

CITY OF WHITEHORSE INFORMATION PRIVACY POLICY

Council believes that the responsible handling of personal information is a key aspect of democratic 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 *Information Privacy Act 2000 (Vic) Act* and under the *Health Records 2001 (Vic) Act*. In particular, Council will comply with the Information Privacy Principles contained in both Acts.

1. Purpose

To meet the Information Privacy Principles (IPP's) and Health Privacy Principles (HPP's) set out in the Information Privacy Act 2000 and the Health Records Act 2001, in relation to the management and handling of personal and health information within the public sector.

2. Scope

This policy applies to all employees, Councillors and contractors of the City of Whitehorse.

This policy covers all personal and health information held by the City of Whitehorse, that is, information, or an opinion about an individual, whose identity is apparent, or can be reasonably ascertained, from that information or opinion. This includes information we have collected in any format including correspondence, in person, over the phone, and over the Internet.

The policy also covers personal information that we have sourced from third parties.

3. Definitions

Personal Information – means information or an opinion (including information or an opinion forming part of a database), 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 about an individual who has been dead for more than 30 years.

Health Information – means information or an 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.

Health service - means an activity as defined in the Health Records Act 2001.

IPPs – Information Privacy Principles. Set of principles that regulate the handling of personal information.

HPPs – Health Privacy Principles. Set of principles that regulate the handling of health information.

Sensitive Information – personal information or an opinion about an individual's:

- Race or ethnic origin; or
- Political opinion's; or
- Membership of a political association; or
- Religious beliefs or affiliations; or
- Philosophical beliefs; or
- Membership of a professional trade association; or

- membership of a trade union; or
- Sexual preferences or practice; or
- Criminal record.

Public Registers – documents that:

- Are open to inspection by members of the public
- Contain information required or permitted by legislation
- Contain personal information, unless generally available publicly

PRINCIPLE 1- COLLECTION

Council will only collect personal information that is necessary for specific and legitimate functions and activities. In some instances Council is required by law to collect personal information. This information will be collected by fair and lawful means and not in an unreasonably intrusive way. Council will provide details of:

- why it is collecting personal information;
- how that information can be accessed;
- the purpose for which the information is collected;
- with whom the Council shares this information;
- any relevant laws; and
- the consequences for the individual if all or part of the information is not collected

If it is reasonable and practicable to do so, Council will collect personal information about you directly from you. If Council collects personal information about you from someone else, it will take reasonable steps, if practicable, to make you aware of these matters. Council will, from time to time, use this information to contact you directly on a range of issues in the performance of its functions and the exercise of its powers under various Acts and Regulations and Local Laws, to also issue accounts and for electoral purposes

PRINCIPLE 2 -USE AND DISCLOSURE

Council will only use personal information within Council, or disclose it outside Council, for the purpose for which it was collected or in accordance with the Act (eg where you have consented or where you would reasonably expect this to occur) or where the use or disclosure is specifically authorised under any Act or Regulation.

PRINCIPLE 3 -DATA QUALITY

Council will take reasonable steps to make sure that the personal information it collects, uses or discloses, is accurate, complete and up-to-date.

PRINCIPLE 4 -DATA SECURITY

Council must take reasonable steps to protect all personal information it holds from misuse, loss, unauthorised access, modification or disclosure.

Council will take reasonable steps to lawfully & responsibly destroy or permanently de-identify personal information when it is no longer needed for any purpose, subject to compliance with the Public Records Act and any other applicable Act or Regulation

PRINCIPLE 5 - OPENNESS

Council will make publicly available its policies relating to the management of personal information.

Council will on request, take reasonable steps to provide individuals with general information on the types of personal information it holds on the individual making the request, and for what purpose, and how it collects, holds, uses & discloses information, subject to the provisions of the Freedom of Information Act and any other applicable Act or Regulation.

PRINCIPLE 6 -ACCESS AND CORRECTION

Should you wish to access your personal information, please contact Council's Privacy Officer (tel: 9262 6333). Access will be provided except in the circumstances outlined in the Act, for example, where the information relates to legal proceedings or where the Freedom of Information Act 1982 applies.

If you believe that your personal information is inaccurate, incomplete or out of date, you may request Council to correct the information. Your request will be dealt with in accordance with the relevant Act.

PRINCIPLE 7 -UNIQUE IDENTIFIERS

Council will not assign, adopt, use, disclose or require unique identifiers from individuals except for 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.

PRINCIPLE 8 – ANONYMITY

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

PRINCIPLE 9 -TRANSBORDER DATA FLOWS

Council will transfer personal information outside of Victoria only if that data transfer conforms with the reasons and conditions outlined in the Act.

PRINCIPLE 10 -SENSITIVE INFORMATION

Council will not collect sensitive information about an individual except for circumstances specified under the Act or in circumstances whereby such information is both directly pertinent and necessary to the specific, proper and legitimate functions of one or more of its activities

PRINCIPLE 10 and 11 – Health Records Act

Health information relating to a discontinued Council Health Service will be managed in accordance with the Health Records Act 2001.

Council's Health Services will provide health information to other health providers in accordance with the Health Records Act 2001

Queries or complaints may be directed in the first instance to Council Privacy Officer on
Tel: 9262 6333,
Fax: 9262 6490,
E-mail customer.service@whitehorse.vic.gov.au
or postal address at City of Whitehorse
Locked Bag 2
Nunawading Delivery Centre 3110

Any complaints or queries will be dealt with with 14 days of receipt.

The Office of the Victorian Privacy Commissioner may be contacted on
Tel: 8619 8719
Fax: 8619 8700
E-mail enquiries@privacy.vic.gov.au
or postal address at: Level 11
10-16 Queen Street
Melbourne Vic 3000

The Health Services Commissioner may be contacted on
Tel: 8601 5200
Fax: 8601 5219
e-mail hra@dhs.vic.gov.au
or postal address at: 30th floor
570 Bourke Street
Melbourne Vic 3000