



WHITEHORSE
CITY COUNCIL

Health Privacy Policy

Responsible Directorate:

Responsible Manager:

Review Cycle:

Adopted by ELT:

Next Scheduled Review:

Reference:

Integrity and Performance

Manager Integrity and Performance

Every 4 years, or Legislative Changes

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Health Privacy Policy

- 1. Policy Purpose 2
- 2. Background..... 2
- 3. Objectives..... 5
- 4. Scope 6
- 5. Policy..... 6
- 6. Responsibilities..... 12
- 7. Definitions..... 12
- 8. Reference and Legislative Parameters 13
- 9. Version Control 14
- 10. Administrative Amendments..... 14
- 11. Appendices 14



Health Privacy Policy

1. Policy Purpose

The purpose of this Health Privacy Policy is to outline how Whitehorse City Council (Council) manages health information and complies with the Health Privacy Principles (HPPs) prescribed by the *Health Records Act 2001* (Vic).

This policy supports good governance by promoting and ensuring fair, lawful and responsible handling of health information, while protecting and respecting individuals' health privacy rights.

Health Records Act 2001	Health Privacy Principles
The purpose of the <i>Health Records Act 2001</i> is to provide for the responsible collection and handling of personal information by - protecting the privacy of an individual's health information that is held in the public and private sectors - providing individuals with a right of access to their health information; and - providing an accessible framework for the resolution of complaints regarding the handling of health information.	Principle 1: Collection
	Principle 2: Use and Disclosure
	Principle 3: Data Quality
	Principle 4: Data Security and Data Retention
	Principle 5: Openness
	Principle 6: Access and Correction
	Principle 7: Identifiers
	Principle 8: Anonymity
	Principle 9: Transborder Data Flows
	Principle 10: Transfer or closure of the practice of a health service provider
	Principle 11: Making information available to another health service provider

2. Background

Whitehorse City Council provides a range of health services and programs to support the community, including Maternal and Child Health services, immunisation services and youth support services. Council collects health information where necessary to facilitate service delivery.

Health Privacy Policy

Council also holds health information about individuals, including information contained in accessible parking permit applications, Early Childhood Services enrolment forms and Workcover claims.

What is health information?	Health information is defined as information or an opinion about: • the physical, mental or psychological health (at any time) of an individual • a disability (at any time) of an individual • an individual's expressed wishes about the future provision of health services • a health service provided, or to be provided, to an individual, that is also personal information; or • other personal information collected to provide, or in providing, a health service • other personal information about an individual collected in connection with the donation, or intended donation, by the individual of his or her body parts, organs or body substances • other personal information that is genetic information about an individual in a form which is or could be predictive of the health (at any time) of the individual or of any of their descendants
How does Council collect my information?	Council will collect your health information when it is necessary for one or more of its services, functions or activities. Council generally collects health information when the individual has provided consent, however Council may also collect health information as required by law, under HPP 2, for health monitoring, research, statistics, public safety, law enforcement, or legal purposes. Council will collect health information only by lawful and fair means and will endeavour to do so in a manner that is not unreasonably intrusive.
How does Council use my information?	Council will only use your health information for the primary purpose for which it was collected, or for a secondary purpose if it is directly related to the primary purpose and the individual would reasonably expect the use or disclosure. This policy details other limitations of use and disclosure of health information.
Will my information be disclosed to anyone?	Council may disclose health information for the primary or directly related secondary purpose, with consent, as required by law and as outlined in HPP2. If the use or disclosure of an individual's health information is not related to the primary purpose of collection, Council must obtain the

Health Privacy Policy

	individual's consent, or the consent of their authorised representative, unless the use or disclosure is required or authorised by law and legislated information sharing schemes.
How does Council protect my information?	Council will take all practicable steps to ensure that health information held by Council is stored safely and securely, so that it is protected from misuse, loss, unauthorised access or disclosure. This applies regardless of the format in which the information is held. Council will take all necessary measures to prevent unauthorised access to, or disclosure of, your health information. Any information that has passed its retention period will be destroyed in accordance with the <i>Public Records Act 1973</i> . (Vic).
Can I access my information?	You can request access to your health information via a Freedom of Information (FOI) request under the <i>Freedom of Information Act 1982</i> (Vic) (FOI Act).
Can I update or correct my information?	If you believe your information is inaccurate, incomplete, out of date or misleading you can request Council to update the information under the FOI Act. Requests seeking amendment of information must state the information that is believed to be inaccurate and what changes are requested to be made. Health information cannot be removed from records, but a correcting statement may be added.
What do I do if I have an issue with Council's handling of my information?	If you have a complaint with Council's handling of your health information you can lodge a complaint with the Freedom of Information & Privacy Specialist Officer. If you are not satisfied with how Council deals with your complaint, you may make a complaint to the Health Complaints Commissioner.

3. Objectives

The objectives of this policy are to ensure:

- Health information is collected, used, disclosed and handled responsibly
- Health information and data are stored securely
- Individuals have the right to request that Council correct or amend information about themselves
- Individuals have the right to request access to information about themselves that is held by Council
- Individuals have the right to make a complaint if they are not satisfied with how Council has handled their health information and privacy.

Strategic Alignment

All actions, decisions, and processes under this Policy align with and support the delivery of Whitehorse City Council's strategic priorities, values, and long-term outcomes, as set out in the Corporate Plan and associated strategies listed here.

Strategic Link	Description of Link
Integrated Council Plan 2025–2029	This Policy links to the Integrated Council Plan, Strategic Direction 5 – Governance and particularly, Objective 5.1 – An open, transparent, accountable and responsible Council, and Objective 5.4 – A Council that is well governed, efficient and financially sustainable.

Consistency and Integration

Implementation of this Policy is consistent across the organisation and integrated with related policies, frameworks, and business plans to avoid duplication, gaps, or conflicting direction.

Corporate Document Link	Description of Link
Health Privacy Policy Fact Sheet	Provides supporting guidance for the application of this policy.
Privacy Policy	Works alongside this policy where Council handles personal and sensitive information.
Code of Conduct Policy	Provides supporting guidance of expected behaviours for ethical handling of personal information and the appropriate, secure use of organisational resources and systems.



Gender Equality Action Plan (GEAP)
2022-2026 and

Works alongside this policy in the
collection, use, storage and reporting of
personal workforce data for all reporting
obligations

Accountable Decision-Making

Roles and responsibilities for managing health and personal information are clearly understood so that decisions about collection, use, disclosure and correction are transparent and accountable.

Performance and Continuous Improvement

Council's privacy practices are supported by ongoing review, staff awareness and complaint handling processes to ensure they remain effective and aligned with legislative requirements and community expectations.

Reporting Obligations	Description of Reporting Chanel
Policy reviews and staff training	This policy is supported by mandatory privacy training for staff and periodic review to maintain compliance and awareness.

4. Scope

This policy applies to all Council staff, Councillors, representatives, volunteers, contractors, and service providers engaged by Council. It covers health information held by Council, whether collected directly from individuals or, in some circumstances, from third parties. This policy applies regardless of the format in which the information is collected or stored, including via forms, correspondence, and telephone communications.

5. Policy

Council is committed to protecting privacy and handling health information responsibly. It will only collect health information where necessary for its functions and activities, use and disclose it only for permitted purposes, take reasonable steps to ensure it is accurate and secure, and provide access and correction rights in accordance with applicable legislation.



HEALTH PRIVACY PRINCIPLES (HPPs)

Principle 1 – Collection

Council will only collect health information about an individual when it is necessary to complete a function or activity. Council will only collect the information if:

- the person has provided consent;
- the collection is required, authorised or permitted, by or under a law;
- the information is disclosed to Council in accordance with HPP 2;
- the collection of health information is necessary for monitoring the health and wellbeing of clients, research, or the compilation or analysis of statistics which serves a public interest. If identifiable data is required for the purpose of the research or statistical analysis Council will obtain consent from the persons, unless it is impracticable to do so;
- it is necessary to prevent or lessen a serious and imminent threat to public life, health, safety or welfare of someone, or a serious threat to public health, public safety, or public welfare;
- it is on behalf of a law enforcement agency or the Council itself and is necessary for a law enforcement function; or
- the collection is necessary for the establishment, exercise or defence of a legal or equitable claim.

Council will collect health information only by lawful and fair means and will endeavour to do so in a manner that is not unreasonably intrusive.

If it is reasonable and practicable to do so, Council will only collect health information about an individual from that individual.

If an individual is unable to provide consent and Council needs to collect health information to provide a health service, Council will take all reasonable steps to obtain consent from an authorised representative.

If Council collects an individual's health information from the individual or from another person, Council will take reasonable steps, before or at the time of collection, to ensure the individual is aware of:

- who is collecting the information
- how Council can be contacted
- the rights to access the information
- the purpose for which Council has (or will be) collecting the information
- if, and who, Council will be disclosing this information to;
- whether it is being collected because a law requires it; and
- the main consequence (if any) if all or part of the information is not provided.

Principle 2 – Use and Disclosure

Council will only use or disclose an individual's health information for the primary purpose for which it was collected.

Council may also use or disclose health information for a secondary purpose if:

- It is directly related to the primary purpose, and the individual would reasonably expect the use or disclosure;
- The individual has consented;
- It is required by law; or
- As outlined in Principle 2, section 2.2 (d)(e)(f)(g)(h)(i)(j)(k) and (l) of the Act.

If the use or disclosure of an individual's health information is not related to the primary purpose of collection, Council must obtain the individual's consent, or the consent of their authorised representative, unless the use or disclosure is required or authorised by law and legislated information sharing schemes.

If Council discloses health information about an individual as part of an investigation into unlawful activity, or where disclosure is necessary for or on behalf of a law enforcement function, Council will make a written record of that disclosure.

Principle 3 – Data Quality

Council will take all reasonable steps to ensure that, having regard to the purpose for which the information is to be used, the health information it collects, uses, holds or discloses is accurate, complete, up to date and relevant to its functions and activities.

You may request to amend health information held by Council. Details on how to do so are under Principle 6 – Access and Correction

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

Principle 4 – Data Security

Council will take all reasonable steps to ensure that health information is stored safely and securely and protected from misuse, loss, unauthorised access, modification and disclosure.

Any health information that Council holds, which is no longer necessary for Council's purposes, will be archived or disposed of in accordance with the document retention

and disposal requirements of the *Public Records Act 1973* (Vic) and the Public Records Office Victoria (PROV).

Principle 5 – Openness

Council will make publicly available its policies relating to the management of health and personal information and, on request, take reasonable steps to provide general information about the types of information it holds, why it is held, and how it is collected, used and disclosed.

Principle 6 – Access and Correction

Council is committed to providing individuals with access to the health information which it holds about them on request. However, there are some circumstances where Council may deny access as outlined in the Additional Fact Sheet.

If an individual believes that their health information is inaccurate, incomplete, misleading or not up to date, Council will take reasonable steps to correct the information so that it is accurate, complete and up to date.

Requests for access to and correction of documents containing health information are generally managed under the *Freedom of Information Act 1982* (Vic) (FOI Act).

Requests under the FOI Act must be made in writing stating as precisely as possible what is being requested. For requests seeking amendment of health information, they must state the information believed to be inaccurate, incomplete, out of date or would give a misleading impression, and what changes are requested to be made. Health information cannot be removed from records, but a correcting statement may be added.

All requests are to be addressed to the:

Freedom of Information & Privacy Specialist Officer
Whitehorse City Council
Locked Bag 2
Nunawading Delivery Centre VIC 3131
Email: FOI@whitehorse.vic.gov.au

Where a person requests Council to correct their health information Council will take reasonable steps to notify the person of the decision of the request as soon as practicable, or within 30 business days of the request being received.

Principle 7 – Unique Identifiers

A unique identifier is a number or code that is assigned to someone's record to assist with identification (like a driver's licence number).

Council may assign or use unique identifiers where required or necessary to carry out its functions efficiently. For example, a unique identifier assigned in Council's central customer database to ensure each customer has only one name record.

Unique identifiers are also used for Council employees and volunteers to avoid any confusion about identity.

Principle 8 – Anonymity

Council must, where it is lawful and practicable, give individuals the option of not identifying themselves and remaining anonymous when dealing with Council.

However, anonymity may limit Council's ability to act or provide services in some instances. Therefore, if you choose not to supply health information that Council considers necessary to perform its functions, Council reserves the right to take no further action on the matter.

Principle 9 – Transborder Data Flows

In some instances, the Council may be asked to transfer health information about someone to another person or organisation that is outside Victoria. This will only occur if:

- Council is assured that the person or organisation receiving the information is subject to a legal requirement that equals the Health Privacy Principles.
- the person who is the subject of the health information has provided consent.
- the transfer is necessary for the performance of a contract between an individual and the organisation.
- the transfer is necessary for the conclusion or performance of a contract concluded in the interest of the individual between the organisation and a third party.

All the following apply:

- the transfer is for the benefit of the individual.
- It is impracticable to obtain the consent of the individual to that transfer.
- If it were practicable to obtain the consent, the individual would be likely to give it.
- Council will take reasonable steps to ensure that the information which it has transferred will not be held, used or disclosed by the recipient of the information inconsistently with the Health Privacy Principles; or

- the transfer is authorised or required by any other law.

Principle 10 – Transfer or Closure of the Practice of a Health Service Provider

If Council discontinues its health services, it will publish a notice in a newspaper that circulates in the locality of the practice or business.

This notice will address how the health service provider proposes to deal with any health information it holds about people who have used the service, whether they mean to retain the information or to transfer it to the new provider.

Council will contact individuals' whose health information it holds, to let them know what will happen with their information.

If a Council health service provider is to be sold or transferred or amalgamated and the provider continues to provide a health service, they can elect to retain the health information. If this occurs, they will continue to hold it, in accordance with the Health Privacy Principles or transfer it to a competent organisation for safe storage in Victoria until that health information is destroyed in accordance with Health Privacy Principle 4.

Principle 11 – Making Information Available to another Health Service Provider

If an individual requests a Council operated health service provider to make health information relating to them available to another health service provider or authorises another health service provider to request the health information from Council, Council will, on payment of a fee, provide a copy or written summary of that health information to that other health service provider.

Council will endeavour to provide this information as soon as practicable.

COMPLAINTS

Individuals can send written complaints directly to Council about a breach, or perceived breach of privacy in the first instance and a written response will be provided to the complainant.

Freedom of Information & Privacy Specialist Officer
Whitehorse City Council
Locked Bag 2,
Nunawading Delivery Centre VIC 3131
Telephone: (03) 9262 6333
E-mail: PrivacyOfficer@whitehorse.vic.gov.au

Health Privacy Policy

Complaints can also be directed to the Health Complaints Commissioner, although the Commissioner can decline a complaint if the complainant has not previously complained directly to the Council.

STAFF TRAINING AND AWARENESS

All Council employees and volunteers who handle health information as part of their role will receive training to strengthen their understanding of privacy obligations and the appropriate handling of personal and health information in the workplace.

The Employee 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 members are required to sign and acknowledge that they understand the requirements set out in the Employee Code of Conduct.

6. Responsibilities

The following roles have responsibilities for implementing and maintaining this policy.

Role	Responsibility
Policy Owner	Coordinator Information Governance is responsible for maintaining this policy, coordinating reviews and ensuring it reflects legislative and operational requirements.
Employees and volunteers	Employees and volunteers who handle health information must comply with this policy, the Health Privacy Principles and relevant confidentiality obligations.
Contractors and Service Providers	Comply with this policy and privacy legislation
Freedom of Information and Privacy Officer	Provides advice about access, correction and complaints relating to health information and support privacy compliance across Council.

7. Definitions

Key terms used in this policy are defined below.

Term	Definition
Health information	Information or opinion about an individual's physical, mental or psychological health (at any time), a disability (at any time), expressed wishes about future health services, health services provided or to be provided, or other personal information collected to provide a health service.

Health Privacy Policy

Health Privacy Principles	Set of principles that regulate the handling of health information in accordance with the <i>Health Records Act 2001</i> (Vic).
Primary Purpose	A primary purpose is the core reason for collecting health information, and which an individual would reasonably expect their health information to be used or disclosed for.
Secondary Purpose	A secondary purpose for the use and disclosure of personal information must be directly related to the primary purpose of collection and consistent with what an individual would reasonably expect.
Health service	An activity performed in relation to an individual that is intended or claimed to assess, maintain or improve health, diagnoses or treat illness, injury or disability, or otherwise provides a health-related service.

8. Reference and Legislative Parameters

Name	Description
Relevant Legislation	<i>Health Records Act 2001</i> (Vic) <i>Privacy and Data Protection Act 2014</i> (Vic) <i>Public Records Act 1973</i> (Vic) <i>Freedom of Information Act 1982</i> (Vic) <i>Local Government Act 1989</i> (Vic) and <i>Local Government Act 2020</i> (Vic).
Victorian Human Rights	This Policy has been reviewed for consistency with the Charter of Human Rights and Responsibilities Act 2006.
Gender Equity	<i>Equal Opportunity Act 2010</i> (Vic)
Related Records	Health Privacy Policy and Additional Fact Sheet Privacy Policy Additional Fact Sheet Freedom of Information: Information Sheet Public Transparency Policy Code of Conduct Gender Equality Action Plan (GEAP) 2022-2026

9. Version Control

Version	Author	Description of Changes	Release date
2	Coordinator Information Governance	New Policy Template	

10. Administrative Amendments

Minor administrative updates that do not change the intent or application of this Policy may be approved by the Chief Executive Officer (or delegate) and noted in the Document History.

Any change that alters the Policy's intent, scope or requirements must follow the formal approval process. Governance advice should be sought if unclear.

11. Appendices

No appendices are included.