



INFORMATION PRIVACY POLICY (INCLUDING WEBSITE PRIVACY STATEMENT)

Policy Number C22
Council Meeting 27 September 2017
Meeting Item No. X.X

Directorate
Department
Primary Author

Corporate & Community Services
Innovation & Council Business
Manager Innovation and Council
Business, Information Systems

Next Review Date September 2020

1. 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

2. POLICY STATEMENT

Council acknowledges that:

- It collects and holds 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 must 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):

2.1 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.

2.2 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 it is required by law to disclose. Access to information will always be on a "need to know" basis.

2.3 Data quality

Council will take reasonable steps to make sure individuals' personal information is accurate, complete and up to date.



2.4 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 of in accordance with PROV disposal guidelines.

2.5 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.

2.6 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.

2.7 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.

2.8 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 Council.

2.9 Trans-border data flows

Council may transfer personal or health information about an individual to someone (other than Council or the individual) who is outside Victoria only in the following instances:

- if you have provided your consent, or consent may be reasonably inferred; or
- if the transfer is for your benefit, it is impractical to obtain your consent and if it were practical to obtain that consent, you would be likely to give it; or
- the transfer is necessary for the performance of a contract between the individual and the organisation; or
- if disclosure is authorised and required by law; or
- if Council has taken reasonable steps to ensure data will not be handled inconsistently with the Information Privacy Principles; or
- if the recipient of the information is subject to a law, binding scheme or contract with similar principles as the *Privacy and Data Protection Act 2014* (Vic).



2.10 Sensitive information

Council will not collect sensitive information about you except in circumstances prescribed in the *Privacy and Data Protection Act 2014* (Vic) or in circumstances where the information is both directly pertinent and necessary to one of its functions. Sensitive information includes information about an individual's racial or ethnic origin, political views, religious beliefs, sexual preferences, membership of groups or criminal record.

2.11 Privacy notification

On all forms and documents (including in electronic form) which collect personal information Council 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 (03) 5662 9200 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.

2.12 The Privacy and Data Protection Act and other laws

Council understands and acknowledges 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 the Privacy and Data Protection Act 2014 (Vic).

3. WEBSITE PRIVACY STATEMENT

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

3.1 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.



3.2 Anonymous access to our site

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

3.3 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.

3.4 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](#) and addressing it to the FOI Officer, South Gippsland Shire Council, Private Bag 4, Leongatha 3953. Alternatively you can email it to council@southgippsland.vic.gov.au

3.5 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).

3.6 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.



3.7 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.

3.8 Enquiries Concerning Information Privacy

If you have an enquiry or feel aggrieved by our handling of your personal or health information, you may contact our Privacy Officer by:

- telephoning Council on (03) 5662 9200
- emailing council@southgippsland.vic.gov.au marked for the attention of The Privacy Officer; or
- writing to The Privacy Officer, South Gippsland Shire Council, 9 Smith St, Leongatha, VIC 3953

Your enquiry or complaint will be investigated as soon as possible (within 10 working days) and you will be provided with a written response.

Alternatively, you may make a complaint to the [Privacy Commissioner](#) (although the Commissioner may decline to hear the complaint if you have not first made a complaint to Council).

4. 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.

5. IMPLEMENTATION STATEMENT

Council will:

- Publish this policy on Council's intranet and website.
- Carry out a privacy induction for all new staff and Councillors.
- **The Chief Executive Officer will appoint the Manager Innovation & Council Business as Council's Privacy Officer** to manage information matters contained in this policy, privacy complaints and to deal with information privacy enquiries.
- 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 supports the protection of privacy by:
 - Preparation and review of this policy that includes website privacy;
 - Adherence to the Information Privacy Principles;
 - **Carrying out Privacy Impact Assessments prior to the adoption of new ICT systems and software;**
 - Privacy training for new employees and the Privacy Officer; and
 - Annual reporting to Council's Audit Committee and in Council's Annual Report.

6. 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.

7. REFERENCE DOCUMENTS

Legislative Provisions, Standards, Guidelines and Principles

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)