

1. PURPOSE

To establish a framework for the management and handling of personal and health information that complies with the privacy principles enshrined in the *Privacy and Data Protection Act 2014* (PDPA) and the *Health Records Act 2001*.

2. SCOPE

This policy applies to all employees, councillors and contractors of Wodonga City Council.

The policy covers all personal and health information held by council, including information sourced from third parties.

3. DEFINITIONS

'Personal information' is recorded information or opinion, whether true or not, about a readily identifiable individual (or an individual whose identity can be reasonably ascertained) that includes:

- An individual's name;
- An individual's home address;
- An individual's telephone number/email address;
- An individual's date of birth and age;
- An individual's marital status;
- An individual's financial status;
- An individual's financial/business transactions with Council; or
- An individual's Pension number/Medicare card number etc.

'Sensitive information' is recorded information or opinion, whether true or not, about a readily identifiable individual (or an individual whose identity can be reasonably ascertained) that includes:

- Racial or ethnic origin;
- Political opinions or membership of a political association;
- Religious beliefs or affiliations;
- Philosophical beliefs;
- Membership of a professional or trade association, or a trade union;
- Sexual preferences or practices; or
- Criminal record.

'Health information' is recorded information or opinion, whether true or not, about a readily identifiable individual (or an individual whose identity can be reasonably ascertained) that includes:

- The physical, mental or psychological health (at any time) of an individual;
- The disability (at any time) of an individual;

- An individual's expressed wishes about the future provision of health services to him or her;
- A health service provided or to be provided to the individual; or
- Other personal and sensitive information collected (as considered by the IPA) if the council business unit is considered to be a 'health service provider' (e.g. Maternal and Child Health, Immunisation, HACC, etc).

Information Privacy Principles (IPP's). Set of principles defined in the IPA that regulate the handling of personal information.

Health Privacy Principles (HPP's). Set of principles defined in the HRA that regulate the handling of health information.

Note: Information or opinion collected for 'personal information', 'sensitive information' and 'health information' can be recorded as part of a database.

4. POLICY

Council will comply with the following Information Privacy Principles (IPP's) and Health Privacy Principles (HPP's).

4.1 Principle 1- collection

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 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.

4.2 Principle 2 -use and disclosure

Council will not use or disclose information about an individual other than for the primary purpose for which it was collected unless one of the following applies:

- It is for a related purpose that the individual would reasonably expect.
- Where Council has the consent of the individual to do so.

- If, as defined in the HRA, the individual is incapable of giving consent.
- As required or permitted by the IPA or any other legislation.

4.3 Principle 3 -data quality

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

4.4 Principle 4 -data security

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 & responsibly destroy or permanently de-identify personal information when it is no longer needed for any purpose, subject to compliance with the *Public Records Act 1973* and any other applicable Act or Regulation.

4.5 Principle 5 - openness

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, subject to the provisions of the *Freedom of Information Act 1982* and any other applicable Act or Regulation.

4.6 Principle 6 -access and correction

Council will provide access to information held by council about an individual on request except in specific circumstances as outlined within the Acts. The process for an individual requesting access to their recorded personal and health information about themselves, ie: documents, is through a Freedom of Information request.

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

4.7 Principle 7 -unique identifiers

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. 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.

4.8 Principle 8 – anonymity

Where lawful and practicable, Council will give individuals the option of not identifying themselves when entering into transactions with Council.

4.9 Principle 9 -transborder data flows

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

4.10 Principle 10 -sensitive information

Council will not collect sensitive information about an individual except for circumstances specified under the Acts or in circumstances whereby such information is both directly pertinent and necessary to the specific, proper and legitimate functions of one or more of its activities.

4.11 Principle 10 and 11 – Health Records Act

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

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.

4.12 Complaints

If an individual feels aggrieved by council's handling of their personal, sensitive or health information, he/she may make a complaint to the council's Privacy Officer (Telephone: 02 6022 9300).

The complaint will be investigated as soon as possible (but no later than five business days) and a written response will be provided to the individual.

Alternatively, the individual may make a complaint to the Commissioner for Privacy and Data Protection in relation to personal information (ph: 1300 666 444) or the Health Services Commissioner in relation to health information (ph: 1300 582 113). Please note that the Commissioners may decline to hear the complaint if the individual has not first made a complaint to the council.

5. ATTACHMENTS

Nil.

6. RELATED POLICIES

Nil.

7. RELATED LEGISLATION

The key legislation related to privacy policy is:

- *Freedom of Information Act 1982*
- *Health Records Act 2001*
- *Privacy and Data Protection Act 2014*
- *Public Records Act 1973*

8. REFERENCES

Wodonga City Council Privacy Guidelines
Wodonga City Council Charter of Human Rights

9. REVIEW

Council may review this policy at any time but unless otherwise requested at least every four years from date of adoption. Minor amendments to the policy may be authorised by the CEO at any time where such changes do not alter the substance of the policy eg: typographical errors, a change to the name of a related policy, or a change to the name of legislation.

Title:	Privacy Policy
Reference No:	CP05/00022
Business Unit:	Governance and Customer Focus
Category:	Policy
Version:	Five
Approved By:	Council at its meeting of March 21, 2016.
Next Review:	March 2020