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Related legislation:	<ul style="list-style-type: none"> • Local Government Act 1989 • Privacy and Data Protection Act 2014 (Vic) • Freedom of Information Act 1982 (Vic) • Health Records Act 2001 (Vic) • Charter of Human Rights and Responsibilities Act 2006 (Vic) 		
Related strategic documents, policies, or procedures:			

Date	Version Number	Details of Version	Modified by
12/02/2019	1	Whole document review and update	Principal Governance Officer

Policy documents are amended from time to time, therefore you should not rely on a printed copy being the current version. Please consult the policies on the Mount Alexander Shire Intranet or TRIM to ensure that the version you are using is up to date.

1. Purpose

The *Privacy and Data Protection Act 2014 (Vic)* replaced the *Information Privacy Act 2000 (Vic)* and this policy reflects the change to a single privacy and data protection framework.

The Mount Alexander Shire Council (the 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.

2. Scope

This policy applies to the Councillors and employees (including full time, part time, casual employees, and agency staff), contractors, volunteers, students and consultants of Mount Alexander Shire Council. It also include Section 86 committees of management who are acting on behalf of Council. It covers all personal information held by the Council including information collected about:

- A person through their interaction with the Council, regardless of how it is collected, whether on forms, in person, via correspondence over the telephone or via the web.
- Information collected from third parties.

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 ten Information Privacy Principles (IPPs) contained in the *Privacy and Data Protection Act 2014 (Vic)* as follows:

3.1. Principle 1 – Collection

Council will only collect personal information supplied by a person when it is necessary to do so. This information typically includes (but is not limited to) the following:

- name
- address (postal and email)
- telephone number/s (work, home and mobile)
- date of birth
- occupation
- Medicare number
- health and wellbeing
- credit card and bank account details
- motor vehicle registration number.

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, such as obtaining a parking permit.
- Council may invite individuals and community groups to provide feedback about its customer service. Any such survey is voluntary.
- To contact a person to 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.
- 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 Councils home and aged care program.

3.2. Principle 2 – Use and Disclosure

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

Council may disclose personal information in the following circumstances, subject to the disclosing officer's delegation:

- To contracted service providers who perform services on behalf of Council, such as debt recovery services for unpaid rates.
- In the course of legal action or the investigation of a claim against Council. This includes to: Council's solicitors, consultants and investigators.
- As a part of law enforcement functions, such as parking enforcement.
- To government agencies including the Victorian WorkCover Authority, VicRoads and the Department of Human Services.
- To law enforcement agencies, including 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 for the purposes of a background check. 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 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 on line and in hard copy and available to members of the public. However, where lawful and practicable, individuals may seek to have their personal details removed.

Personal information may also be contained in Council's Public Registers. Under the *Local Government Act 1989 (Vic)*, any person is entitled to inspect Council's Public Registers, or make a copy of them, upon payment of the relevant fee.

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

3.3. Principle 3 – Data Quality

Council does its best to ensure that the personal information it holds 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

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 disclosure.

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)*.

3.5. Principle 5 – Openness

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

Requests for access to and correction of documents containing personal information are generally managed under the *Freedom of Information Act 1982 (Vic)*. 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*, enquiries should be made with the Council's Governance Unit.

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

Freedom of Information Officer
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

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.

3.8. Principle 8 – Anonymity

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

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

- With the person's consent
- If the disclosure is authorised by law
- 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).

3.10. Principle 10 – Sensitive Information

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

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

4. Public Registers

Council maintains public registers which contain personal information, including:

- Details of current allowances for the Mayor and Councillors
- Details of the interests of Councillors, members of special committees and nominated officers consisting of their last three returns (Section 81(9) Local Government Act
- Submissions received from the public in accordance with section 223 of the Local Government Act during the previous 12 months

- Names of sitting Councillors and their contact details
- Council's Planning Registers include the following information: the planning application number, the property where development is proposed, details of the proposal and the date the planning permit was issued.

In accordance with Section 222 of the Local Government Act 1989 (the Act), Council maintains the following prescribed documents:

- Details of overseas or interstate travel (other than interstate travel by land for less than three days) undertaken in an official capacity by any Councillor or staff member in the previous 12 months, including name, dates of travel, destination of travel, purpose of travel, total cost to Council including accommodation.
- The agendas for, and minutes of, ordinary and special meetings held in the previous 12 months which are kept under Section 93 of the Act, other than those agendas and minutes relating to part of a meeting which was closed to members of the public under Section 89 of the Act and are confidential information within the meaning of Section 77(2) of the Act.
- The minutes of meetings of special committees established under section 86 of the Act and held in the previous 12 months, other than those minutes relating to a part of a meeting which was closed to members of the public under Section 89 of the Act and are confidential information within the meaning of Section 77(2) of the Act.
- A register of delegations kept under sections 87(1) and 98(4) of the Act including the date on which the last review took place under Section 86(6) and 98(6).
- A document containing details of all leases involving land entered into by the Council as lessor, including the lessee and the terms and value of the lease.
- A register of maintained under Section 224(1A) of the Act of authorised officers appointed under that section.
- A list of donations and grants made by the Council in the previous 12 months, including the names of persons who, or bodies which, have received a donation or grant and the amount of each donation or grant.

5. Complaints or enquiries concerning privacy

Complaints may be directed to the Principal Governance Officer. Council is committed to addressing and resolving complaints as quickly as possible.

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.

6. Definitions of Abbreviations Used

A table of terms and their definitions as they relate to the policy and procedure/s

Term	Definition
Personal Information	Information or an opinion that is recorded in any form about an individual whose identity is known, 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.
Information Privacy Principles (IPPs)	A set of principles that regulates the handling of personal information, as per the Privacy and Data Protection Act 2014.
Sensitive information	Personal information or an opinion about an individual's: <ul style="list-style-type: none"> • 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 practice • Criminal record.
Public Registers	Documents that councils are required to make publicly available under State Government legislation. These registers: <ul style="list-style-type: none"> • Are open to inspection by members of the public • Contain information required or permitted by legislation • May contain personal information.

7. Human Rights and Diversity Statement

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.

Diversity and Inclusion Statement

It is considered that this policy supports the principles identified in the Mount Alexander Shire Council Access and Inclusion Plan 2019.