



Information Privacy Policy

Policy Owner	Governance and Corporate Accountability Governance and Corporate Performance
Creation Date	June 2018
Revision Date	June 2022

Contact us:

Phone: (03) 5734 6200

Fax: (03) 5734 6222

Email: mitchell@mitchellshire.vic.gov.au

Website: www.mitchellshire.vic.gov.au



Purpose

The responsible handling of personal information is a key aspect of democratic governance and Council is strongly committed to protecting an individual's right to privacy. The Council will take the necessary steps to ensure that the personal information that customers share with us remains confidential.

Council is committed to full compliance with its obligations under the *Privacy and Data Protection Act 2014* and under the *Health Records Act 2001*. Council will comply with the Information Privacy Principles contained in both Acts.

Scope

This policy applies directly to all employees, Councillors and Contractors of the Mitchell Shire Council. This policy covers all personal and health information held by the Mitchell Shire Council, that is, information, or an opinion about an individual, whose identity is apparent, or can be reasonably ascertained, from that information or opinion. This includes information we have collected in any format including correspondence, in person, over the phone, and over the Internet and that Council has sourced from third parties.

Policy

1.1 Privacy Statements

- A general statement outlining Council's position on the handling of personal information will be used at all points of collection and all outgoing correspondence that may request personal or health information.
- Forms collecting information that is to be used for a specific purpose will include a privacy statement on the form including the purpose of collection.
- Council's privacy statements will be published in the relevant publications (e.g. forms, websites), confirming Council's commitment to the information and health privacy principles.

1.2 Information Privacy Principles

Mitchell Shire Council will manage personal information as outlined in the following principles.

Principle 1 - Collection

Council will only collect personal information that is necessary for carrying out its function or activities, and where reasonable and practicable collection will be from the person directly.

Council will advise individuals, where possible, of the purpose for which their personal information is being collected, and those third parties to whom the information is usually disclosed.

Depending on the reason personal information being collected typically includes but is not limited to the following:

- Name
- Address (Residential, Postal and/or email)
- Telephone Number (Landline or Mobile)
- Date of Birth
- Signature

Sensitive information will only be collected where the individual has provided consent or collection is required or permitted by law.

Sensitive information (as defined in this policy) will be treated with the upmost security and confidentiality and only used for the purpose for which it was collected.

Principle 2 - Use and Disclosure of 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 a related secondary purpose that the individual would reasonably expect;
- Where Council have the consent of the individual to do so; or
- As required or permitted by the *Privacy and Data Protection Act 2014* or any other legislation.

Principle 3 - Data Quality

Council will take reasonable steps to ensure that all personal information collected, used or disclosed is accurate, complete and up to date.

Principle 4 - Data Security

Council will take all necessary steps to ensure that personal information is stored safely and securely to protect it from misuse, loss and unauthorised modification and disclosure. This applies regardless of the format in which the information is held.

Principle 5 - Openness

This Privacy Policy will be available on the Council website or on request at the Customer Service Centres.

Principle 6 - Access and Correction

Individuals have a right to request access to any personal or health information held about them and may request any incorrect information be corrected. Access to correction of your personal information is managed under the *Freedom of Information Act 1982*. A person is also entitled to seek correction or amendment of a document containing their personal information where they believe the information is inaccurate, Incomplete or would give a misleading impression.

Council may decide not to allow access to personal information in accordance with the exemptions contained within the *Privacy and Data Protection Act 2014*.

The process for requesting access to recorded personal and health information, i.e. documents, is through a Freedom of Information application.

Principle 7 - Unique Identifiers

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

A unique identifier is a number or code that is assigned to a person's record to assist with identification.

Principle 8 - Anonymity

Council will, where it is lawful and practicable, give individuals the option of not identifying themselves when entering into transactions with Council.

Council will ensure that individuals are aware of all, if any, limitations to services if the information required is not provided.

Principle 9 – Trans border Data Flow

Council will only transfer personal information outside of Victoria in limited circumstances. Some of which include:

- If you have provided your consent
- If disclosure is authorised by law
- If the recipient of the information is subject to a law binding scheme or contract with similar principals as the *Privacy and Data Protection Act 2014*

Principle 10 - Sensitive Information

Mitchell Shire will not collect sensitive information unless an individual has provided consent or collection is required or permitted by law, or when necessary for research or statistical purposes as permitted under the *Information Privacy and Data Protection Act 2014*.

1.2 Complaints

The *Information Privacy and Data Protection Act 2014* gives you the right to complain about a breach of your privacy by Council.

- Complaints can only be made about an alleged breach that occurred after 1 September 2002, unless it is continuing.
- Your complaint should be made within 45 days of you being made aware of the breach (although it may still be considered if there are reasons you were not able to complain within the specified timeframe).
- Complaints can only be about personal information that is recorded in some form.

Complaints must:

- Be in writing and accompanied by a suitable form of identification (such as a copy of your driver's licence)
- Provide a brief description of the incident such as: date, paper records, electronic database etc

The complainant must be the person who is directly involved in the complaint or the person making the complaint must be authorised in writing to represent the person directly involved in the complaint.

Your complaint will be acknowledged within five business days and will be investigated as soon as practicable. You will be provided with a written response no later than 15 business days from the date your complaint is received by Council.

Please submit your complaint via:

Privacy Officer
(03) 5734 6200 or mitchell@mitchellshire.vic.gov.au

Alternatively, a complaint can be made to the Office of the Victorian Information Commissioner (OVIC), however the OVIC may decline to hear the complaint if you have not made a complaint to Council first.

Where a complainant is not satisfied with the decision of the Council's Information Privacy Officer they may apply to the OVIC.

Contact details are:

Office of the Victorian Information Commissioner
Phone: 1300 666 444
Email: privacy@cpdp.vic.gov.au

1.3 Staff Training & Awareness

All Council employees will receive training to increase their awareness in relation to the treatment of personal information in the workplace.

The Staff Code of Conduct, issued to all staff, deals with the use and disclosure of information obtained in the course of employment and with the confidentiality obligations of staff that have left the organisation.

All new staff complete an induction program which includes privacy obligations. A copy or access to this policy is available on the staff intranet.

Definitions

Personal Information	Information or an opinion (including information or an opinion forming part of a database), whether true or not about an individual whose identity is apparent, or can reasonably be ascertained, from the information or opinion, but does not include information about an individual of a kind to which the Health Records Act 2011 applies.
Health Information	Information or an opinion about the physical, mental, psychological health of an individual, disability of an individual or a health service provided or to be provided to an individual.
Health Service	An activity as defined in the Health Records Act 2001.
Information Privacy Principles (IPPs)	Set of principles that regulate the handling of personal information.
Health Privacy Principles (HPPs)	Set of principles that regulate the handling of health information.
Sensitive Information	Personal information or an opinion about an individual's: <ul style="list-style-type: none">• Race or ethnic origin; or• Political opinion's; or• Membership of a political association; or• Religious beliefs; or• Philosophical beliefs; or Membership of a professional trade association; or <ul style="list-style-type: none">• Membership of a trade union; or• Sexual preferences or practice; or• Criminal record
Public Registers	Documents that: <ul style="list-style-type: none">• Are open to inspection by members of the public;• Contain information required or permitted by legislation;• Contain personal information, unless generally available publicly

Responsibilities

Governance and Corporate Accountability	<ul style="list-style-type: none">• Respond to all privacy complaints by undertaking a full investigation and providing a response to the complainant• Ensure legislative requirements are met, research; coordinate consultation, review and update of the Policy	Ongoing
---	---	---------

Related Documents

- Privacy and Data Protection Act 2014
- Health Records Act 2001

Monitoring and Evaluation

Governance and Corporate Accountability will ensure that this Policy is reviewed as required and as a result of changes to applicable legislation.