

CORPORATE POLICY



SUBJECT: **PRIVACY POLICY**

OVERVIEW:

The intent of this policy is to explain how Council meets its Privacy responsibilities under the *Privacy and Data Protection Act 2014* (Vic) ("PDPA") and the *Health Records Act 2001* (Vic) ("HRA").

RESPONSIBILITIES:

Chief Operating Officer for the corporate implementation, review and interpretation of this policy.

RELATED DOCUMENTS:

Health Records Act 2001 (Vic)
Local Government Act 2020 (Vic)
Privacy and Data Protection Act 2014 (Vic)

REVIEW:

Chief Operating Officer

Approved by:

A handwritten signature in blue ink, appearing to read 'A. Wood'.

Chief Executive Officer

Date: July 2020

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Next scheduled review: July 2022

Monash City Council

PRIVACY POLICY

Table of Contents

1. Introduction.....	1
2. Scope.....	1
3. Definitions.....	1
4. Council functions.....	2
5. Personal Information collected.....	2
6. General Principles.....	2
7. Collection.....	3
8. Use and disclosure of personal information.....	3
9. Access to and collection of personal information.....	4
10. Data quality and security.....	4
11. Unique Identifiers.....	4
12. Anonymity.....	5
13. Transfer of information outside Victoria.....	5
14. Sensitive Information.....	5
15. Complaints.....	5
16. Human Rights Charter.....	5
17. Review.....	5

1. Introduction

This policy explains how Council meets its privacy responsibilities under the *Privacy and Data Protection Act 2014* (Vic) (“PDPA”) and the *Health Records Act 2001* (Vic) (“HRA”).

Council collects a significant amount of personal information. It also collects some health information. This is an unavoidable part of providing many and varied services to customers.

Council strives to take all reasonable steps to meet its legislative obligations with regard to the collection, use, and disclosure of personal and health information, and to protect such information from unauthorised access.

2. Scope

This policy applies to all aspects of Council’s operations, including those undertaken by contractors on Council’s behalf. It explains:

- how Council collects, stores, uses, and discloses personal information and health information;
- how individuals can gain access to their personal information and request the correction of inaccuracies; and
- how individuals can complain about alleged breaches of Council’s responsibilities under the PDPA and the HRA.

3. Definitions

“Council” means Monash City Council, and for the purposes of this policy includes its contracted service providers when they are carrying out Council functions.

“FOIA” means the *Freedom of Information Act 1982* (Vic).

“Health Information” means information about an individual’s health and other personal information collected during the provision of a health service, such as Maternal and Child Health.

“HPPs” are the eleven Health Privacy Principles set out in Schedule 1 of the HRA, which regulate how health information is handled.

“HRA” means the *Health Records Act 2001* (Vic).

“IPPs” are the ten Information Privacy Principles set out in Schedule 1 of the *Privacy and Data Protection Act 2014* (Vic), which regulate how personal information is handled.

“LGA” means the *Local Government Act 2020* (Vic).

“PDPA” means the *Privacy and Data Protection Act 2014* (Vic).

“Personal Information” is information about an individual, or from which an individual’s identity can be ascertained, such as:

- name
- address (residential, postal, email)
- telephone number (work, home, mobile)
- date of birth
- signature
- licence number

- motor vehicle registration number
- photograph or video footage

“Sensitive Information” is a subset of Personal Information and includes:

- 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
- criminal record

4. Council functions

Council is a statutory body corporate under the LGA.

Council’s main functions are:

- City Development – City Planning; Community Amenity; Property; Strategic Planning and Economic Development; City Design.
- Community Services – Active Monash; Community Support and Libraries; Children, Youth and Family Services; Community Strengthening; Arts and Culture.
- Corporate Services – Corporate Performance; Finance; Strategic Procurement.
- Executive – Corporate Administration & Customer Service; Business Technology; Communications; People & Culture.
- Infrastructure – Capital Works; Engineering; Horticultural Services; Strategic Asset Management; Sustainable Monash.

Contracted service providers carry out some Council functions.

5. Personal Information collected

Council collects the personal information required for it to fulfil its many and varied functions.

This includes, but is not limited to, name, address (residential, email, postal), telephone number (work, home, mobile), date of birth, and photograph or video footage.

Other types of personal information may be required in the case of specific services.

Council also collects Health Information in order to provide Health Services, such as Maternal and Child Health (MCH).

6. General Principles

Council collects, stores, uses and disclosures personal information as required under the IPPs, and Health Information as required under the HPPs.

The IPPs and HPPs are listed in the following table:

Information Privacy Principles (IPPs)	Health Privacy Principles (HPPs)
1 - Collection	1 - Collection
2 - Use and Disclosure	2 - Use and Disclosure
3 - Data Quality	3 - Data Quality
4 - Data Security	4 - Data Security and Data Retention
5 - Openness	5 - Openness
6 - Access and Corrections	6 - Access and Correction
7 - Unique Identifies	7 - Unique Identifiers
8 - Anonymity	8 - Anonymity
9 - Transborder Data Flows	9 - Transborder Data Flows
10 - Sensitive Information	10 - Transfer or closure of the practice of a health service provider
	11 - Making information available to another health service provider

7. Collection

When collecting personal or health information from an individual, Council will take reasonable steps to advise that individual of what information is being sought, for what purpose(s), whether any law requires the collection of the information, how the individual can contact Council, and the main consequences, if any, of not providing the information.

As far as is practicable, Council will inform an individual of how it intends to use their personal or health information and to whom their information may be disclosed. This will be achieved by a “Privacy Statement” appearing at the bottom of any such collection points.

Council will collect personal or health information directly from the relevant individual, where possible. However, Council may also collect information about an individual from an agency, third party or a publicly available source. Where reasonably practicable, Council will notify individuals when information about them has been collected from an agency or third party.

8. Use and disclosure of personal information

Council will only use or disclose personal or health information in carrying out the functions and activities of the Council. Generally, this means that Council will not use or disclose information except for the primary purpose for which the information was collected. In some cases, Council may also use or disclose information for a secondary purpose that an individual may reasonably expect, or with the individual’s consent.

Council will not release or provide access to information to any other person or body, unless:

- it has been authorised to do so by the person to whom the information relates;
- it is permitted or required to do so by law; or
- it is appropriate or required in the performance of the functions of Council.

9. Access to and correction of personal information

Council will make information it holds reasonably accessible to the individual to which it relates, and will provide such information on request. In some circumstances, Council may ask that the request be submitted in writing to assist in identifying relevant information or documents.

Council will endeavour to maintain accurate records. When an error is identified (either internally or by an external party) Council will correct the information promptly.

Council takes steps to verify the identity of any individual who requests access, or a correction, to their information held by Council before considering the request.

Requests for access to and/or correction of documents containing personal information held by Council will be handled in accordance with the *FOIA* and should be addressed in writing to:

Coordinator Legal Services
Monash City Council
PO Box 1
GLEN WAVERLEY VIC 3150
legal@monash.vic.gov.au

10. Data Quality and Security

Council takes reasonable steps to ensure the information it holds is accurate, complete and up-to-date. Where possible, Council staff will check the accuracy of personal or health information with the individual before using it.

Council uses a combination of people, process and technology safeguards across information, business technology, personnel and physical security to protect information from misuse and loss, and unauthorised access, modification and disclosure.

Information is destroyed or permanently de-identified when it is no longer required in accordance with the *Public Records Act 1973 (Vic)* and the relevant Retention and Disposal Authorities.

If Council becomes aware that an individual's information has been inappropriately handled, Council will take steps to inform the individual of the incident, and will take appropriate action to ensure that such a breach does not occur again. An individual, or their authorised representative, who claims that Council or a third party acting on behalf of Council has breached their Privacy (under either the PDPA or HRA), may lodge a complaint.

11. Unique Identifiers

Council does not assign unique identifiers to individuals.

Council will not request a unique identifier created by another organisation unless required by law, nor will Council use or disclose a unique identifier created by another organisation unless there is a lawful basis for doing so.

12. Anonymity

Where lawful and able to be done, Council will give people the option of staying anonymous when requesting information or accessing a Council service.

However, some Council services can only be provided if the person accessing the service is prepared to be identified due to practical and legal requirements.

13. Transfer of information outside Victoria

Generally, Council will not send your personal information outside Victoria. In the rare cases that this may be necessary, Council will only send this personal information if the recipient of the information is bound by a scheme that is substantially similar to the IPPs or Council has obtained your consent.

14. Sensitive Information

Council will only collect sensitive information where the person to whom it relates has consented or where required by law.

15. Complaints

Complaints must be in writing, specify how Council is alleged to have breached one of more of the ten IPPs or the eleven HPPs, and be addressed to:

Coordinator Legal Services
Monash City Council
PO Box 1
GLEN WAVERLEY VIC 3150
legal@monash.vic.gov.au

Complaints may also be lodged directly with the Office of the Victorian Information Commissioner (OVIC) (www.ovic.vic.gov.au) in the case of Personal information, and the Health Complaints Commissioner (HCC) (www.hcc.vic.gov.au) in the case of Health Information. In some cases, the relevant Commissioner may ask you to complain to Council first.

16. Human Rights Charter

This Policy has been assessed against the *Charter of Human Rights and Responsibilities Act 2006* as being consistent with that Act and in particular, as promoting the rights of members of the community not to have their privacy interfered with (section 13).

17. Review

The next review of this policy is scheduled for July 2022.