

## Privacy Policy 2018

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## Introduction

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Maribyrnong City Council is bound by legislation to protect the private information collected by Council and ensure its proper management including its collection, storage, access, disclosure and destruction.

## Purpose

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The purpose of Maribyrnong City Council's Privacy Policy 2018 (the Policy) is to:

- Convey the principles of responsible management of personal information collected by Council
- Promote the protection of the privacy of individuals in all transactions with Council while ensuring a balance with the interests of Council carrying out its functions and/or activities.
- Promote responsible and transparent handling of personal information while ensuring the privacy of individuals is acknowledged and respected.
- Provide a means for individuals to make formal complaints about any alleged interference with their privacy.

## Scope

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The Policy applies to all Maribyrnong City Council Councillors, employees, volunteers and contractors, and applies to all personal and health information collected, used, disclosed and stored about any individual including residents, users of Council services, individuals or groups registering for any Council provided service, or those seeking employment with Council.

## Definitions

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The Policy seeks to provide greater clarity in relation to privacy with key words/terms being clearly defined to minimise any ambiguity.

<b>Word/Term</b>	<b>Definition</b>
<b>Council</b>	means Maribyrnong City Council.
<b>Health Act</b>	means the <i>Health Records Act 2001</i>
<b>Health information</b>	<p>means</p> <ul style="list-style-type: none"> <li>• Information or an opinion about:               <ul style="list-style-type: none"> <li>– the physical, mental or psychological health (at any time) of an individual; or</li> <li>– a disability (at any time) of an individual; or</li> <li>– an individual's expressed wishes about the future provision of health services to him or her; or</li> <li>– a health service provided, or to be provided, to an individual –</li> </ul>               that is also personal information; or             </li> <li>• other personal information collected to provide, or in providing, a health service; or</li> <li>• other personal information about an individual collected in connection with the donation, or intended donation, by the individual of his or her body parts, organs or body substances; or</li> <li>• other personal information that is genetic information about an individual in a form which is or could be predictive of the health (at any time) of the individual or of any of his or her descendants.</li> </ul>
<b>Health privacy principles</b>	The Health Privacy Principles (HPPs) are a set of eleven principles that regulate how health information is handled. These principles underpin the Health Act
<b>Information Privacy Principles (IPPs)</b>	The Information Privacy Principles (IPPs) are a set of ten principles that regulate how personal information is handled. These principles underpin the PDPA

Word/Term	Definition
<b>Personal information</b>	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 apparent, or can reasonably be ascertained, from the information or opinion, but does not include information of a kind to which the <i>Health Records Act 2001</i> applies.
<b>PDPA</b>	means the <i>Privacy and Data Protection Act 2014</i> .
<b>Sensitive information</b>	<p>means information or an opinion about an individual's:</p> <ul style="list-style-type: none"> <li>• racial or ethnic origin; or</li> <li>• political opinions; or</li> <li>• membership of a political association; or</li> <li>• religious beliefs or affiliations; or</li> <li>• philosophical beliefs; or</li> <li>• membership of a professional or trade association; or</li> <li>• membership of a trade union; or</li> <li>• sexual preferences or practices; or</li> <li>• criminal record</li> </ul> <p>that is also personal information</p>
<b>Special Committee</b>	means a Special Committee of Council established under section 86 of the <i>Local Government Act 1989</i> .

## Responsibilities

It is the responsibility of the Manager Governance and Commercial Services and Council's Privacy Officer to promote the Policy and to work with Council departments to ensure that existing processes are compliant with statutory requirements.

It is the responsibility of the Manager Organisational Development to ensure the Policy, and privacy more generally, are topics listed during the formal induction of new employees.

# Policy

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The Policy has been informed by the 10 Information Privacy Principles (IPPs) contained in the *Privacy and Data Protection Act 2014*, and the 11 Health Privacy Principles (HPPs) contained in the *Health Records Act 2001*. This policy encompasses both sets of principles.

## 1. Collection of private information

The City of Maribyrnong will only collect personal information that is necessary for carrying out its functions or activities, and where reasonable and practicable, collection will be from individuals directly. However, Council reserves the right to collect personal and health information from third parties where the law or circumstances warrant it.

The collection of this information could be in various ways, including:

- During conversations between individuals and Council representatives.
- Accessing and interacting with Council's websites or social networking sites
- When making an enquiry, providing feedback or completing an application form (online or in hard copy)
- Through the use of Council-owned CCTV systems installed in public places for the purpose of surveillance, including cameras in or on Council property, mobile surveillance cameras (both covert and overt), and those that make up the City of Maribyrnong Public Safety CCTV Camera System

The personal information collected typically includes, but is not limited to, the following:

- Name, address, birth date, telephone numbers
- Age, sex, marital status, occupation
- Motor vehicle registration number
- An image in a photograph or voice in a recording
- Images on closed circuit television cameras
- Physical, mental or psychological health, or disability of an individual

The information provided may be used for purposes including, but not limited to, the following:

- To make contact where it is necessary in order to provide services requested by an individual
- As part of Council's commitment to customer service, Council may periodically invite individuals to provide feedback about their experience via a voluntary survey
- To make contact where it is necessary to resolve issues relating to City of Maribyrnong services or functions

- To make contact prior to a Council or Special Committee meeting to confirm your attendance and/or advise of any changes to the meeting details where a submission has been made for consideration.
- To supply material concerning Council initiatives and programs where personal information has been provided to Council for that purpose.
- To facilitate the collection of Council fees and charges
- To enable payment for Council provided goods and services.
- To enable Council to undertake its law enforcement functions such as liaising with road traffic authorities in the processing of parking infringement notices
- To aid community wellbeing and safety through the collection of images via closed circuit television cameras which may be provided to authorised members of the Victorian Police Force following a reported incident.
- To seek voluntary contributions to ideas, responses to questions, additional information on resolving complaints, and/or compliments from members of the public in relation to any Council provided service.

Council will only collect sensitive information and health information where you have consented or as permitted under the PDPA, Health Act, or another law.

## 2. Use and disclosure

Council will only use private information for:

- the primary purpose for which it was collected,
- for a secondary purpose that would be reasonably expected, or
- in other limited circumstances such as when required to do so by law.

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 have agreed to be bound by the provisions of the *PDPA*. Information provided to these contractors is limited to the information required by them to provide services on behalf of Council.

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

Council may also use personal information contained in complaints which you make to Council as part of any prosecution undertaken as part its law enforcement functions.

Where authorised, Council may also disclose personal information to:

- Debt collection agencies.

- Government agencies including the Department of Human Services, the Victorian Workcover Authority and Road Traffic Authority.
- Law enforcement agencies, including the courts and Victoria Police, in instances where Council is required to respond to a subpoena or provide information to assist a police investigation.
- Government agencies to enable them to advise you of works which may impact upon individuals or properties
- Other individuals or organisations only if Council believes that the disclosure is necessary to lessen or prevent a serious and imminent threat to an individual's life, health, safety or welfare, or a serious threat to public health, safety or welfare.

Personal information in applications for employment with Council will be supplied to agencies such as the Victoria Police as part of a background check, or with the Department of Justice and Regulation as part of a Working with Children Check. The results from such checks will not be disclosed to any third party unless authorised by law or with the applicants' written authorisation.

Personal information provided as part of a public submission to a Council or Special Committee meeting may be included with the published agenda papers and minutes of the meeting. The published agenda papers and minutes are made available online and in hardcopy format.

Personal information may also be contained in Council's Public Registers. Under the *Local Government Act 1989*, any person is entitled to inspect Council's Public Registers, or make a copy of them, upon payment of the relevant fee.

In the case of health information in particular, Council may disclose health information about someone:

- If Council is providing a health service to them and it is necessary to be able to provide that service
- Where the person is incapable of providing consent and it is not reasonably practicable to obtain the consent of an authorised representative or the person does not have an authorised person

### **3. Data quality**

Council will undertake all reasonable steps to ensure that personal, sensitive and health information it collects, uses or discloses is as complete, accurate and up to date as possible.

### **4. Data security**

Council will take all necessary steps to ensure that personal information is stored safely and securely. This will ensure that personal information held by Council will be protected from misuse, loss, and unauthorised modification and/or disclosure.

Any personal information provided to Council, which is no longer necessary for Council's purposes, will be disposed of in accordance with the document disposal requirements of the *Public Records Act 1973* and the *Health Records Act 2001*.

## 5. Openness

The Policy serves as Council's public commitment to openness in the management of personal information.

This policy is available in both electronic and hardcopy formats. To obtain a copy of this policy in an accessible format, refer to the *Who to Contact* section below.

## 6. Access and correction

Everyone has the right to access their own personal information, and where necessary, request that information about them be corrected.

Anyone wishing to arrange an appointment to view the private information Council is in receipt of should refer to the *Who to Contact* section below.

## 7. Unique identifiers

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

## 8. Anonymity

Where lawful and practicable Council will provide the option for individuals to remain anonymous in their interactions with Council.

Please bear in mind, anonymity may limit Council's ability to process a complaint or other matter. Therefore, if you choose not to supply personal information that is necessary for the Council to perform its functions, then Council reserves the right to take no further action on that matter.

## 9. Transborder data flows

IPP9 of the PDPA 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 IPP's will not apply to organisations in a different state, territory or country.

Council will only transfer personal or health information outside of Victoria in accordance with the provisions outlined in the PDPA and Health Records Act. While Council uses cloud computing services based outside Victoria, it has taken 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.

## **10. Sensitive information**

Unless prior consent has been obtained from individuals in writing, or Council is required to do so by law and/or to prevent harm, Council will not collect sensitive information as defined by the Policy.

## **11. Transfer or closure of health service**

Health Information relating to a discontinued Council health service will be managed in accordance with the Health Act.

## **12. Making information available to another health service provider**

Council will provide a copy, or written summary, of health information in its possession where it is requested in writing by the individual, or by a health service provider authorised by the individual.

# **Privacy statement**

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All Council forms, both in hard copy and electronic form, will contain a Privacy Statement which comprises the following:

- Council's identity including logo and contact details.
- Information on how to gain access to the information.
- The purpose for which the information is being collected.
- Whom, or the types of individuals or organisations, Council usually discloses the information being collected to, if any.
- The main consequences, if any, for individuals should private information not be provided.

The following privacy statement is to be placed on all forms that seek private information and customised as indicated for specific needs:

## **Privacy Statement**

*The personal information requested on this form is being collected by Maribyrnong City Council for the purpose of **insert purposes**. The information will be used by Council for **this/these** primary **purpose/s** or directly related purposes. Council may not be able to assist/provide a service as a consequence should this information not be provided.*

*Council will disclose **insert what will be disclosed, if anything, and to whom or the typical organisations Council provides this to**. The information provided will not otherwise be disclosed unless required by law.*

*Requests for access to and/or amendment of the information provided may be made to Council's Privacy Officer on ph: 9688 0200.*

Council's Privacy Officer is available to assist in the preparation of specific Privacy Statements.

## **Council websites and social media**

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Maribyrnong City Council engages the services of a web hosting provider for its websites, including City of Maribyrnong website, Your City Your Voice website, and Festival City website, which have established a Privacy Policy which all visitors to Council's websites are encouraged to read, prior to navigating through the site.

The information available to Council via the web hosting provider includes:

- All information from Sign Up forms
- Comments made in public chat forums
- Survey, Quick Poll, and comment voting responses
- General site activity such as document downloads.

Council does not obtain any information other than what you expressly provide in the above forms, forums and survey responses.

Council's website contains the details of its web hosting provider where further information and the provider's Privacy Policy can be obtained.

Council may also collect private and/or sensitive information via its social media pages, including, but not limited to, users accessing Facebook, Twitter, Instagram and YouTube.

Council's website may also include links to third party sites. These third parties have separate and independent privacy policies, which Council has no responsibility or liability for the content and activities of these linked sites.

## Key stakeholders

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Key Stakeholders have been identified and include:

- Residents.
- Ratepayers.
- Councillors.
- Council staff.
- Users of Council provided services.

## Related legislation

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- *Privacy and Data Protection Act 2014*
- *Health Records Act 2001*
- *Freedom of Information Act 1982*
- *Victorian Charter of Human Rights and Responsibilities Act 2006*
- *Local Government Act 1989.*

## Related documents

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- Information Privacy Principles
- Health Privacy Principles
- Maribyrnong City Council Closed Circuit Television (CCTV) in Public Places Policy 2017-2021

## Review of policy

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The Policy will be reviewed in 2021, or as legislation requires, or Council determines a need has arisen.

## How to make a complaint

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If you would like to lodge a complaint about how Council has handled your personal information you should lodge the complaint in writing. Should you require assistance in preparing your complaint Council can assist.

Upon lodging your complaint, the matter will be assessed in accordance with Council's Customer Complaint Resolution Policy and you will be advised of the initial assessment.

## Who to contact

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For further information in relation to the Policy, or if a copy of the Policy is required in an accessible format, contact Council's Privacy Officer on 9688 0200 or

Privacy Officer  
City of Maribyrnong  
PO Box 58  
FOOTSCRAY VIC 3011