
Privacy Policy



January 2022







Northern Grampians Shire Council
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Privacy Policy



Administration Policy

Responsible director	Director Corporate Services
Responsible officer	Manager Governance & Civic Support
Functional area	Governance
Date adopted by ELT	11/1/2022
Review date	11/1/2024

Purpose

This policy outlines how the Northern Grampians Shire Council (Council) will manage personal and health information it collects and meet the requirements of the *Privacy & Data Protection Act 2014* (PDPA) and the *Health Records Act 2001* (HRA).

Background

Victorian public sector organisations covered by Part 3 of the PDPA and the HRA are required to adhere to 10 Information Privacy Principles (IPPs) and 11 Health Privacy Principles (HPPs). The IPPs and HPPs set out the minimum standards for the handling of personal and health information in the Victorian public sector.

IPP 5 requires an organisation to have a document that clearly sets out its policies on the management of personal information, and to make it available to anyone that asks for it. This document is commonly referred to as a privacy policy.

Scope

Council is committed to adherence to its privacy obligations and the policy aims to help:

- it meet the requirements of the Information Privacy Principles (IPPs)
- employees understand how personal information should be handled
- it prevent the unnecessary collection or unlawful use or disclosure of information
- it promote greater general public confidence in the council's handling of personal information.

All employees of the Northern Grampians Shire Council and persons whose information is collected by the Council are directly affected by the policy.

The Manager Governance and Civic Support is Council's Privacy Officer and responsible for implementation and compliance monitoring and must be consulted during development or revision of the policy and associated procedures.

Council functions

Council is a statutory body corporate established under the *Local Government Act 2020*. It implements policies, regulations and programs set by other levels of government, responds to local community needs, and provides a range of more than 100 local services including:

- Strategic and Statutory Planning, Building Services and Environmental Health
- Community Services, aged care, libraries, children, family services, community strengthening and arts and culture
- Corporate Services, finance, people and culture, customer services, media and communications, record keeping, insurance and business transformation
- Executive Services, corporate administration, waste, emergency, parks and gardens, roads and recreation.
- Infrastructure and Amenity, capital works, engineering, parks and gardens, strategic asset management, contracts, community safety.

Contracted service providers carry out some Council functions.

Personal information collected

The personal information collected to fulfil Council’s functions typically includes but is not limited to name, address (postal and email), telephone numbers, date of birth, occupation, Medicare number, credit card and bank account numbers and motor vehicle registration number.

Council also collects health information in order to provide health services eg maternal and child health.

Policy Objective

Council believes that the responsible handling of personal information is a key aspect of democratic governance and is strongly committed to protecting an individual's right to privacy and full compliance with its obligations under the PDPA and HRA. In particular, Council will comply with the Information Privacy Principles (IPPs) and Health Privacy Principles (HPPs).

This policy explains these principles, listed below, and how they will apply to the community.

Information Privacy Principles (IPPs)	Health Privacy Principles (HPPs)
1.Collection	1.Collection
2.Use and Disclosure	2.Use and Disclosure
3.Data Quality	3.Data Quality
4.Data Security	4.Data Security
5.Openness	5.Openness
6.Access and corrections	6.Access and corrections
7.Unique Identifiers	7.Unique identifiers
8.Anonymity	8.Anonymity
9.Transborder Data Flows	9.Transborder Data Flows
10.Sensitive Information	10.Transfer or closure of the practice of a health service provider
	11.Making information available to another health service provider

Policy

Collection

Council may only collect personal and health information supplied by individuals that is reasonably necessary for and directly related to our work. The information provided may be used for purposes including but not limited to providing council services or functions, eg waste collection, management of leisure centres, health inspections, road maintenance and maternal and child health and to contact persons where it is necessary to resolve issues they have brought to our attention.

Council collects personal information in a number of different ways, for example via email, telephone, online, in person and paper-based collection. We will only collect personal and health information by lawful and fair means, and not in an unreasonably intrusive way. In some instances, we have a legal obligation to collect personal information and we will only collect sensitive information where an individual has consented or as permitted under the PDPA and HRA.

If it is reasonable and practicable to do so, Council will collect personal and health information about individuals directly from those individuals.

When collecting personal or health information, we will take reasonable steps to tell people what information is being sought, for what purpose, whether any law requires the collection of the information, and the main consequences, if any, of not supplying the information. This will be achieved by a 'Privacy Collection Statement' which will also let individuals know how they can access their information.

Use and disclosure

Council will only use personal or health information internally, or disclose it outside Council, for the primary purpose for which it was collected or with the individual's consent. In some cases, we may also use or disclose information for a secondary purpose that an individual may reasonably expect.

Council will not release or provide access to information to any other person or body, unless:

- it has been authorised to do so by the person to whom the information relates
- it is permitted or required to do so by law; or
- it is appropriate or required in the performance of the functions of Council.

Data quality

Council will take reasonable steps to ensure the personal and health information it holds is correct, complete, up to date and relevant to the functions it performs. Where possible we will check the accuracy of information with the individual before using it.

Data security

Council's Protective Data Security Plan (PDSP) helps us manage information security risks. We use a combination of people, policies and procedures and technology safeguards across information, business technology, personnel and physical security to protect information from misuse and loss, unauthorised access, modification and disclosure.

Council will dispose of personal and health information when it is no longer required to fulfil the purposes for which it was collected or as required by law, in accordance with *Public Records Act 1973 and Public Record Office of Victoria (PROV) Standards and Retention and Disposal Authorities*.

If Council becomes aware that an individual's information has been inappropriately handled, we will take steps to inform the individual of the incident and will take action to ensure that such a breach does not occur again. An individual, or their authorised representative, who claims that Council or a third party acting on behalf of Council has breached their privacy (under either the PDPA or HRA), may lodge a complaint.

Openness

Council will publish this policy on its website and provide a copy to any person who asks for it.

Access and correction

Should any person wish to access personal or health information about themselves, they may contact Council's Privacy Officer on 03 5358 8700. Access will be provided except in the circumstances outlined in the respective Acts; for example, where the information relates to legal proceedings or where the *Freedom of Information Act 1982* applies.

Council will endeavour to maintain accurate records and correct errors identified promptly.

If any persons believe that personal or health information relating to them is inaccurate, incomplete or out of date, they may ask Council to correct the information. Every request will be dealt with in accordance with the PDPA and HRA.

Unique identifiers

A unique identifier is a number or code that is assigned to someone's record to assist with identification (similar to a driver's licence number). Council will only assign a unique identifier to a person if the assignment is reasonably necessary to carry out its functions effectively.

Anonymity

Where lawful and practicable, Council will give persons the choice of not identifying themselves when supplying information or entering into transactions with it.

However, some Council services can only be provided if the person accessing the service is prepared to be identified due to practical and legal requirements.

Transborder data flows

The PDPA and HRA are Victorian law and the privacy principles do not apply to organisations in a different state, territory or country. While the Acts do not prohibit the transfer of personal information about an individual to someone outside of Victoria it does place restrictions on when it can occur.

Council will only transfer personal or health information outside of Victoria per the provisions outlined in the PDPA and HRA.

Council may use cloud computing services based outside Victoria, in which case Council must ensure compliance with the Victorian IPPs and HPPs in engaging with those services.

Sensitive information

Council will only collect sensitive information where an individual has consented or as allowed under law.

Making information available to another health service provider

When Council acts as a health service provider, it will make health information relating to an individual available to another health service provider if requested to do so by the individual.

Third parties

While Council staff usually handle personal information, Council may outsource some of its functions to third parties, eg a contractor or volunteer to collect, use or disclose certain personal (eg waste and recycling collections) or health information.

Council requires third parties to follow the PDPA IPPs and HRA HPPs and Council policies in all respects to ensure they do not do an act or engage in a practice that contravenes the Council's responsibilities.

Complaints

If any persons feel aggrieved by Council's handling of personal or health information about themselves, they may make a complaint to Council's Privacy Officer. Every complaint will be investigated as soon as possible (but no later than five business days) and the complainant will be provided with a written response.

Privacy Officer

Phone: 03 5358 8700

Email: ngshire@ngshire.vic.gov.au

Post: PO Box 580 Stawell 3380

Online: [Complaint form](#)

Alternatively, any person may make a complaint directly to the Office of the Victorian Information Commissioner (OVIC) or Health Services Commissioner (although either Commissioner may decline to hear the complaint if it has not first been made to council). OVIC is the independent regulator of privacy for state government agencies whose role is to try and resolve privacy complaints between aggrieved parties through a conciliation process and the Health Complaints Commissioner similarly is the regulator for health information related complaints to supports safe and ethical healthcare for all Victorians.

Office of the Victorian Information Commissioner

Phone: 1300 006 842

Email: enquiries@ovic.vic.gov.au

Post: PO Box 24274 Melbourne 3001

Online: [Complaint Form](#)

Victorian Health Complaints Commissioner

Phone: 1300 582 113

Online: [Complaint Form](#)

Legislation and Standards

The policy aligns that with the Council's Council Plan Goal to *Improve Organisational Effectiveness* and ensure our governance and compliance requirements are continually met.

Responsibilities

The Director Corporate and Community Services and Manager Governance and Civic Support are responsible for the development and management of the policy.

Consideration must be given to the application of council's [Community Engagement Policy](#) in the development of any Council policy.

Review

Monitoring and regular assessment of the policy are necessary to ensure the policy still is current with the council's goals, processes, aims and requirements.

Assessment of the policy will be undertaken every two years as recommended by the Office of the Victorian Information Commissioner (OVIC) guidance for drafting a privacy policy. Triggers for an earlier assessment include legislative changes and introduction of new systems or procedures.

Communication and implementation

The policy will be communicated to all Council employees as set out in the organisation's [Data Privacy and Security Training Plan](#) that includes induction and ongoing privacy awareness training. The policy will be provided to the public via the Council website.

References

[OVIC Examination of Local Government Privacy Policies, 2019](#)

Organisational privacy resources provided by the [Office of the Victorian Information Commissioner](#) (OVIC) were used for the development of the policy.

Compliance

This policy requires relevant State Government legislative compliance with:

- [Local Government Act 2020](#)
- [Gender Equality Act 2020](#)
- [Privacy and Data Protection Act 2014](#)
- [Charter of Human Rights and Responsibilities Act 2006](#)
- [Health Records Act 2001](#)
- [Freedom of Information Act 1982](#)

Privacy and Data Protection compliance

The policy is developed in line with the *Privacy and Data Protection Act 2014* and the *Victorian Protective Data Security (VPDSS) Framework* which adopts a risk-based approach to privacy and protective data security. The policy forms part of the council's [Information Security Management Framework](#) to help mitigate identified security risks and protect personal information it collects from misuse and loss and from unauthorised access, modification or disclosure.

Gender Equality Act 2020

Council has privacy considerations and the collection, use and disclosure of personal, sensitive and health information when following the obligations under the *Gender Equality Act 2020* and in the preparation of the council's Gender Equality Action Plan and workplace gender audit. Gender equality indicators cover gender pay equity, gender composition at all levels of the workforce, gender composition of governing bodies, workplace sexual harassment, recruitment and promotion, gendered work segregation, leave and flexibility.

Charter of Human Rights compliance

This policy has a positive impact on the human rights or *privacy* and *reputation* found in the *Charter of Human Rights Act 2007*.

A person has the right not to have his or her privacy, family, home or correspondence unlawfully or arbitrarily interfered with and the right not to have his or her reputation unlawfully attacked.

Definitions

policy means what we will do and why (eg legislation governs Council actions)

health information is defined as information or an opinion about:

- an individual's physical, mental or psychological health, including any disability, or
- a health service an individual has received or will be receiving, that is also personal information; or
- other personal information collected to provide a health service.

personal information means information or an opinion (including information or an opinion forming part of a database) that is recorded in any form and whether true or not, about an individual whose identity is clear, or can reasonably be learned, from the information or opinion, but does not include information of a kind to which the *HRA* applies.

For example, Council holds personal information on its ratepayers (eg names and addresses) in order to carry out its functions (eg planning, valuation and property services). It may also request personal information in order to provide education, welfare and other community services (eg childcare services) and wellbeing opportunities (eg leisure memberships). In some instances, personal information may be contained on a public register (register of building permits, food premises and animal registration details).

personal privacy means privacy of personal information

protective data security is the practice of implementing security measures to protect Victorian government information.

sensitive information includes, but is not limited to, information or an opinion about an individual's racial or ethnic origin, political opinions, professional, political and trade union memberships, philosophical or religious beliefs or affiliations, sexual preferences or criminal record. Sensitive information is subject to more restrictions on collection, use and disclosure.

third party is defined in s 3 of the PDPA as meaning any person or body other than the organisation holding the information and the individual to whom the information relates.

Review history

Date	Review details	Action
7.11.2002	New legislation requires policy to be adopted	Policy adopted by council
6.10.2014	Minor changes made to align with new legislation	Policy adopted by ELT
20.11.2018	Four yearly review; minor changes made to include VPDSS	Policy adopted by ELT
11.1.2022	Four yearly review; minor changes in response to OVIC Examination of Local Government Privacy Policies 2019	Policy approved by ELT. Next review set for 2024.