information Privacy Principle 10 – Sensitive Information (IPP 10)

Council will not collect sensitive information except where the information is directly relevant and necessary to one of Council's functions.

Sensitive information is a subset of personal information and is subject to higher protections under the IPPs. Council will only collect sensitive information when:

- the individual gives consent; or
- required or authorised by law; or
- other prescribed exemptions apply.

Sensitive information includes personally identifiable information such as racial or ethnic origin, political opinions, religious beliefs and health, and finance and banking related data.

3.11. Health Privacy Principal 10 - Transfer/Closure of Council provided Health Services (HHP10)

Should Council no longer provide health services, it will:

- publish a notice in local newspapers stating that the services are about to cease and advised the manner in which it proposes to deal with the health information held; and
- provide individuals with the option of having their health information transferred to the health service provider taking over its service or any other health service provider nominated by the individual.

3.12. Health Privacy Principal 11 - Making Information Available to Another Health Service Provider (HPP11)

If Council as a health service provider is requested by an individual to transfer their health information to another health service provider, it will provide a copy or summary of the health information held about the individual to the health service provider that the individual has nominated. The individual has the right to access their own personal information held within their health/aged care records.

4. Public Registers

Council maintains public registers which contain personal information, details of these can be found in Council's Public Transparency Policy 2020 and on Council's website.

Council collects this information for the purpose of providing services of a local government nature and or health and aged care services. Records are retained in line with the Information Privacy Principles and the Health Privacy Principles. Records are stored securely and are disposed of in accordance with the Public Records Office of Victoria Standards 2023.

5. Complaints or enquiries concerning privacy

Council is committed to addressing and resolving complaints concerning privacy as quickly as possible. Complaints may be directed to the Governance Coordinator.

The complaint must be received within six months from the time the issue first became known to the aggrieved person. Details of the complaint will be kept confidential, in line with the principles of this policy.

Complaints may also be referred to the Victorian Information Commissioner, who can be contacted as follows:

P.O. Box 24274, MELBOURNE VIC 3001

Telephone: 1300 006 842

Email: enquiries@ovic.vic.gov.au

The Victorian Ombudsman also deals with complaints about local government organisations. The Victorian Ombudsman can be contacted as follows:

Level 2, 570 Bourke Street, MELBOURNE VIC 3000

Telephone: 1800 806 314

[Ombudsman online complaints portal](#)

6. Definitions

Term	Definition
Consent	As defined by the <i>Privacy and Data Protection Act 2014 (Vic)</i> , means express consent or implied consent
Council	Mount Alexander Shire Council
Health Information	As defined by the <i>Health Records Act 2001</i> means: a) information or an opinion about: (i) the physical, mental or psychological health (at any time)

Privacy and Data Protection Policy

Term	Definition
	of an individual; or (ii) a disability (at any time) of an individual; or (iii) an individual's expressed wishes about the future provision of health services to him or her; or (iv) a health service provided, or to be provided, to an individual: that is also personal information; or b) other personal information collected to provide, or in providing, a health service; or c) other personal information about an individual collected in connection with the donation, or intended donation, by the individual of his or her body parts, organs or body substances; or d) other personal information that is genetic information about an individual in a form which is or could be predictive of the health (at any time) of the individual or of any of his or her descendants— but does not include health information, or a class of health information or health information contained in a class of documents, that is prescribed as exempt health information for the purposes of this Act generally or for the purposes of specified provisions of this Act.
Information Privacy Principles (IPPs)	A set of principles that regulates the handling of personal information, as per the <i>Privacy and Data Protection Act 2014</i> .
Health Privacy Principles (HPPs)	A set of principles that regulates the handling of personal information, as per the <i>Health Records Act 2001</i> .
Personal Information	As defined by the <i>Privacy and Data Protection Act 2014 (Vic)</i> , means 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 <i>Health Records Act 2001</i> applies
Professional Standards	Means the standards published under section 6V(1) of the <i>Freedom of Information Act 1982</i>
Public Registers	Documents that councils are required to make publicly available under State Government legislation. These registers: • Are open to inspection by members of the public • Contain information required or permitted by legislation

Term	Definition
	May contain personal information.
Sensitive information	As per the Privacy and Data Protection Act 2014 (Vic): "Personal information or an opinion about an individual's: - race or ethnicity - 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 preferences or practices - criminal record" and - health, finance and banking data
Unique Identifier	Means an identifier (usually a number) assigned by an organisation to an individual to identify that individual for the purpose of the operations of the organisation.

7. Human Rights Statement

It is considered that this policy does not impact negatively on any rights identified in the Charter of Human Rights and Responsibilities Act (2006). Mount Alexander Shire Council is committed to consultation and cooperation between management and employees. Mount Alexander Shire Council will formally involve the Workplace Consultative Committee in any workplace change that may affect employees.

8. Gender Equity

It is considered that this policy goes towards promoting gender equity principles as outlined in the *Gender Equality Act 2020* and does not contribute in the promotion of inequalities. Mount Alexander Shire Council is committed to meeting its obligations as stated in the Act and to further promote the right to equality as set out in the Charter of Human Rights.

9. Child Safety

Mount Alexander Shire Council is committed to being a child safe organisation and has zero tolerance for child abuse. We recognise our legal and moral responsibilities in keeping children and young people safe from harm and promoting their best interests. All children who come in contact with Councillors, employees, contractors and volunteers

Privacy and Data Protection Policy



from the organisation have a right to be and feel safe. We have specific policies, procedures and training in place to support employees, volunteers and contractors to achieve these commitments. We create environments where all children have a voice and are listened to, their views are respected and they contribute to how we plan for, design and develop our services and activities.