



WHITEHORSE
CITY COUNCIL

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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Privacy Policy

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1. Policy Purpose

The purpose of this Privacy Policy is to outline how Whitehorse City Council (Council) manages personal information and complies with the Information Privacy Principles (IPPs) prescribed by the *Privacy and Data Protection Act 2014* (Vic) (**PDP Act**).

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

Privacy and Data Protection Act 2014	Information Privacy Principles
The purpose of the <i>Privacy and Data Protection Act 2014</i> (Vic) (PDP Act) is to provide for the responsible collection and handling of personal information in the Victorian public sector. The PDP Act contains 10 Information Privacy Principles (IPPs) that govern the responsible collection and handing of personal information. Victorian public sector organisations must not contravene the IPPs in respect of personal information collected, held, managed, used, disclosed, or transferred by the organisation.	Principle 1: Collection
	Principle 2: Use and Disclosure
	Principle 3: Data Quality
	Principle 4: Data Security
	Principle 5: Openness
	Principle 6: Access and Correction
	Principle 7: Unique Identifiers
	Principle 8: Anonymity
	Principle 9: Trans-border Data Flows
	Principle 10: Sensitive Information

2. Background

Whitehorse City Council collects personal information necessary to deliver a broad range of services to the community and perform its functions under more than 120 pieces of Victorian legislation.

Council recognises that the responsible handling of personal information is a key aspect of good governance and its commitment to accountability and integrity. Council is strongly committed to protecting individuals' privacy rights.

Council has implemented practical measures and takes all reasonable steps to ensure that the use and disclosure of personal information are consistent with privacy laws and community expectations.

Where Council engages a third-party service provider to deliver services on its behalf, that provider must also comply with the same privacy legislation and requirements as Council.

What is personal information?	Personal information is information about an individual that enables or could enable the person to be identified, such as: • Name • Address (postal and email) • Telephone number (work, home and mobile) • Date of birth • Occupation • Licence number
How does Council collect my information?	Council will collect personal information supplied by you when it is necessary for one or more of its services, functions or activities. Council will collect information by different contact methods such as on forms, in person, by correspondence, over the telephone or via our website and, in some instances, from third parties.
How does Council use my information?	Council may use your personal information within Council or disclose it outside Council for the purpose for which it was collected, otherwise known as the primary purpose, or for a <i>secondary purpose</i> if it is related to the primary purpose of collection and would be reasonably expected by the individual. Other circumstances when Council may use or disclose personal information include: • In accordance with your consent • When required or authorised under law • Where otherwise permitted by the IPPs and PDP Act
Will my information be disclosed to anyone?	Council may disclose personal information to external organisations, such as contracted service providers, who perform services on behalf of Council. Any personal information disclosed will be limited to what is necessary to deliver those services and will only be used for the purposes outlined above. Service providers are required to comply with the PDP Act. Council may also disclose personal information to other agencies in connection with the investigation or defence of legal claims involving Council. This may include Council's solicitors, consultants and investigators.

What is a secondary use purpose?	A secondary purpose is a use that is related to the primary purpose your personal information was collected, and one that you would reasonably expect Council to use or share your information for. For example, if you provide your contact details to receive your Rates Notice, Council may also use those details to contact you about matters related to your property or other Council functions. A secondary purpose in the case of sensitive information must be <u>directly</u> related to the primary purpose.
What is sensitive information?	Sensitive information is a subset of personal information. There are greater obligations when collecting and handling sensitive information because it carries greater risk. The PDP Act defines sensitive information under the following categories: • Race or ethnic origin • Political opinions, or membership of a political association • Religious and philosophical beliefs • Membership of a professional or trade association • Membership of a trade union • Sexual preferences or practices; or • Criminal record
When does Council collect sensitive information?	Under IPP 10, Council can only collect sensitive information if: • the individual has consented; or • the collection is required by law; • the collection is necessary to prevent or lessen a serious and imminent threat to the life or health of an individual, where the individual whom the information concerns: • is physically or legally incapable of giving consent to the collection; • or physically cannot communicate consent to the collection; or • the collection is necessary for the establishment, exercise, or defence of a legal or equitable claim. Other instances where Council may collect sensitive information are outlined in this policy.
How does Council protect my information?	Council will take all practicable steps to ensure that personal information held by Council is stored safely and securely, so that it is protected from misuse, loss and unauthorised modification and 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 personal 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 personal 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 personal information must state the information that is believed to be inaccurate and what changes are requested to be made. Personal 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 personal 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 Office of the Victorian Information Commissioner (OVIC).
Can I contact Council anonymously?	Many types of contact with Council can be completed without providing personal details if you choose, such as lodging complaints, reporting broken assets etc. Anonymity may limit Council's ability to act or provide services in some instances.

3. Objectives

The objectives of this policy are to ensure:

- Personal information, including sensitive information, is collected, used, disclosed and handled responsibly
- Personal information and data are stored securely
- Public interest and transparency of information is balanced against the protection of personal information and privacy
- 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 personal 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
Privacy Policy Additional Fact Sheet	Provides supporting guidance for the application of this policy.
Health Privacy Policy	Works alongside this policy where Council handles health 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 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 Channel
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 personal and sensitive 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 personal information responsibly. It will only collect personal 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.

INFORMATION PRIVACY PRINCIPLES (IPPs)

Principle 1 – Collection

Council will only collect personal information where it is necessary for one or more of its functions or activities. This information will be collected by fair and lawful means and not in an unreasonably intrusive way.

From time-to-time Council may collect information about an individual from a source other than the individual. For example:

- A third party may provide Council with address change notification, which is used to update customer records.
- Council may obtain demographic or customer interests' information, which is used for planning purposes and understanding customer consumption patterns

and behaviour.

Council collects personally information directly from an individual under ordinary circumstances. Where Council collects personal information from a source other than the individual, Council will take reasonable steps to ensure the individual is informed of their rights unless doing so would pose a significant threat to another person.

Principle 2 – Use and Disclosure

Council may use or disclose personal information for the primary purpose for which it was collected, or for a related secondary purpose that the individual would reasonably expect. This may include:

- Sharing information between relevant Council departments and business units to facilitate service delivery, respond to enquiries, administer Council programs, manage communications and notifications, maintain accurate records, and support the efficient operation of Council services.
- Disclosing personal information to external contracted service providers who perform services on behalf of Council. These providers must comply with the PDP Act, and any information shared is limited to what is necessary to deliver those services.
- Disclosing personal information where required or authorised by law, including to other agencies, or in connection with the investigation or defence of legal claims involving Council. This may include disclosure to Council's solicitors, consultants and investigators.

Council will not disclose personal information to other parties unless consent has been provided or the disclosure is lawful. For example, this may include the exchange of fencing notices between neighbours under the *Fences Act 1968* and *Fences Amendment Act 2014* (Vic).

Disclosure to other bodies

Council will outline its policies and may require external parties to enter into a written agreement, such as an Information Sharing Agreement (ISA), to ensure that the IPPs are upheld where personal information is disclosed, for example, to another government agency.

Principle 3 – Data Quality

Council will endeavour to ensure that the personal information it holds on is accurate, complete, and up to date.

Council will systematically append and/or update any new personal information that you provide to your existing customer record.

You may request to amend any personal information you have supplied to Council. Details on how to do so are under Principle 6 – Access and Correction.

Council officers from time to time may contact individuals to confirm that the information we hold is correct via telephone, mail, or email to ensure integrity of current and up to date details.

Principle 4 – Data Security

Council will take all practicable steps to ensure that personal information is stored safely and securely and protected from misuse, loss, unauthorised access, modification and disclosure. Information no longer required will be archived or disposed of in accordance with applicable public records requirements.

Any personal 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 personal and health 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

Individuals may request access or correction of their personal and health information. These requests are generally managed under the *Freedom of Information Act 1982 (Vic)* (FOI Act) and the *Health Records Act 2001 (Vic)* where relevant.

Requests under the FOI Act must be made in writing stating as precisely as possible what is being requested. For requests seeking amendment of personal information, they must state the information is believed to be inaccurate, incomplete, out of date or would give a misleading impression, and what changes are requested to be made. Personal 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

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.

This database helps Council contact residents, ratepayers and customers about its services. Council may also use data matching to make sure customer records are accurate and up to date.

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.

Many types of contact with Council can be completed anonymously, such as lodging complaints or reporting broken assets.

However, anonymity may limit Council's ability to act or provide services in some instances. Therefore, if you choose not to supply personal 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

Council will only transfer personal information outside of Victoria in accordance with the provisions outlined in the PDP Act. Council may transfer personal information outside of Victoria, only if:

- Council reasonably believes that the recipient of the information is subject to a law, binding scheme or contract which effectively upholds protections afforded by the IPPs
- The individual consents to the transfer; or
- The transfer is necessary for the performance of a contract between the individual and Council, or for the implementation of pre-contractual measures taken in response to the individual's request; or
- The transfer is necessary for the conclusion or performance of a contract concluded in the interest of the individual between Council 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

The PDP Act does not prohibit the transfer of personal information outside of Victoria, but places restrictions on when it can occur. This is because the PDP Act is Victorian law and therefore the IPPs will not apply to organisations in a different state, territory or country.

Where Council uses cloud computing services based outside of Victoria, Council will take all reasonable steps to ensure that the information it transfers will not be held, used or disclosed by the host of the information inconsistently with the IPPs. Council ensures the hosts/recipients are subject to laws and/or binding contractual arrangements that provide similar protections to those afforded under the PDP Act.

Principle 10 – Sensitive Information

Council will not collect sensitive information about an individual unless:

- the individual has consented; or the collection is required by law;
- the collection is necessary to prevent or lessen a serious and imminent threat to the life or health of an individual, where the individual whom the information concerns;
- is physically or legally incapable of giving consent to the collection;
- or physically cannot communicate consent to the collection; or
- the collection is necessary for the establishment, exercise, or defence of a legal or equitable claim.

Council may collect sensitive information about an individual if the collection:

- is necessary for research, or the compilation or analysis of statistics, relevant to government funded targeted welfare or educational services; or
- is of information relating to an individual's racial or ethnic origin and is collected for the purpose of providing government funded targeted welfare or educational services; and
- there is reasonably practicable alternative to collecting the information for that purpose; and
- it is impracticable for the organisation to seek the individual's consent to the collection.

COMPLAINTS

Whitehorse City Council is committed to efficient and fair resolution of complaints.

If you have a complaint with Council's handling of your personal information you can lodge a complaint with the Freedom of Information & Privacy Specialist Officer.

Your complaint will be investigated as soon as possible, and you will be provided with a written response.

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

If you are not satisfied with how Council manages your complaint, you may make a complaint to the Office of the Victorian Information Commissioner (OVIC). OVIC can decline a complaint if the complainant has not previously complained directly to Council.

STAFF TRAINING AND AWARENESS

All Council employees are required to complete mandatory online Privacy training to enhance their awareness about their obligations regarding the collection and management of personal 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

Responsibilities for implementing this policy are outlined below.

Role	Responsibility
Policy Owner	- Ensuring the development, approval, review, amendment and withdrawal of policies are managed effectively and meet agreed timelines. - Regularly informing Councillors, Executive Leadership Team (ELT) and staff on any changes to policies - Ensuring current policies are appropriately maintained on Council's website and/or intranet
All Councillors, employees, and volunteers	- Comply with this policy and handle personal information in a responsible and lawful manner - Complete required privacy training and follow privacy-related processes and controls

Contractors and Service Providers	• Comply with this policy and privacy legislation
Freedom of Information and Privacy Officer	• Manage privacy complaints and enquiries in the first instance • Support access and correction requests and provide guidance on Council's privacy obligations

7. Definitions

Key terms used in this Policy are defined below.

Term	Definition
Personal Information	Personal information is information about an individual that enables or could enable the person to be identified, such as: • Name • Address (physical, postal and email) • Telephone number (work, home and mobile) • Date of birth • Occupation • Licence number
Information Privacy Principles (IPPs)	Set of principles that regulate the handling of personal information in accordance with the <i>Privacy and Data Protection Act 2014</i> (Vic) (PDP Act).
Primary Purpose	A primary purpose is the core reason for collecting personal information, and which an individual would reasonably expect their personal information to be used or disclosed for
Secondary Purpose	A secondary purpose for the use and disclosure of personal information must be related to the primary purpose of collection and consistent with what an individual would reasonably expect. A secondary purpose has a logical connection or is closely associated with the primary purpose. A secondary purpose in the case of sensitive information must be <u>directly related</u> to the primary purpose.
Public Registers	A public register lists information that Council must make publicly available under relevant legislation, including the <i>Local Government Act 1989</i> (Vic) and the <i>Local Government Act 2020</i> (Vic). These registers: • Are open to inspection for members of the public • Contain information required or permitted by legislation • May contain personal and sensitive information

Sensitive Information	Information or an opinion about an individual that includes: • Race or ethnic origin • Political opinions, or membership of a political association • Religious and philosophical beliefs • Membership of a professional or trade association • Membership of a trade union • Sexual preferences or practices; or • Criminal record
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8. Reference and Legislative Parameters

Name	Description
Relevant Legislation	<i>Privacy and Data Protection Act 2014 (Vic)</i> <i>Health Records Act 2001 (Vic)</i> <i>Public Records Act 1973 (Vic)</i> <i>Freedom of Information Act 1982 (Vic)</i> <i>Local Government Act 1989 (Vic)</i> and <i>Local Government Act 2020 (Vic)</i>.
Victorian Human Rights	This policy has been assessed against the <i>Charter of Human Rights and Responsibilities Act 2006</i> as being consistent with that Act and promoting the rights of members of the community not to have their privacy unlawfully interfered with.
Gender Equity	<i>Gender Equality Act 2020 (Vic)</i> <i>Equal Opportunity Act 2010 (Vic)</i>
Related Records	Privacy Policy Additional Fact Sheet Health Privacy Policy and 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.