

Privacy and Data Protection Policy

Policy statement

City of Whittlesea are committed to protecting the personal and health information we collect, adhering to the principals set out in the *Privacy and Data Protection Act 2014* and the *Health Records Act 2001*. This policy seeks to provide our community with certainty on why we need to collect information, how we protect it, what we do with it and when it might be disclosed.

Purpose

This Policy aims to:

- comply with the objectives of the *Privacy and Data Protection Act 2014* and the *Health Records Act 2001*;
- provide a framework for the responsible collection, storage, handling and disclosure of personal and health information;
- provide individuals with rights of access to information about themselves which is held by Council;
- provide individuals with the right to request Council to correct and amend information about them held by Council;
- provide an accessible framework for the resolution of complaints regarding the handling of personal and health information.

Scope

This policy covers all personal and health information collected by Council and Councillors, Council staff, contractors and volunteers of Council. It includes information collected on forms, in person, in correspondence, over the telephone, through our website and social media applications.

Alignment to Whittlesea 2040

The policy primarily guides Council's work toward the **High Performing Organisation** Goal as outlined in *Whittlesea 2040: A Place for All*

Overarching Governance Principles

The development of this Policy considered the *Local Government Act 2020's* Overarching Governance Principles and the following were applied:

Lawful	☒	Transparent	☒
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Human Rights Compliance

All City of Whittlesea policies comply with the *Victorian Charter of Human Rights and Responsibilities* and the *Child Safe Standards*.

Definitions

Contracted Service Provider	A service provider who is required to comply with the Acts due to entering a contract with Council.
Council	City of Whittlesea Council.
Councillors	Elected members of Council or those appointed by the Minister for Local Government who constitute the Council and perform the functions, powers and duties of Council.
Health Information	Personal information or opinion about: • a person's physical, mental or psychological health; • a person's disability; • preferences about future provision of health services to them, and • health services provided, or to be provided, to a person.
Health Privacy Principles	Health Privacy Principles contained in the <i>Health Records Act 2001</i> : 1. Collection 2. Use and Disclosure 3. Data Quality 4. Data Security & Data Retention 5. Openness 6. Access and Correction 7. Identifiers 8. Anonymity 9. Transborder Data Flows 10. Transfer or Closure of the Practice of a Health Service Provider 11. Making Information Available to Another Health Provider.
Information Privacy Principles	Information Privacy Principles contained in the <i>Privacy and Data Protection Act 2014</i> : 1. Collection 2. Use and Disclosure 3. Data Quality 4. Data Security 5. Openness 6. Access and Correction 7. Unique Identifiers 8. Anonymity 9. Transborder Data Flows 10. Sensitive Information.
Personal Information	Information or an opinion, that is recorded in any form and whether true or not, about a person whose identity is apparent, or can reasonably be ascertained from the information or opinion. Personal information held by Council may include your name, address and/or email address, contact numbers, age range and information collected as a result of you using or acquiring particular City of Whittlesea products or services.
Primary Purpose	The main reason/s the personal information was shared with or collected by Council.
Privacy Impact Statement	Is an assessment of any actual or potential effects that the activity or proposal may have on a person's privacy and controls to mitigate protection risks.
Public Registers	Are open to inspection by members of the public and hold information required by legislation. For example, register of building permits, food premises and animal registration details.
Reasonable Secondary Purpose	Must be related to the primary purpose of collection and be consistent with what a person would reasonably expect. For example, Council collects information from ratepayers in relation to property ownership. The primary purpose of collection relates to levying rates and charges, however, disclosure of this information to emergency authorities for the secondary purpose of public safety against bushfire, flood or extreme weather would be a related and reasonably expected secondary purpose. In the case of sensitive information, the secondary purpose must be directly related.

Date of Adoption

3 April 2024

Next Review Date

April 2028

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Sensitive Information	A type of personal information which includes a person's racial or ethnic origin or heritage, political views, religious beliefs, philosophical beliefs, sexual preferences and membership of groups or criminal record.
Third-Parties	A partner or service provider of Council that holds information about a person on behalf of Council.

Procedures and implementation



Collection

We will only ask for Personal Information that is necessary for one of our functions or activities, which include:

- Applications: grants, freedom of information, planning and building
- CCTV Footage (in accordance with the CCTV Camera and Drones in Public Places Policy)
- Community Consultation and Submissions
- Community Programs: kindergarten, aging well, youth services
- Customer Service Requests: reporting an issue, making a service request
- Economic Development: surveys, network Lists
- Enforcement Activities
- Events and Ticketing
- Petitions and Submissions
- Rates: property ownership
- Registrations: animal, pool and spa
- Subscriptions

In some instances, personal information may be contained on a public register. For example, register of building permits, food premises and animal registration details as required by legislation.

Council may also request personal or health information to provide other community services such as immunisation services, kindergarten services, maternal and child health and school holiday programs.



Use and Disclosure

We will only use and disclose personal information for the primary purpose of collection, or a secondary purpose if it's related to the primary purpose and would be reasonably expected.

There are some exceptions, such as:

- where the law requires the use or disclosure;
- someone is incapable of giving consent and it is necessary to get the help needed; and
- where the personal information was collected for investigation and enforcement processes.

We may also be required to release information for research purposes and will always take reasonable steps to de-identify the information before release. A right to privacy is owed to a deceased person for 30 years after their death.

If we think we might have breached privacy, we will contain and investigate it. If we think there is a risk of financial, physical, or psychological harm we will notify those affected, and if so, we may also notify regulatory and/or enforcement agencies.

If we need express consent to use or disclose your personal information and an individual does not have capacity, a legal representative, parent, or significant other can provide consent.

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✓ Data quality

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

🔒 Data security and retention

We comply with the [Victorian Protective Data Security Standards](#), and our compliance is monitored annually by the Office of the Victorian Information Commission. We have security and permission measures implemented to ensure that Personal Information is only available to those that require it, including ensuring technical and physical security measures protect from misuse and unauthorised access.

Stored information is kept in accordance with the *Public Records Act 1973*, which determines when it is appropriate to retain or securely dispose of it. We will ensure that any Third-Party service providers holding Personal Information are subject to the same (or similar) obligations to protect your Personal Information.

📖 Openness

Our Privacy and Data Protection Policy is available on our website and our Privacy Officer is available during normal business hours by phone and email.

When we collect Personal Information, a collection statement* will be provided to ensure individuals are aware of:

- why we are collecting it;
- what we will do with it;
- who we might disclose it to;
- what might happen if the requested information is not provided, and
- how individuals can access their Personal Information.

*If the collection is for investigation and enforcement purposes, or confidential under the terrorism, health services, family violence or child safety laws, a collection statement may not be required.

🔑 Access and correction

Where appropriate, an individual may informally ask the relevant Council department for access to their personal or health information.

Where this is not appropriate, a formal request for access to the requested documents will be handled in accordance with the *Freedom of Information Act 1982*. For further information about how to make a Freedom of Information application please visit:

www.whittlesea.vic.gov.au/foi

If you believe that your Personal Information is inaccurate, incomplete, or out of date, you may request Council to correct the information. If Council denies access or correction, a reason will be provided.

📊 Identifiers

We will only create a unique identifier if we can't provide a service without the individual's personal information. We will not use another organisation's identifier as ours.



Anonymity

We only require Personal or Health Information if we need it to deliver one of our functions or activities, otherwise, individuals can remain anonymous.

In some circumstances, anonymity may limit Council's ability to act on requests or reported issues.



Trans-border data flows

We require our service providers to only store Personal or Health Information within the state of Victoria or a server held in Victoria, unless we've conducted a risk assessment to ensure the location of the server has similar legal protections in place.



Sensitive information

We will only collect sensitive Personal Information if we need it to provide the services requested, or where it is provided to us without us asking. We may also use de-identified data for analysis to plan for future services. We may collect sensitive information from others, from our observations and investigations for enforcement purposes or under the terrorism, health services, family violence or child safety laws.



Transfer or closure of the health service provider

If we no longer provide a health care service to an individual, we will either maintain the health information for as long as we legally need to, or we will safely transfer it to the organisation that has acquired the health service.



Making information available to another service provider

At your request we can safely transfer your health information to another service provider (a fee may be imposed).

Key Contact Details

Step	Contact	Contact Details
Make enquiries and amend your contact details You may also be given access to Personal Information or records (for a fee or free) if its lawful and easy to obtain	Customer Service	 (03) 9217 2170
	Privacy Officer	 privacy@whittlesea.vic.gov.au
Access and amend Personal Information or records held by Council	FOI Officer	 FOI Officer, City of Whittlesea, Locked Bag 1, MDC Bundoora, Vic 3083
		 foi@whittlesea.vic.gov.au
		 www.whittlesea.vic.gov.au/foi
If you're unhappy with our decision you can make a complaint or if you feel we have breached our obligations to protect your Personal Information or our health services breached the Code of Conduct , you (including a child), your legal representative, parent or significant other can make a complaint	Privacy Officer	 privacy@whittlesea.vic.gov.au
		 Privacy Officer, City of Whittlesea, Locked Bag 1, MDC Bundoora, Vic 3083
If you are not satisfied with Council's resolution of an information privacy matter you may make a complaint to the Office of the Victorian Information Commissioner (OVIC)	Office of the Victorian Information Commissioner	 PO Box 24274, Melbourne Vic 3001
		 enquiries@ovic.vic.gov.au

What to expect from a privacy investigation

The Privacy Officer will:

- Acknowledge receipt of the complaint in writing
- Conduct an initial assessment of the complaint
- Investigate or engage an appropriate investigator to investigate the complaint
- Decide whether we have breached an Information Privacy Principle or Health Privacy Principle
- Consider a remedy or action to be taken; and
- Communication the decision to the complainant within 30 days of receiving the complaint.

Key linkages

This Policy is linked to:

- *Privacy and Data Protection Act 2014*
- *Health Records Act 2001*
- *Freedom of Information Act 1982*
- *Victorian Protective Data Security Standards (Victorian Government Gazette No. S 431 Tuesday 29 October 2019)*
- *Privacy Act 1988 (Cth)* (employee Tax File Numbers only)
- Council's Transparency Policy
- OVIC Privacy Officer Toolkit, Council's Information Technology Systems, Access and Use Policy.
- CCTV Camera and Drones in Public Places Policy

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