



Privacy Policy

1. ABOUT THE POLICY

Whitehorse City Council provides many services to its community. The role of Council is to provide good governance for the benefit and wellbeing of the municipal community. As such Council have wide ranging responsibilities under more than 120 pieces of Victorian legislation including managing and protecting personal information we collect and use.

The *Privacy and Data Protection Act 2014* prescribes a number of Information Privacy Principles (IPPs) that Council is required to comply with to promote and ensure the fair and responsible collection and handling of personal information.

The purpose of this Policy is to establish and describe how Whitehorse City Council will apply and address all 10 Information Privacy Principles

Privacy and Data Protection Act 2014

The purpose of the *Privacy and Data Protection Act 2014* is to provide for responsible collection and handling of personal information in the Victorian public sector.

The Act outlines a set of principles that regulate the handling of personal information known as Information Privacy Principles.

An organisation must not do an act, or engage in a practice, that contravenes an Information Privacy Principle in respect of personal information collected, held, managed, used, disclosed or transferred by it.

Information Privacy Principles

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

This Policy outlines:

- How Council collect and use your personal information
- How your information remains current and how to update or correct personal information
- The collection of sensitive information
- The security of the data and information kept
- Transparency of information and the right to anonymity
- Complaint process if you are not satisfied with how Council have handled your information.

2. COUNCIL'S COMMITMENT

Whitehorse City Council (Council) believes that the responsible handling of personal information is a key aspect of good governance and an integral part of its commitment towards accountability and integrity and is strongly committed to protecting an individual's right to privacy.

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

Where personal information has been collected and needs to be passed on to others who are engaged to provide services on Council's behalf, or where non-council staff are authorised by the Council to collect information, analyse it or deliver services, those involved will be required to treat the information in the same way that the Council does.

3. Privacy Quick Guide

<p>What is personal information?</p>	<p>Personal information is information about an individual that enables or could enable the person to be identified, such as:</p> <ul style="list-style-type: none"> • Name • Address (postal and email) • Telephone number (work, home and mobile) • Date of birth • Occupation • Licence number
<p>How does Council collect my information?</p>	<p>Council will collect personal information supplied by you when it is necessary for one or more of its services, functions or activities.</p> <p>Council will collect information by different contact methods such as via forms, in person, in correspondence, over the telephone or via our website as well as, in some instances collecting information about you from third parties.</p>
<p>How does Council use my information?</p>	<p>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 secondary purpose if it is related to the primary purpose of collection and would be reasonably expected by the individual.</p> <p>Other circumstances when Council may use or disclosure personal information include:</p> <ul style="list-style-type: none"> • In accordance with your consent. • When required or authorised under law. • Where otherwise permitted by the IPPs and the <i>Privacy and Data Protection Act 2014</i>.
<p>Will my information be disclosed to anyone?</p>	<p>Council may disclose personal information to external organisations such as contracted service providers who perform various services for and on behalf of the Council.</p> <p>The information will only be disclosed in accordance with the uses outlined above and is limited to the information required by the contractors to provide services to you on behalf of Council. These contractors are bound by the provisions of the <i>Privacy and Data Protection Act 2014</i>.</p>

	<p>Council also discloses personal information to other agencies during an investigation and defence of legal claims against Council. This includes Council's solicitors, consultants, and investigators.</p>
<p>What is a secondary use purpose?</p>	<p>A secondary purpose is a purpose that is related to the primary purpose of collection and something that the individual would reasonably expect Council to use or disclose their personal information for.</p> <p>A secondary purpose in the case of sensitive information must be <u>directly</u> related to the primary purpose.</p>
<p>What is sensitive information?</p>	<p>Sensitive information is a subset of personal information. There are greater obligations when collecting and handling sensitive information because it carries greater risk.</p> <p>The Act defines sensitive information under the following categories:</p> <ul style="list-style-type: none"> • 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.
<p>When does Council collect sensitive information?</p>	<p>Under Information Privacy Principle 10, Council can only collect sensitive information if:</p> <ul style="list-style-type: none"> • 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: <ul style="list-style-type: none"> • 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. <p>Other instances where Council may collect sensitive information are outlined in the Policy.</p>
<p>How does Council protect my information?</p>	<p>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.</p> <p>Council will take all necessary measures to prevent unauthorised access to, or disclosure of, your personal information.</p> <p>Any information that has passed its retention period will be destroyed in accordance with the <i>Public Records Act 1973</i>.</p>
<p>Can I access my information?</p>	<p>You can request access to your personal information via a Freedom of Information request under the <i>Freedom of Information Act 1982</i>.</p>

<p>Can I update or correct my information?</p>	<p>If you believe your information is inaccurate, incomplete, out of date or misleading you can request Council to update the information under the <i>Freedom of Information Act 1982</i>.</p> <p>Requests seeking amendment of personal information must state the information that is believed to be inaccurate and what changes are requested to be made.</p> <p>Personal information cannot be removed from records, but a correcting statement may be added.</p>
<p>What do I do if I have an issue with Council's handling of my information?</p>	<p>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.</p> <p>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).</p>
<p>Can I contact Council anonymously?</p>	<p>Many types of contact with Council can be completed without providing personal details if you choose, such as lodging complaints, reporting broken assets etc.</p> <p>Anonymity may limit Council's ability to act in some instances.</p>

INFORMATION PRIVACY PRINCIPLES (IPPs)

Principle 1 – Collection

Council will only collect personal information supplied by you when 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.

Under normal circumstances Council must collect personal information about an individual only from that individual. However, if Council collects personal information about an individual from someone else, Council must take all reasonable steps to ensure that the individual is informed of their rights relating to the information collected, except in cases where making the individual aware of the information would pose a significant threat to another person.

Principle 2 – Use and Disclosure

Council will only use personal information within Council, or disclose it outside Council for:

- The primary purpose for which it was collected.
- A secondary purpose where related to the primary purpose of collection and would be reasonably expected by the individual.
- In accordance with your consent.
- Where required or authorised under law.
- Where otherwise permitted by the IPPs and the *Privacy and Data Protection Act 2014*.

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

Council discloses personal information to external organisations such as Council's contracted service providers who perform various services for and on behalf of the Council. These contractors are bound by the provisions of the *Privacy and Data Protection Act 2014*. Information provided to these contractors is limited to the information required by them to provide services to you on behalf of Council.

Council also discloses personal information to other agencies during an investigation and defence of legal claims against Council. This includes Council's solicitors, consultants, and investigators.

Council will ensure that your personal information is not disclosed to other institutions and authorities outside Council except if required or authorised by law, for example for fencing notices between neighbours as stipulated in the *Fences Act 1968* or where we have your consent.

Disclosure to other bodies

If Council is frequently asked to disclose personal information to another body, it will set out its policies in a written agreement between Council and the body to which it discloses the personal information.

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 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.

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* and the Public Records Office Victoria.

Principle 5 – Openness

Council will make publicly available its policies relating to the management of personal or health information.

Council will on request, take reasonable steps to provide individuals with general information on the types of personal or health information it holds about the individual making the request, for what purpose the information is held, and how it collects, holds, uses and discloses that information.

Principle 6 – Access and Correction

Individuals may request access to their personal and health information.

Such requests are generally managed under the *Freedom of Information Act 1982* (and the *Health Records Act 2001* where relevant). Please contact the Freedom of Information and Privacy Specialist in the first instance to discuss your requirements.

If an individual believes that their personal information is inaccurate, incomplete, out of date, or would give a misleading impression the individual may request Council to correct the information. The request will be dealt with in accordance with the Act.

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

Requests under the *Freedom of Information Act 1982* must be made in writing stating as precisely as possible what information is being sought. For requests seeking amendment of personal information, they must state the information is believed to be inaccurate, incomplete, and 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 require or assign unique identifiers where necessary to enable Council to carry out any of its functions efficiently. For example, the unique identifier assigned to customers in Council's central customer database to ensure that there is only one name record for each individual customer. This database may be used by Council to contact residents, ratepayers and customers in relation to Council functions and services.

Council conducts data matching to ensure accurate name records are maintained on individual customers.

Council also assigns a unique identifier to Volunteers and employees, again to ensure there is no confusion regarding 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 us can be completed without providing personal details (such as lodging complaints, reporting broken assets etc.).

However, anonymity may limit Council's ability to act. Therefore, if you choose not to supply personal information that Council considers is necessary for it to perform its functions, Council reserves the right to take no further action on the matter.

Principle 9 – Transborder Data Flows

Whitehorse City Council will only transfer personal information outside of Victoria if that data transfer conforms to the reasons and conditions outlined in the Act.

Council may transfer personal information about an individual outside Victoria only if:

- Council reasonably believes that the recipient of the information is subject to a law, binding scheme or contract which effectively upholds principles for fair handling of the information that are substantially like the Information Privacy Principles; or
- 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 Act does not prohibit the transfer of personal information outside of Victoria, but it does place restrictions on when it can occur. This is because the PDPA is a Victorian law and therefore the IPPs will not apply to organisations in a different state or territory or country.

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

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

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.

3. 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 dealt with your complaint, you may make a complaint to the Office of the Victorian Information Commissioner (OVIC). The OVIC can decline a complaint if the complainant has not previously complained directly to the Council.

4. 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.

5. RESPONSIBILITIES

All employees of Whitehorse City Council are expected to abide by Council's Privacy Policy and to work within their teams to ensure that it's understood that Council is committed in ensuring that personal information is collected and handled in a responsible manner and in accordance with the *Privacy and Data Protection Act 2014*.

6. DEFINITIONS

Personal Information	Personal information is information about an individual that enables or could enable the person to be identified, such as: <ul style="list-style-type: none"> • Name • Address (postal and email) • Telephone number (work, home and mobile) • Date of birth • Occupation • Licence number
Information Privacy Principles (IPPs)	A set of principles that regulate the handling of personal information incorporated within the <i>Privacy and Data Protection Act 2014</i> (the Act).
Primary Purpose	A primary purpose is one for which the individual concerned would expect their information to be used. Using the information for this purpose would be within their reasonable expectations.
Secondary Purpose	The secondary purposes for use and disclosure 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.
Public Registers	Documents that Council are required to make publicly available pursuant to legislation including the <i>Local Government Act 1989</i> and the <i>Local Government Act 2020</i> . These registers:

	<ul style="list-style-type: none"> • Are open to inspection for members of the public; • Contain information required or permitted by legislation; • May contain personal and sensitive information.
Sensitive Information	<p>Information or an opinion about an individual that includes:</p> <ul style="list-style-type: none"> • 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.

7. REVIEW

Policy Owner	Coordinator Information Management
Responsible Department	Governance & Integrity
Reference	24/100501
Version	1
Policy Status	<input type="checkbox"/> Draft <input checked="" type="checkbox"/> Adopted
Date Adopted	5 June 2024
Adopted via	<input type="checkbox"/> Council <input checked="" type="checkbox"/> ELT <input type="checkbox"/> Other
Next Review Date	5 June 2026
Relevant Legislation	<i>Privacy and Data Protection Act 2014 (PDPA)</i> <i>Freedom of Information Act 1982</i> <i>Health Records Act 2001</i> <i>Victorian Charter of Human Rights and Responsibilities Act 2006</i> <i>Local Government Act 1989 & Local Government Act 2020</i> <i>Public Records Act 1973</i>
Related Records	Privacy Policy Additional Fact Sheet Health Privacy Policy