

Information Privacy and Health Records

COUNCIL POLICY NO. 074

1. PURPOSE

Council is committed to ensuring that personal and health information received by the organisation is collected, handled and disposed of in a responsible manner and in accordance with the Information Privacy Principles incorporated within the *Privacy and Data Protection Act 2014* and the *Health Records Act 2001*.

In fulfilling these objectives, Council will:

- balance the public interest in the free flow of information with the public interest in protecting the privacy of personal information;
- balance the public interest in promoting open access to public sector information with the public interest in protecting its security;
- promote awareness of responsible personal information handling practices; and
- promote the responsible and transparent handling of personal information.

This policy:

- a) applies to all Gannawarra Shire Council Councillors, officers and contractors;
- b) covers all personal information held by Council; and
- c) includes information we have collected from third parties.

2. DEFINITIONS

Personal information is recorded information that could identify a living person (including work related information and images).

Sensitive information includes information about a person's racial or ethnic origin, political opinions, philosophical or religious beliefs, sexual preferences or practices, criminal record or membership of trade unions, profession, political or trade associations.

Health information is information relating to a living or deceased person's physical, mental or psychological health.

3. POLICY

Collection of personal and health information

Forms used by Council to collect personal or health information will provide notice of the purpose of collecting the information and will refer individuals to this Policy for information concerning Council's collection, handling and disclosure practices and procedures.

Council acknowledges the ten Information Privacy Principles (IPP's) contained in the *Privacy and Data Protection Act 2014* as being the cornerstone of information privacy.

Information Privacy Principles

The 10 IPP's are as follows:

1. Collection
2. Use and disclosure
3. Data quality
4. Data security
5. Openness
6. Access and correction
7. Unique identifiers
8. Anonymity
9. Trans-border data flow
10. Sensitive information

The following departments within Council collect and use personal and health information:

- Community Care
- Building and Planning
- Local Laws
- Library
- Risk Management
- Accounts (Debtors)
- Infrastructure
- Governance
- Children's Services
- Environmental Health
- Community Sustainability
- Rates and Property Valuations
- Arts and Culture
- Human Resources/Payroll
- GIS

Council will only collect personal information that is necessary for the fulfilment of one or more of its statutory functions and legitimate business activities, and will do so by lawful and fair means and not in an unreasonably intrusive way.

The following are some examples of circumstances where Council will obtain personal information:

- Details of residents receiving community services, eg child care, home care, community transport
- Planning and Building Permit applications
- Food premises and animal registrations
- Details of volunteers, visitors, committee members
- Ratepayer information
- Applications, enquiries, submissions, surveys and complaints
- Photographs taken at meetings and events
- CCTV footage
- Correspondence from the public
- Insurance claim information
- Immunisations and Maternal and Child Health information

Council may also collect sensitive information but will only so do where the person has given prior consent or as permitted under legislation.

The following Acts require the collection of personal information:

- *Domestic Animals Act 1994*
- *Health Records Act 2001*
- *Local Government Act 1989*
- *Planning and Environment Act 1987*
- *Valuation and Land Act 1960*

If it is reasonable and practical to do so, Council will only collect personal and health information directly from the individual. If personal information about an individual is collected from someone else, Council will take reasonable steps to make sure the affected individual is aware of this Policy.

Where it is lawful and practicable to do so, a person may be afforded the option of not identifying themselves when transacting with Council, however, identification is necessary when lodging a complaint with Council to prevent against malicious or non-genuine complaints.

Failure to provide personal information where required to do so may also obstruct Council in the fulfilment of its statutory functions and obligations.

Council's website can be visited anonymously as the site does not record or collect personal information other than information a person may choose to provide.

Use of personal and health information

Council will only use personal and health information for the purpose for which it was collected, for a related purpose that could easily be expected or where required by law (either privacy legislation or other laws).

At times, a person's consent may be sought to use or provide personal and/or health information to another organisation or for another purpose.

Unique identifiers (eg Medicare Number) created by another organisation will not be used as reference numbers or identifiers within Council.

Council may transfer personal information outside Victoria in circumstances where it is satisfied that the recipient of that information will handle the information in a fair and appropriate manner and reasonable steps have been taken to ensure that the information will not be used or disclosed inconsistently with the IPP's.

Disclosure of personal information

Where it is reasonable and lawfully required to do so, Council will disclose collected personal information to relevant agencies.

Personal information may be disclosed by Council in various circumstances including:

- When someone requests to view a Public Register which Council is required by law to maintain eg Building Permits, Submissions, Dogs/Cats, Certificates of Registration. Owner or occupier names are only included on Gannawarra Shire Council public registers when required by law;
- Where required by other legislation eg ownership information as detailed within the *Fences Act 1958*;
- Where required by contracted service providers who undertake duties on Council's behalf eg waste removal;
- When required by Council's legal advisors, insurance claim agents and insurance providers, for the purposes of complaints or insurance claim investigation and resolution; or
- When in accordance with the public interest, for example to statutory authorities for consultative purposes eg VicRoads, Department Environment, Land, Water and Planning (DELWP), Department of Health and Human Services (DHHS). All such disclosures are made under agreements requiring information to be handled in accordance with privacy legislation.

Quality and security of personal information

Council takes reasonable steps to ensure the information it holds is accurate, complete and current.

A number of procedural, physical, software and hardware safeguards are used, together with access controls, secure methods of communication and back up and disaster recovery systems to protect information from misuse and loss, unauthorised access, modification and disclosure.

Stored information is also archived in accordance with the *Public Records Act 1973*, which determines when it is appropriate to retain or dispose of personal and health information.

Access and correction of personal information

Following the collection of personal information, the individual whose information has been collected, may contact Council for access to that information.

Where this is not appropriate, formal requests for access to documents will be handled in accordance with the *Freedom of Information Act 1982* and enquiries should be addressed to FOI Officer, Gannawarra Shire Council, PO Box 287, Kerang Victoria 3579 or via email on council@gannawarra.vic.gov.au.

Complaints Handling

If a person is dissatisfied with Council's handling of their personal and/or health information, a complaint may be made to Council's Privacy Officer. Complaints should be made in writing addressed to Information Privacy Officer, Gannawarra Shire Council, PO Box 287, Kerang Victoria 3579 or via email on council@gannawarra.vic.gov.au.

All complaints will be investigated in a timely, fair and reasoned way and a written response will be provided. All complaint details will be handled with discretion and confidentiality.

If resolution is not satisfactorily achieved within Council, complaints may be re-directed to:

Office of the Victorian Information Commissioner
PO Box 24274
Melbourne Victoria 3001
www.ovic.vic.gov.au

4. RELATED PROCEDURES/GUIDELINES

N/A

5. REFERENCES/LEGISLATION

Privacy and Data Protection Act 2014

Health Records Act 2001

6. POLICY REVIEW

This policy will be reviewed as required, but always within two years after a general election.

At the time it was reviewed, this policy was compliant with the *Victorian Charter of Human Rights and Responsibilities Act 2006*.

7. FURTHER INFORMATION

Members of the public may inspect all policies at Gannawarra Shire Council's Kerang and Cohuna office or online at www.gannawarra.vic.gov.au

Any enquiries in relation to this policy should be directed to the Manager Governance on (03) 5450 9333.

Altus Folder – 3.000518

Originally adopted:	1995	Minute Book Reference:	2455
Reviewed:	31/11/2002	Minute Book Reference:	3816
Reviewed:	24/11/2004	Minute Book Reference:	5895
Reviewed:	27/06/2007	Minute Book Reference:	7764
Reviewed:	16/12/2009	Minute Book Reference:	9658
Reviewed:	19/12/2012	Minute Book Reference:	12419
Reviewed:	22/06/2016	Minute Book Reference:	13736
Reviewed:	17/10/2018	Minute Book Reference:	
To be reviewed by:	2022		