



Horsham Rural City
Council urban rural balance

Council Policy

INFORMATION PRIVACY POLICY

1. PURPOSE

The purpose of this policy is for Council to meet the Information Privacy Principles (IPPs) set out in the *Privacy and Data Protection Act 2014*, in relation to the management and handling of personal information.

2. INTRODUCTION

Horsham Rural City Council is committed to preserving the right to privacy of all individuals who have dealings with the Council, as an integral part of its commitment towards accountability and transparency in all of its activities and programs.

3. SCOPE

This Policy applies to staff, Councillors, Volunteers and contractors of Horsham Rural City Council.

This Policy covers all personal information of an individual collected or received by Horsham Rural City Council, regardless of format, including information on forms; information collected in person; via telephone; any correspondence; or information collected from Council websites.

4. DEFINITIONS

Act means the *Privacy and Data Protection Act 2014*

Information Privacy Principles has the same meaning as in the *Privacy and Data Protection Act 2014*.

Public Register are documents that Councils are required by law to make publicly available. These registers are open to inspection by members of the public and contain information

required or permitted by legislation. These public registers may contain personal information. A Public Register list is available for public inspection on Councils website.

Sensitive Information is personal information or an opinion about an individual's:

- 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; or
- Criminal Record.

Unique identifier means an identifier (such as a number) assigned by Council to an individual uniquely to identify that individual for the purposes of the operations of Council but does not include an identifier that consists only of the individual's name.

5. PRINCIPLES

The Information Privacy Principles form the core of the *Privacy and Data Protection Act 2014*. With limited exemptions, all Victorian government agencies, statutory bodies and municipal Councils must comply with the Information Privacy Principles. Horsham Rural City Council complies with the Information Privacy Principles, as follows:

5.1 Collection of Personal Information (Information Privacy Principle 1)

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

Council will collect this information in a variety of ways, including during conversations between an individual and a staff member; when an individual makes an enquiry or provides feedback; or completes an application form. The personal information collected typically includes, but is not limited to, the following: name; address; email address; telephone numbers; date of birth; and motor vehicle registration.

The information an individual provides may be used for purposes, such as:

- contacting the individual where it is necessary in order to provide services requested by the individual;

- contacting the individual for the purposes of carrying out functions under legislation;
- resolving issues that may have been brought to Council attention;
- supplying an individual with material concerning Council initiatives and programs;
- facilitating the collection of Council fees and charges;
- enabling payment for Council provided goods and services; and
- enabling Council to undertake its law enforcement functions.

Council shall take reasonable steps to ensure the individual supplying the personal information is aware of the purpose the information is being collected for; how to contact Council; any third parties Council may disclose personal information to; any law that requires the information to be collected; and the main consequences, if any, for the individual if all or part of the information is not provided.

5.1 Use and Disclosure (Information Privacy Principle 2)

Council will only use personal information within Council or disclose it outside of Council for the purpose for which it was collected, or in accordance with the *Privacy and Data Protection Act 2014* or other legislation.

Council discloses personal information to external organisations such as contracted service providers, who perform various services for and on behalf of Council. Information provided to these contractors is limited to the information required by them to provide services to an individual on behalf of Council.

The law may authorise or require Council to disclose personal information about an individual to debt collection agencies; other Government agencies; and 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 provided by an individual as part of a submission to Council or to a Committee of Council may be included with the published agenda papers and minutes of the meeting. The published Council Agenda papers and Minutes are available to view online at Council's website.

Personal information may also 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. A list of Public registers available for viewing at Council offices can be found on Council's website.

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.

5.3 Data Quality (Information Privacy Principle 3)

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*.

5.4 Data Security (Information Privacy Principle 4)

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

Personal information that an individual provides to Council which is no longer necessary for Council purposes will be disposed of in accordance with the *Public Records Act 1973*.

5.5 Openness (Information Privacy Principle 5)

This Policy, together with Council's Privacy Statement, detail Council's management of personal information. Council will, on request, take reasonable steps to provide individuals with general information on the types of personal information held, and how Council collects, holds, uses, and discloses that information.

5.6 Access and Correction (Information Privacy Principle 6)

Individuals have the right to seek access to personal information held by Council, and to make corrections to that information. Such a request will be handled in accordance with the provisions of the *Freedom of Information Act 1982*.

Requests made under the *Freedom of Information Act 1982* must be made in writing stating, as precisely as possible, what documents are required to be accessed and/or corrected, and sent to:

The Freedom of Information Officer
Horsham Rural City Council
PO Box 511
Horsham Vic 3402

More information on how to make a Freedom of Information request, access charges and a Freedom of Information request form are located on Council's website.

5.7 Unique Identifiers (Information Privacy Principle 7)

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 Act are satisfied.

5.8 Anonymity (Information Privacy Principle 8)

Wherever it is lawful and practicable, Council will give an individual the option of remaining anonymous when supplying personal information as part of a transaction with Council.

It ought to be noted that anonymity may limit Councils ability to process a complaint or other matter. Therefore, if an individual chooses to not supply personal information that is necessary for Council to perform its functions, then Council reserves the right to take no further action on the matter.

5.9 Principle 9 – Trans-Border Data Flows

Council will only transfer personal information about you to an individual or organisation outside Victoria in the following instances:

- If you have provided your consent;
- If disclosure is required or authorised by law; and
- 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 Act.

5.10 Principle 10 - Sensitive Information

Council will not collect sensitive information about an individual except for circumstances specified under the Act, or in circumstances whereby such information is both directly pertinent and necessary to the specific, proper and legitimate functions of one or more of its activities.

6. COMMUNICATION

Website, intranet, staff newsletter, and staff meetings.

7. COMPLAINTS OR ENQUIRIES CONCERNING INFORMATION PRIVACY

The Act provides for complaints to be made by individuals who believe their personal information has been mishandled.

Queries or complaints may be directed in the first instance to Council's Privacy Officer

Email council@hrcc.vic.gov.au (with *Attention: Privacy Officer* in the subject line)

or by post addressed to

The Privacy Officer
Horsham Rural City Council
PO Box 511
Horsham VIC 3402

The Commissioner for Privacy and Data Collection may be contacted by email at enquiries@privacy.vic.gov.au

8. PUBLIC REGISTERS

The following Public registers are among those currently maintained by Horsham Rural City Council which may include personal information:

- A document containing all leases involving land which were entered into by the Council as lessor, including the lessee and the value of the lease as per regulation 12(D) section 12 of the Local Government (General) Regulations 2015 and the *Local Government Act (1989)*

Council's Regulatory Services department keep the following registers

- 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*; and
- 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*.

A list of all registers held by Council and available for viewing at Council Offices can be found on Council's website.

9. POLICY OWNER

Records Coordinator

10. SUPPORTING DOCUMENTS

Document	Location
<i>Privacy and Data Protection Act (VIC) 2014</i>	Internet
<i>Public Records Act 1973 (Vic)</i>	Internet
<i>Freedom of Information Act 1982 (Vic)</i>	Internet
<i>Local Government Act 1989 (Vic)</i>	Internet
<i>Local Government (General) Regulations 2015</i>	Internet
<i>Horsham Rural City Council Privacy Statement</i>	Website

11. DOCUMENT CONTROL

Version Number	Approval Date	Approval By	Amendment
02	17 October 2016	Council	New Framework