

Privacy

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Scope

Council believes that the responsible handling of personal information and health information is a key aspect of democratic governance, and is strongly committed to protecting an individual's right to privacy.

Council will comply with the Information Privacy Principles (IPP) and the Health Privacy Principles contained in these Acts. This Privacy Policy explains these Principles and how they may apply to an individual.

This Policy applies to both personal and health information held by Council.

Definitions

Personal Information

Personal information means information or an opinion about an individual whose identity is apparent, or can reasonably be ascertained, from the information or opinion. 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 child care services). In some instances, personal information may be contained on a public register (register of planning permits, food premises and animal registration details).

Sensitive Information

Sensitive information is defined as personal information or an opinion about an individual's: race or ethnic origin; political opinions; membership of a political association; religious beliefs or affiliations; philosophical beliefs; membership of a professional trade association; membership of a trade union; sexual preferences or practice; or criminal record.

External Contractors

Council may outsource some of its functions to third parties (e.g. Garbage collection). This may require the contractor to collect, use or disclose certain personal information. It is the intention of Council to require contractors to comply with the IPPs and the provision of the Act in all respects.

Health Information

Health information includes information about the physical, mental or psychological health, or disability of an individual. It also includes information collected to provide a health service to an individual (such as a disability or aged care service, immunisation service or maternal health care service), including an individual’s expressed wishes about the future provision of health services.

Privacy Principles

Principle 1 - Collection

Towong Shire Council will only collect personal and health information that is necessary for specific and legitimate functions and activities of the council. All information will be collected by fair and lawful means and not in an unreasonably intrusive way.

Council will provide details of:

- why it is collecting personal and health information;
- how that information can be accessed;
- the purpose for which the information is collected;
- with whom the council shares this information;
- any relevant laws; and
- the consequences for the individual if all or part of the information is not collected.

Under normal circumstances Towong Shire Council must collect personal and health information about an individual only from that individual. However, if council collects personal and health information about an individual from someone else, council will take all reasonable steps to ensure that individual is informed of his or her rights relating to the information collected.

Principle 2 - Use and Disclosure

Towong Shire Council will not use or disclose personal and health information for a purpose other than the primary purpose except for those conditions specified in the Acts.

Principle 3 - Data Quality

Towong Shire Council will take reasonable steps to make sure that the personal and health information it collects uses or discloses is accurate, complete and up-to-date.

Principle 4 – Data Security

Towong Shire Council will take reasonable steps to protect all personal and health information it holds from misuse, loss, unauthorised access, modification or disclosure. Council will take reasonable steps to lawfully and responsibly destroy or permanently de-identify personal and health information when it is no longer needed for any purpose as specified in the Acts.

Principle 5 - Openness

Towong Shire Council will make publicly available its policies relating to the management of personal and health information. Council will, on request, take reasonable steps to provide individuals with general information on the types of personal and health information it holds and for what purposes and how it collects, holds, uses and discloses that information.

Principle 6 - Access and Correction

Towong Shire Council will provide access to information held by council about an individual on request except in specific circumstances as outlined within the Act.

Where council holds personal and health information about an individual and the individual is able to establish that information is incorrect, council will take reasonable steps to correct information as soon as practicable but within 45 days of the request. If, however, council denies access or correction, council will provide reasons.

In the event that Towong Shire Council and an individual disagree about the veracity of personal and health information held by council, Towong Shire Council will take reasonable steps to record a statement relating to the disputed information if requested by the individual.

Principle 7 - Unique Identifiers

Towong Shire Council will not assign, adopt, use, disclose or require unique identifiers from individuals except for the course of conducting normal council business or if required by law. Towong Shire Council will only use or disclose unique identifiers assigned to individuals by other organisations if the individual consents to the use and disclosure or the conditions for use and disclosure set out in the Acts are satisfied.

Principle 8 - Anonymity

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

Principle 9 - Cross border Data Flow

Towong Shire Council may transfer personal and health information outside of Victoria only if that data transfer conforms to the reasons and conditions outlined in the Acts.

Principle 10 – Sensitive information

Towong Shire Council will not collect sensitive information about an individual except for circumstances specified under the Acts.

Principle 11 - Transfer or Closure of the Practice of a Health Service Provider

If the health services of Towong Shire Council were to be transferred or closed, the Council would take reasonable steps to notify recipients of health services and of the options to transfer their information to the new health service provider or a health service provider nominated by them or retain their own health records.

Principle 12 - Making Information available to another Health Service Provider

Towong Shire Council will upon consent by an individual, provide a copy of or written summary of their health information to a specified health service provider, on payment of a fee not exceeding the prescribed maximum fee and subject to the regulations.

Deployment

Management and staff will be responsible for the delivery of this policy within their areas of responsibility.

Application of the Policy

This Policy is applicable to Towong Shire Council in all its operations and functions

Relevant Legislation

Information Privacy Act 2000

Health Records Act 2001

Complaints

If an individual feels aggrieved by Council's handling of their personal, sensitive or health information, he/she may make a complaint to Council's Privacy Officer (Telephone: (02) 6071 5100).

The complaint will be investigated as soon as possible (but no later than 5 business days) and a written response will be provided to the individual. Alternatively, the individual may make a complaint to the Privacy Commissioner in relation to personal information, telephone (03) 86198719 or the Health Services Commissioner in relation to health information, telephone (03) 86015222. Please note that the Commissioners may decline to hear the complaint if the individual has not first made a complaint to Council.

Further Information

If an individual has any queries about this Privacy Policy, they can contact Council's Privacy Officer (Telephone: (02) 6071 5100).

The Office of the Commissioner for Privacy and Data Protection (Mr David Watts), can be contacted by telephone on 1300 666 444.

The Office of the Health Complaints Commissioner (Dr Grant Davies) can be contacted by telephone on 1300 582 113.