



INFORMATION PRIVACY (INCLUDING WEBSITE PRIVACY STATEMENT) POLICY

Policy Number	C22	Directorate	Corporate Services
Council Item No.	E.5	Department	Governance
Council Adoption Date	25 February 2015	Primary Author	David Roche
Revision Date	25 February 2018	Secondary Author	Luke Anthony

POLICY OBJECTIVE

The objectives of this policy are to:

- Ensure compliance with the Privacy and Data Protection Act 2014 (Vic);
- Explain how the Council collects, holds, uses and discloses personal and health information of individuals, how individuals can gain access to their information, and correct inaccuracies, and how an individual may complain about possible breaches of privacy;
- Protect the personal information of people collected by the Council; and
- Replace Council's Information Privacy Policy C22 dated 22 May 2013.

LEGISLATIVE PROVISIONS

Privacy and Data Protection Act 2014 (Vic)
Health Records Act 2001 (Vic)
Freedom of Information Act 1982
Public Records Act 1973
Charter of Human Rights & Responsibilities Act 2006 (The Charter)

DEFINITIONS

Personal Information is information or an opinion (including information or an opinion forming part of a database), that is recorded in any form 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 Health Records Act 2001 (Vic) applies.

This includes any information about an identifiable individual. For example, a name and home address or mobile telephone number of the named person is personal information about that individual. Sometimes, a person does not have to be named for the personal information to identify them. The information itself might clearly identify who the person is. This is especially likely in a small community.

Sensitive information means information or opinion about an individual's ethnic origins, religious beliefs, political opinions or association, philosophical beliefs, membership of professional association or trade union, sexual preferences or practices and criminal record.

Health information means information or 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, but does not include information about an individual who has been deceased for more than 30 years.



POLICY STATEMENT

Council acknowledges that

- It collects and holds enormous amounts of personal information about individuals. This includes information about ratepayers / residents, council staff, councillors and contractors;
- Councillors are subject to this policy both as members of Council and as individual public officials. Consequently Councillors need to deal with personal information in compliance with the Information Privacy Principles; and
- Councillors do not have unrestricted access to personal information held by Council, nor do they have an unfettered right to use and disclose such information.

Councillors, staff, contractors and volunteers will adhere to the following Information Privacy Principles prescribed by the Privacy and Data Protection Act 2014 (Vic):

Collection – Council will only collect personal information that is necessary for the performance of its functions. Likewise, Councillors should only collect personal information that is necessary for them to carry out their functions as Councillors. When collecting personal information individuals will be told why the information is being collected, who the information will be disclosed to and how the information can be accessed.

Use and disclosure – Council will only use and disclose personal information in accordance with the primary purpose it was collected for, or a secondary purpose that a person would reasonably expect, or where required by law to disclose. Access to information will always be on a “need to know” basis.

Data quality – Council will take reasonable steps to make sure individuals’ personal information is accurate, complete and up to date.

Data security – Council will take reasonable steps to protect individuals’ personal information from misuse, loss, unauthorised access, modification or disclosures. When working on Council business at home or outside Council premises care will be taken to keep personal information secure. Council will endeavour to destroy or permanently de-identify information when it is no longer required. Council notes that information held as records by the Council is subject to the Public Records Office Victoria (PROV) standards for recordkeeping and is required to be disposed in accordance with PROV disposal authorities.

Openness – Council will make this policy, which sets out Council’s approach to the management of personal information, available to anyone who asks for it.

Access and Correction – Council will usually handle requests to access to private information under the Freedom of Information Act 1982 in acknowledgement of an individual’s right to seek access to their personal information and make corrections. This may be subject to some limited exceptions, such as where access would pose a threat to the life or health of an individual.

Unique identifiers – Council will not adopt or share unique identifiers (i.e. a number or other code associated with an individual’s name, such as a driver’s licence number) except in certain circumstances, such as where the adoption of a unique identifier is necessary for Council to carry out its functions.

Anonymity – Council will, if it is lawful and feasible, give individuals the option of not



identifying themselves (i.e. by remaining anonymous) when they engage with the Council.

Transborder data flows – Council will not transfer personal information outside Victoria unless the recipient of the information is subject to privacy standards that are similar to the Information Privacy Act 2000 (Vic), with consent, or in limited circumstances where the privacy protections travel with the information.

Sensitive information – Council will only collect sensitive information in restricted circumstances, primarily with consent. “Sensitive information” is defined in Schedule 1 of the Privacy and Data Protection Act 2014 (Vic) and is defined in this policy. It includes information about an individual’s racial or ethnic origin, political views, religious beliefs, sexual preferences, membership of groups or criminal record.

Privacy notification

Council will, on all forms and documents (including in electronic form) which collects personal information, will include a privacy statement in the following or like form -

The personal information requested is being collected for the specific and legitimate functions carried out by the Council. The personal information will be used by the Council solely for that primary purpose or directly related secondary purposes. Council may disclose this information, without your consent, where required to do so by law. Individuals can contact Council telephone 56629200 for guidance or to seek access to and/or amendment of the information provided.

Council will also automatically include in all e-mails that are sent to non-Council e-mail addresses external to Council the following disclaimer for the purposes of protecting personal information and Council’s intellectual property:

This email and any attachments may contain information that is personal, confidential, copyright and/or subject to legal and other professional privilege. No part of it should be reproduced, adapted or communicated without the prior written consent of the copyright owner. You must not use, disclose or act on the email in any way if you are not the intended recipient of the information. The confidentiality and privilege are not waived or lost by reason of any mistaken transmission. South Gippsland Shire Council collects, uses and discloses your personal information in accordance with the Council’s Information Privacy Policy at www.southgippsland.vic.gov.au.

The Privacy and Data Protection Act and other laws

Council understands that section 6 of the Privacy and Data Protection Act (Vic) 2014 provides that if a provision of the Privacy and Data Protection Act 2014 (Vic) is inconsistent with another Act, including the Local Government Act 1989, the other Act prevails. This may lead to the legitimate disclosure of personal information outside of the Privacy and Data Protection Act 2014 (Vic).

RISK ASSESSMENT

Without policy guidance Council may be at risk of:

- Breaching privacy laws;
- Mishandling personal information;
- Reduction of trust and being perceived as an organisation that does not value and protect privacy; and
- Breaching a basic human right – the protection of privacy.



IMPLEMENTATION STATEMENT

- Placement of this Policy on Council's intranet and website.
- Privacy induction for all new staff and Councillors.
- Maintaining membership of and participation in activities of the Privacy Victoria Network.
- The Chief Executive Officer appoints the Governance & Statutory Compliance Coordinator as Council's Privacy Officer to manage information matters contained in this policy, privacy complaints and to deal with information privacy enquiries.
- Providing a link to Privacy Victoria on the Council website.
- Update forms, where required, with the privacy disclaimer.
- Automatically include the e-mail disclaimer for all e-mails created and sent external to Council using Council's e-mail system.
- Council is not required to implement a Privacy Compliance Program however Council does support the protection of privacy by:
 - Preparation and review of this policy that includes website privacy;
 - Adherence to the Information Privacy Principles;
 - Privacy training for new employees and Privacy Officer; and
 - Annual reporting to Council's Audit Committee and in Council's Annual Report.

WEBSITE PRIVACY STATEMENT

This policy applies to the South Gippsland Shire Council's (Council) website.

Links

While the website privacy statement does not apply to externally linked web sites, Council does not link knowingly to non-council, external sites that are privacy-invasive. When you navigate to another site, Council recommends you read the privacy statement of that site to familiarise yourself with its privacy policy.

Anonymous access to our site

You can access the Council home page and browse Council's website anonymously, without disclosing your personal information.

Collection and use of personal data

The Council site does not collect or record personal information, other than information you choose to provide through our council@southgippsland.vic.gov.au email address. On-line surveys may collect personal information as and when they occur (note on-line surveys are in the form of a secure transaction).

Council staff use personal information collected from email and on-line survey sources to respond to individuals and discuss their particular enquiries.

Email addresses and any other contact details you provide will not be added to a mailing list or database without your consent.

Access and correction

Requests for access to documents containing personal information and held by Council will be handled under the Freedom of Information (FOI) Act 1982 and should be requested by filling out the FOI application form located at



http://www.southgippsland.vic.gov.au/files/FOIRequestForm2012_10712V2.pdf and addressed to the FOI Officer, South Gippsland Shire Council, Private Bag 4, Leongatha 3953.

Disclosure

Council will not disclose your personal information to a third party without your consent, unless Council are required or authorised to do so by law or other regulation. In the event of an investigation into suspected unlawful or improper activity, a law enforcement agency or government agency may exercise its legal authority to inspect Council's web server records (e.g. in relation to hacking or abusive messages).

Collection and use of site visit data

Council does not use cookies on its website. A cookie is a block of data that is shared between a web server and a user's browser. Cookies can give the server information about a user's identity and website visiting patterns and preferences.

The following non-personal information (i.e. clickstream data) is automatically recorded by Council's webserver for statistical and system administration purposes only:

- Your server address;
- Your top level domain name;
- The date and time of your visit to the site;
- The pages you accessed and downloaded;
- The address of the last site you visited;
- Your operating system; and
- The type of browser you are using.

To the extent that this data could make you identifiable, Council will not attempt to identify individuals from the records the server automatically generates unless that is necessary to investigate a breach of law or regulation.

Security of your personal data

The Council and all employees of the Council have a statutory duty to deal with your personal information confidentially.

Council's website uses secure transmission facilities when appropriate (e.g. survey transaction). Individuals should be aware that there are risks in transmitting information across the internet. If you are concerned about conveying sensitive material to Council over the internet, individuals may prefer to contact Council by telephone, mail or in person to Customer Service.