

POLICY LOCATION	Corporate Services	POLICY TITLE	Information Privacy
POLICY NUMBER	CA28	DATE ADOPTED	9 Feb 2022
REVISION NUMBER	2	REVISION DATE	Feb 2024

Purpose

The purpose of this policy is to assist Council to meet its obligations under the *Privacy and Data Protection Act 2014* and to provide a framework for the responsible handling and management of personal information of individuals by Council.

This policy outlines how Council will collect, hold, use and disclose the personal information of individuals and how individuals can access their information.

This document represents the current policy of Council until it is revised or rescinded. It is the intention of Council that this document will be reviewed at least every two years.

Scope

This policy applies to all personal information and sensitive information about an individual that is collected, stored, used or disclosed by Council.

This policy applies to all employees of Council and to elected Councillors.

This policy is not intended to cover Health Information collected and stored in accordance with the *Health Records Act 2001*.

Definitions

In this policy –

“**Council**” means Buloke Shire Council.

“**Councillor**” means a Councillor of Council.

“**Employee**” means an employee of Council and also includes contractors and their agents, volunteers and individuals on work experience.

“**Health Information**” means information of a kind to which the Health Records Act 2001 applies.

“**Identifiers**” means a code or number assigned to an individual’s record that could be used to assist to identify an individual.

“**Information Privacy Principles (IPP’s)**” refers to the set of ten principles listed in the Act.

“**Personal Information**” means information or an opinion that is recorded in any form about an individual whose identity is apparent 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* applies.

“**Sensitive Information**” means information or opinion about an individual’s racial or ethnic origin, political opinions, membership of a political association, religious beliefs or affiliations, philosophical beliefs, membership of a professional or trade association or trade union, sexual preferences or practices or criminal record, that is also personal information.

“**the Act**” refers to the *Privacy and Data Protection Act 2014*.

Policy Statement

The Buloke Shire Council (Council) recognises that the responsible handling of personal information is a key aspect of good governance and is committed to protecting an individual’s right to privacy to the extent required by law.

Council Functions and Activities

Council’s functions are prescribed by the *Local Government Act 2020* and the *Local Government Act 1989*. Council’s main services, functions and activities include but are not limited to:

- Providing services for the local community including maternal child health services, public health services relating to food safety, library services, recycling and waste management, services for children and youth, aged people and people with disabilities, tourism and economic development, urban planning and building regulation,
- Providing and maintaining community infrastructure including capital works and maintenance of parks and gardens, roads, foot paths and public spaces, maintenance and management of community facilities and recreation reserves
- Undertaking strategic and land use planning including land transfers
- Raising revenue to enable Council to perform its functions including rate and valuation services and other property related services
- Making and enforcing local laws including animal management and fire prevention
- Exercising, performing and discharging duties, functions and powers of Council.

Guidelines

Collection of Information

Council will collect and hold personal information that is necessary for its functions and activities.

How does Council collect personal information?

Where reasonable and practicable, personal information may be collected directly from an individual or from an individual about someone else. This information may be collected in a variety of ways including but not limited the collection of information via Council forms (electronic and hardcopy), via conversations involving Council employees and Councillors, through interaction with Council’s website and social media, via enquiries or works requests, via a Notice of Acquisition or Notice of Disposition, via photographs, SMS, surveys or any other sources (including unsolicited sources).

What types of information does Council collect?

The types of information that Council may collect includes but is not limited to name, address, email address, telephone number, date of birth, motor vehicle registration, photograph or video footage,

physical disabilities, pension card numbers, bank account and other financial details of residents, ratepayers and staff.

In some instances, personal information will be included in registers which Council is legally required to make available to the public (such as for planning and building permits, food premises and animal registration databases).

Council will only collect personal information (including sensitive information) that is necessary for its functions and activities.

What will happen if I don't provide all information necessary for Council to perform its functions and activities?

Where Council requests certain information from an individual that is necessary to be able to perform its functions and activities, and an individual chooses not to provide such information, Council also reserves the right to take no further action.

For example, if a person calls to report that their garbage bin has not been emptied and elects not to provide their property address or name, it is unlikely Council will be unable to action the request given insufficient information has been provided.

Unsolicited Information

Council may receive personal information that is not necessary for, or related to, any purpose of Council. For example, where individuals provide personal information to Council without Council asking for it (including by third parties) and/or when Council asks for some information, but individuals (or third parties) provide more than is requested. In these instances, it may not be reasonable for Council to notify the individuals concerned of the collection. In these instances, if Council chooses to store the information, it will be stored in accordance with council's policies, standard record keeping procedures and applicable legislation.

Use and Disclosure

Council will take measures to prevent unauthorised access to, or unauthorised disclosure of, personal information.

Council will not disclose personal information other than for the purpose for which it was collected or in accordance with the Act, or where the use or disclosure is specifically authorised by any other Act or Regulation.

What types of disclosure may Council make?

Council may disclose personal information to:

- Other areas within Council, where that information is relevant to performing a specific function or activity or service
- The public where that information is used as part of a statutory process and disclosure is required by law, for example, as part of a planning permit application or a building permit application. Council may also use personal information on public registers that it is legally required to make available for public inspection (in person or on Council's website).
- Other government agencies for the purposes of their statutory functions and powers, such as disclosure of landowner contact details to the Department of Environment, Land, Water and Planning, VicRoads, VicTrack, and water, gas and electricity utilities so they can advise

you of works which may impact upon you or your property or to facilitate consultation on matters which affect landowners

- A contractor engaged by Council to provide outsourced services on behalf of Council. For example, contactors who provide home maintenance services and fire prevention services, Council's IT contractors, professional advisors, garbage collection contractors etc
- Other third party entities authorised or required by law, such as solicitors, consultants (including auditors), insurers, debt collection agencies, Victorian Workcover Authority, law enforcement agencies such as Victoria Police

Data Quality and Security

Council will endeavor to ensure the personal information it collects uses or discloses is accurate, complete and up to date and will take reasonable steps to protect the information from misuse, unauthorised access or unauthorised disclosure.

Personal information will be destroyed in accordance with Council policy and procedures and in accordance with relevant legislation.

Openness

Council will make available its policies on the management of information.

On request, Council will take reasonable steps to provide individuals with general information on the types of information it holds, for what purposes, and how it collects, holds, uses and discloses that information.

Access and Correction

Access to, or correction of personal information is subject to the *Freedom of Information Act 1982* and the Act.

If individuals believe that their information is inaccurate, incomplete or out of date, they may request Council to correct the information. The *Freedom of Information Act 1982* also provides individuals with a formal statutory process to access and correct their personal information.

Identifiers and Anonymity

Council will only assign Identifiers to records if it is necessary to enable Council to carry out a function efficiently.

Wherever lawful and practicable, Council will offer individuals the option of not identifying themselves when entering into transactions with an organisation. However, in such instances Council reserves the right to take no further action on a matter.

Transborder Data Flows

Council will only transfer personal information outside of Victoria in accordance with the provisions of the Act.

Council is in the process of transitioning towards cloud based infrastructure. As a result, personal information may be transferred or stored on servers outside of Victoria. In such instances Council should take reasonable steps to ensure compliance with the Victorian IPP's as part of this transition.

Sensitive Information

Council will not collect sensitive information about an individual except in the circumstances prescribed under the Act.

Enquiries and Complaints

Any individual seeking further information, wishes to access or amend their personal information or wishes to make a complaint in relation to the handling of their information should contact Buloke Shire Council.

Requests to access or amend personal information should be made in writing to:

Privacy Officer
Buloke Shire Council
PO Box 1, Wycheproof, Vic 3527
Email: buloke@buloke.vic.gov.au
Telephone: 1300 520 520

Complaints in relation to any alleged breach of the IPPs or this policy should be made via telephone or in writing to the contact officer above. A description of the incident including when it occurred, what information was disclosed and where it was disclosed should also be provided.

Council will aim to investigate and resolve complaints within 15 business days. If this is not possible, Council will inform the person who has made the complaint within 10 business days.

Individuals wishing to make a privacy complaint may also contact the Office of the Victorian Information Commissioner

What is the Office of the Victorian Information Commissioner?

The Office of the Victorian Information Commissioner (OVIC) is the independent regulator for information privacy, information access and data protection. OVIC's role is to try and resolve a privacy issue where an individual and Council have been unable to resolve a privacy complaint in the first instance.

Individuals wishing to make a privacy complaint to OVIC should contact:

Office of the Victorian Information Commissioner
PO Box 24274, Melbourne, Vic 3000
Email: enquiries@ovic.vic.gov.au
Telephone: 1300 006 842
Website: <https://ovic.vic.gov.au/privacy/for-the-public/complaints/>

References

This policy was developed in accordance with the:

- *Privacy and Data Protection Act 2004*
- *Local Government Act 1989*
- *Local Government Act 2020*
- *Freedom of Information Act 1982*
- *Charter of Human Rights and Responsibilities Act 2006*
- Councillor Code of Conduct



- Staff Code of Conduct
- Customer Service Charter