

1. PURPOSE

This document sets out Council's policy in relation to managing and handling personal and health information in accordance with the 10 Information Privacy Principles (IPPs) and 11 Health Privacy Principles (HPPs) set out in the *Privacy and Data Protection Act Vic 2014* and the *Health Records Act Vic 2001*, respectively.

2. INTRODUCTION

Responsible collection and handling of personal and health information is an integral part of Horsham Rural City Council's commitment towards accountability and integrity in all of its activities and programs. Council is committed to full compliance with the IPPs and HPPs contained in the *Privacy and Data Protection Act 2014* and *Health Records Act 2001*, respectively.

3. SCOPE

This policy applies to all Councillors, employees, contractors, volunteers and any other third party who collects and manages personal and health information on behalf of Horsham Rural City Council. It relates to personal and health information of individuals handled by Council including that on forms, collected in person, via telephone, in writing, or on the Council website.

Personal information is information or an opinion (including information or an opinion forming part of a database), that is recorded in any form and, whether true or not, about an individual whose identity is apparent, or can be reasonably ascertained, from the information or opinion given. Most commonly, personal information collected and managed on behalf of Council may include an individual's email address, phone number, date of birth and residential/postal addresses.

Health information is information or an opinion about the physical, mental or psychological health of an individual, a disability of an individual, the individual's expressed wishes for the future provision of health services to them, or a health service provided or to be provided to an individual. It also includes other personal information collected to provide, or in providing, a health service. Health information collected and managed by Council may include information about an individual's health services they have or will receive, specialist reports, test results or genetic information.

Sensitive information is information or an opinion about an individual's –

- (a) Racial or ethnic origin
- (b) Political opinions
- (c) Membership of a political association
- (d) Religious beliefs or affiliations, or
- (e) Philosophical beliefs, or
- (f) Membership of a professional or trade association, or
- (g) Membership of a trade union, or
- (h) Sexual preferences or practices, or
- (i) Criminal record, or

that is also personal information.

4. PRINCIPLES

4.1 Information Privacy Principles (IPPs) and Health Privacy Principles (HPPs)

Councillors, employees, contractors, volunteers and any other third party who handle personal and health information on behalf of Horsham Rural City Council should note and observe the following ten IPPs and eleven HPPs as set out in the *Privacy and Data Protection Act 2014* and *Health Records Act 2001*, respectively.

Information Privacy Principles	Health Privacy Principles
IPP1 – Collection	HPP1 – Collection
IPP2 – Use and disclosure	HPP2 – Use and disclosure
IPP3 – Data quality	HPP3 – Data quality
IPP4 – Data security	HPP4 – Data security
IPP5 – Openness	HPP5 – Openness
IPP6 – Access and correction	HPP6 – Access and correction
IPP7 – Unique Identifiers	HPP7 – Identifiers
IPP8 – Anonymity	IPP8 – Anonymity
IPP9 – Trans-border data flows	HPP9 – Trans-border data flows
IPP10 – Sensitive information	HPP10 – Transfer /closure of the practice of a health service provider
	HPP11 – Making information available to another health service provider

4.2 Collection of Personal and Health Information (IPP1/HPP1)

Horsham Rural City Council will only collect personal and health information that is necessary for carrying out its functions and activities. Where reasonable and practical, the information will be collected directly from the individual.

This information will be collected in a variety of ways, for example, during conversations between an individual and a staff member, or when an individual makes an enquiry, provides feedback, or completes an application form. The personal information collected typically includes, but is not limited to: name, address, email address, telephone numbers, date of birth, and motor vehicle registration. When Council is collecting health information, it will only do so where the individual has either given their consent for Council to do so, or it is authorised by law.

Council shall take reasonable steps to ensure the individual supplying the personal information and health is aware of:

- The purpose for which the information is being collected
- How to contact Council
- That he or she can gain access to the information
- Any third parties Council may disclose personal information to
- Any law that requires the information to be collected
- The main consequences, if any, for the individual, if all or part of the information is not provided.

Where Council has collected the personal or health information from a person other than the individual themselves, then Council will take reasonable steps to ensure the individual whose information was collected is aware of these points.

Whenever an individual's personal information is collected, for example, via preferred SMS or email address to provide appointment reminders, immunisation notifications or access to health literature, they will be provided with notice of how Council intends to use, share and disclose that personal information.

4.3 Use and Disclosure (IPP2/HPP2)

Council will take all necessary measures to prevent unauthorised access to, or disclosure of, personal, health and sensitive information. Council will not use or disclose information about an individual other than for the primary purpose for which it was collected, unless one of the following applies:

- For personal information – it is for a related secondary purpose that the individual would reasonably expect
- For sensitive and health information – it is for a directly related secondary purpose that the individual would reasonably expect
- Where Council has the consent of the individual to do so or if, as defined in the *Health Records Act 2001*, the individual is incapable of giving consent
- As otherwise required or permitted by the *Privacy and Data Protection Act 2014*, *Health Records Act 2001* or any other legislation.

Personal and health information collected by Council will only be used within Council or disclosed to external organisations for the purpose for which it was collected such as:

- Contacting –them where it is necessary in order to provide services they requested, for example, a local law permit application made via the Council website
- Contacting them for the purposes of carrying out functions under legislation, for example, Council elections
- Resolving issues they may have brought to the attention of Council, for example, a road or footpath issue
- Supplying them with material concerning Council initiatives and programs where they have supplied personal information to Council specifically for this purpose via a submission, feedback or general enquiry, for example, newsletters, surveys and brochures.
- Facilitating the collection of Council fees and charges for example, using their preferred email or address details to forward a rate notice
- Enabling Council to undertake its law enforcement functions, for example, animal registrations.

Personal and health information may be disclosed to external organisations such as contracted service providers, who perform various services for and on behalf of Council. The information provided is limited to what they need to provide services to the individual on behalf of Council.

At times, the *Privacy and Data Protection Act 2014*, *Health Records Act 2001* or other relevant legislation may authorise Council to use personal and health information for a secondary reason, for example:

- Where there is a serious threat to an individual's life, health, safety or welfare, or a serious threat to the public health, public safety or public welfare, such as during a bushfire, resident details may be requested by Emergency Services to help facilitate evaluation from the affected areas.
- Council may be authorised or required by law to disclose personal or health information about an individual such as to debt collection agencies, other Government agencies or law enforcement agencies (including a Court or the Police) in instances where Council is required to respond to a subpoena or provide information to assist with a criminal investigation.

- Personal information may be contained in Council's Public Registers that are required or permitted by law to be made available for inspection by a member of the public (refer to 4.16 Public Registers Held by Council). Details of Public Registers available for viewing can be found on the Horsham Rural City Council website or by contacting Council.

Council will take reasonable steps to prevent unauthorised access to, or disclosure of, personal information, except if required or authorised by law, or where Council has the consent of the individual to do so.

4.4 Data Quality (IPP3/HPP3)

Council shall take reasonable steps to ensure that the personal information it collects, uses or discloses is accurate, complete, up to date, and managed in accordance with the *Public Records Act 1973*. Additionally, for health information, Council must ensure that the health information it collects, uses, holds or discloses is relevant to its functions or activities.

4.5 Data Security (IPP4/HPP4)

Council will take reasonable steps to ensure that personal and health information is stored safely and securely. This will assist in ensuring that personal and health information held by Council will be protected from misuse, loss, unauthorised access, modification or disclosure.

Where personal and health information provided by an individual to Council is no longer necessary for Council purposes, then it will be disposed of in accordance with the *Public Records Act 1973*. Where the health information held by Council was as a result of providing a health service to an individual, then Council must take additional steps before deleting or transferring health information to another body.

Council has several policies and procedures which either directly or indirectly relate to the quality, security and retention of personal and health information held by Council. These include:

- Information Management policy
- Records Disposal and Retention policy.

4.6 Openness (IPP5/HPP5)

This policy and Council's Privacy Statement will be published on the Horsham Rural City Council website and copies provided to any person who asks for it.

4.7 Access and Correction (IPP6/HPP6)

Should an individual wish to access their personal or health information, they may contact the most relevant Council department directly, or Council's Information Privacy Officer via telephone, email, mail or in person. Access will be provided except in the circumstances outlined in the respective Acts, for example, where the information relates to legal proceedings or where the *Freedom of Information Act 1982* more appropriately applies.

If an individual believes that their personal information is inaccurate, incomplete or out of date, they may request Council to correct the information. Every request will be dealt with in accordance with the respective Acts.

To ensure Council is meeting its obligations under IPP/HPP 3 – Data Quality, staff may contact individuals via telephone, mail or email to confirm that the information held by Council is correct.

4.8 Unique Identifiers (IPP7/HPP7)

Council will not assign, adopt, use, disclose, or require unique identifiers from individuals except for the course of conducting normal Council business, or if required by law.

Council will only use or disclose unique identifiers assigned to individuals by other organisations, if the individual consents to the use and disclosure, or the conditions for use and disclosure as set out within the *Privacy and Data Protection Act 2014*, *Health Records Act 2001* or other legislation is satisfied.

4.9 Anonymity (IPP8/HPP8)

Before a member of Council staff collects an individual's personal or health information, they must first establish whether that particular information is necessary to complete their function or activity and only collect that which is required in accordance with principle 4.2 Collection of Personal and Health Information of this policy.

Anonymity may limit Council's ability to process a complaint or other matter, for example, if you wish to report that your rubbish bin was not collected, Council will need to know your address to investigate further.

If the individual chooses not to supply personal or health information necessary for Council to perform its functions, then Council reserves the right to take no further action on the matter.

4.10 Trans-Border Data Flows (IPP9/HPP9)

Council will only transfer personal or health information about you to an individual or organisation outside of Victoria in accordance with the provisions outlined in the *Privacy and Data Protection Act 2014* and the *Health Records Act 2001* in the following instances:

- If you have provided your consent
- If disclosure is required or authorised by law
- If, in the opinion of Council's Privacy Officer, the organisation which is the recipient of the information is bound by comparative legislation to the relevant Acts
- Where the information is health information, then the specific provisions of the HPPs are met.

4.11 Sensitive Information (IPP10)

Council will only collect sensitive information where:

- An individual has consented
- Collection is required or permitted by law
- It is necessary for research or statistical purposes as permitted under the *Privacy and Data Protection Act 2014*.

4.12 Transfer or Closure of Health Service (HPP10)

Health information relating to a discontinued Council health service will be managed in accordance with the *Health Records Act 2001*.

4.13 Making Health Information Available to Another Service Provider (HPP11)

When Council acts as a health service provider, we will provide health information to other health providers in accordance with the *Health Records Act 2001*.

4.14 Role of the Information Privacy Officer

Council's Information Privacy Officer is responsible for overseeing the implementation of this policy by Informing and educating Councillors, employees, contractors, volunteers and any other third party who handles personal and health information on behalf of Horsham Rural City Council of their obligations under the *Privacy and Data Protection Act 2014* and *Health Records Act 2001*, and to handle difficult enquiries, complaints or adjustments concerning personal and health information.

The Information Privacy Officer is responsible for:

- Maintaining all documentation relating to the management and implementation of the *Privacy and Data Protection Act 2014* and *Health Records Act 2001* for Council
- Responding to requests for access to and correction of personal and health information in consultation with other staff in accordance with principal 4.6 Access and Correction of this policy
- Responding to privacy breaches and investigating privacy complaints.

4.15 Information Privacy Complaints/Enquiries

The *Privacy and Data Protection Act 2014* and *Health Records Act 2001* provide for complaints to be made by individuals who believe their personal, sensitive or health information has been mishandled:

- Queries or complaints may be directed in the first instance in writing to Council's Information Privacy Officer via: Email – council@hrcc.vic.gov.au (Attention: Information Privacy Officer to be included in the subject line)
- Mail – Information Privacy Officer, Horsham Rural City Council, PO Box 511, Horsham 3402.

Complaints may also be made directly to the following external bodies:

- Privacy and Data Protection Deputy Commissioner, email enquiries@ovic.vic.gov.au
- Health Complaints Commissioner, completing form at <https://hcc.vic.gov.au/make-complaint>

4.16 Public Registers Held by Council

In line with public transparency principles, Council makes available a variety of information available to the public including:

- A register of leases involving land which were entered into by the Council as lessor, including the lessee and the value of the lease
- Conflict of Interest Register
- Election Campaign Donations Register
- Gifts, Benefits and Hospitality Register
- Overseas and Interstate Travel Register

Other registers maintained by Council include:

- A register of registered dogs and cats (including ownership details) in the municipality, required pursuant to the *Domestic Animal Act 1994*
- A register of Building Permits pursuant to Section 31 of the *Building Act 1993*
- A register of Occupancy Permits and temporary approvals received by Council pursuant to Section 74 of the *Building Act 1993*
- A register of Emergency Orders, Building Notices and Binding Orders given to Council under Part 8 of the *Building Act 1993*, pursuant to Section 126 of the *Building Act 1993*
- A register of all applications for Planning Permits and all decisions and determinations relating to permits, pursuant to Section 49(1) of the *Planning and Environment Act 1987*.

Details of public registers available for viewing can be found on the Horsham Rural Council website or by contacting Council.

5. COMMUNICATION

Horsham Rural City Council website, Councillor portal, staff intranet, staff newsletter and staff meetings.

6. RESPONSIBILITY

Policy Owner: Information and Knowledge Team Leader

7. DEFINITIONS

Term	Meaning
Act	The <i>Privacy and Data Protection Act 2014</i> and/or the <i>Health Records Act 2001</i> .
Health Information	Information or an opinion about the physical, mental or psychological health of an individual, a disability of an individual, the individuals expressed wishes for the future provision of health services to them, or a health service provided or to be provided to an individual. It also includes other personal information collected to provide, or in providing, a health service, for example, information about an individual's health services they have or will receive, specialist reports, test results or genetic information.
Health Privacy Principles (HPP)	The set of 11 principles that regulate the handling of health information: collection, use and disclosure, data quality, data security, openness, access and correction, identifiers, anonymity, trans-border data flows, transfer/closure of the practice of a health service provider, making information available to another health service provider.
Information Privacy Principles (IPP)	The set of 10 principles that regulate the handling of personal information: collection, use and disclosure, data quality, data security, openness, access and correction, unique identifiers, anonymity, trans-border data flows, sensitive information.

Term	Meaning
Personal Information	Information or an opinion (including information or an opinion forming part of a database), whether true or not, and whether recorded in a material form or not, about an individual whose identity is apparent or can be reasonably ascertained from the information or opinion, but does not include information about an individual who has been deceased for more than 30 years, for example, an individual's email address, phone number, date of birth or residential/postal addresses.
Primary Purpose	The main reason the personal information was shared with or collected by Council.
Reasonable Secondary Purpose	A use of personal information that a reasonable person would understand could or may occur., for example, use of a library user details for a survey regarding a Library Strategy
Sensitive Information	Personal information or an opinion about an individual's: <ul style="list-style-type: none"> • Race or ethnic origin • 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 practices • Criminal Record which is also personal information

8. SUPPORTING DOCUMENTS

Document	Location
<i>Freedom of Information Act 1982 (Vic)</i>	Internet
Horsham Rural City Council Complaints Policy	Website
Horsham Rural City Council Freedom of Information Part II Statement	Website
Horsham Rural City Council ICT Security Incident Procedure	Intranet
Horsham Rural City Council Information Management Policy	Intranet
Horsham Rural City Council Privacy Statement	Website
Horsham Rural City Council Records Disposal and Retention Policy	Website
<i>Local Government Act 2020 (Vic)</i>	Internet
<i>Local Government (General) Regulations 2015</i>	Internet
<i>Privacy and Data Protection Act (VIC) 2014</i>	Internet
<i>Public Records Act 1973 (Vic)</i>	Internet

9. DOCUMENT CONTROL

Version Number	Approval Date	Approval By	Amendment	Review Date
02	17 October 2016	Council	New Framework	17 October 2020
03	4 May 2021	EMT	Inclusion of <i>Health Records Act 2001</i> Health Privacy Principles (replaces Health Records Act policy)	4 May 2023
3.1	March 2023	n/a	New logo	4 May 2023