

**HOBSONS**  
**BAY CITY**  
COUNCIL



# Privacy Policy

2022 V2.0

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## **Acknowledgment of Country**

Council acknowledges the Bunurong People of the Kulin Nation as the Traditional Owners of these municipal lands and waterways, and we pay our respects to Elders past, present and emerging.

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# 1. Purpose

To meet the IPP's and HPP's in relation to managing and handling personal and health information within Council.

Hobsons Bay City Council is strongly committed to protecting and preserving an individual's right to privacy and to the responsible and fair handling of their personal, sensitive and health information. Council is committed to full compliance with its obligations under the Privacy and Data Protection Act 2014 and the Health Records Act 2001 as detailed in each of the Information Privacy Principles (IPP's) (Refer to Page 15) and the Health Privacy Principles (HPP's) (Refer to Page 16).

# 2. Background

Since 1 July 2002, all Victorian Councils have been required to comply with the *Privacy and Data Protection Act 2014* (previously known as the *Information Privacy Act 2000*) and the *Health Records Act 2001*. The Privacy and Data Protection Act 2014 regulates the management, collection, use and disclosure of 'personal information' and 'sensitive information', whilst the Health Records Act 2001 regulates the management, collection and use and disclosure of 'health information'.

# 3. Scope

This policy applies to all Councillors, Council employees, volunteers, those on work experience at Hobsons Bay and contractors working for Hobsons Bay City Council. This policy covers all personal and health information about an individual that is collected, stored, used or disclosed by Council in person, over the telephone, as correspondence or on forms (both paper or electronically) or through Council's social media and web sites.

# 4. Policy Objectives

This policy aims to:

- provide a regime for the responsible collection, storage, handling and disclosure of personal and health information
- provide individuals with the right of access and correction to personal and health information about themselves held by Council.

# 5. Definitions

<b>Personal information</b>	information or an opinion, whether true or not, about an individual whose identity is apparent, or can reasonably be ascertained, from the information or opinion.
<b>Sensitive Information</b>	personal information or an opinion about an individual's racial or ethnic origin, political opinions, trade union membership, philosophical or religious beliefs, sexual preferences or criminal record.

<b>Health Information</b>	information or an opinion about the physical, mental or psychological health, or disability of an individual or a health service provided or to be provided to an individual.
<b>Health services</b>	an activity that is intended or claimed to assess, maintain or improve an individual's health, to diagnose the individual's illness, injury or disability or to treat an individual's illness, injury or disability.
<b>Health services provider</b>	an organisation that provides a health service in Victoria to the extent that it provides a service but does not include those providers specifically exempted for the purposes of the HAS.
<b>Information Privacy Principles</b>	(IPP's) are the ten principles established by the <i>Privacy and Data Protection Act 2014</i> that regulate how the Council will collect, hold, manage, use, disclose or transfer personal information.
<b>Health Privacy Principles</b>	(HPP's) are the eleven principles established by the <i>Health Records Act 2001</i> that regulate how the Council as a health service provider will collect, hold, manage, use, disclose or transfer health information.
<b>Public Registers</b>	documents that Council is required to make publicly available in accordance with State Government legislation. Public Registers may contain personal information and are open to inspection by members of the public. Examples of public registers maintained by Council include a register of building permits pursuant to Section 31 of the <i>Building Act 1993</i> and a register of occupancy permits and temporary approvals received by Council pursuant to Section 74 of the <i>Building Act 1993</i> .
<b>Unique identifier</b>	typically a number assigned by an organisation to an individual uniquely to identify that individual for the purposes of the operations of the organisation but does not include an identifier that consists only of the individual's name but does not include an identifier within the meaning of the <i>Health Records Act 2001</i> .

<b>Primary purpose</b>	the purpose(s) for which an individual's health information was collected.
<b>Secondary purpose</b>	a purpose(s) related to the primary purpose; or where an individual would reasonably expect Council to use or disclose their personal information.
<b>Privacy Collection Statement</b>	a statement that appears on every Council developed form or register (both hardcopy and online) that details why the information is being collected by Council, to whom the information will/may be disclosed and why. It specifies any law that requires Council to collect the information and details how an individual can go about gaining access to the information they supply to amend it if required.

## 6. Policy

### 6.1. Information Privacy Principles and Health Privacy Principles

The *Privacy and Data Protection Act 2014* contains ten Information Privacy Principles (IPP's) and the *Health Records Act 2001* contains eleven Health Privacy Principles (HPP's). These principles regulate how Council will collect, handle, use and disclosure the personal, sensitive and health information it collects.

### 6.2. Privacy Principle 1 - Collection of Personal or Health Information

Council will only collect the personal or health information that is necessary in order for it to provide a service and/or carry out its functions and activities. In some instances, Council is required by law to collect personal and/or health information.

Council will advise individuals, where possible, of the purpose for collecting the information and how they can access this information should they want to correct it. This is done by a Council e when dealing in person or over the phone with an individual or by a Privacy Collection Statement when collecting personal information on a Council form or attendance register (both hardcopy and online).

If it is reasonable and practicable to do so Council will only collect personal information directly from that individual and not in an unreasonably intrusive way. If information is collected about an individual from someone else, Council will take reasonable steps to make sure the individual is made aware of the information that has been collected about them.

Sensitive information will only be collected where the individual has consented, or collection is required or permitted by law. Sensitive information will be treated securely and confidentially and only be used for the purpose for which it was collected.

### 6.3. Privacy Principle 2 - Use and Disclosure of Information

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:

- a. The secondary purpose is directly related to the primary purpose and the individual would reasonably expect Council to use and disclose their information
- b. Council has consent of the individual to do so
- c. when use or disclosure of personal or health information is necessary for research or statistical analysis that might serve public interest and it is not practical to seek the individual's consent before the use or disclosure, and it is not possible for the purpose of that research to be achieved without disclosure of the information
- d. when use or disclosure of health information is for the purpose of administering health services or training provided to Council employees and it is not possible to meet that purpose without disclosure of the information, and reasonable steps have been taken to de-identify the information. In this instance, the information will not be published in any form that may be generally available
- e. Council is permitted or required by law or it is in the interests of public safety to do so
- f. The individual is incapable of giving consent (as defined in the *Health Records Act 2001*)
- g. in accordance with legislative requirements.

When authorised or required by law, Council may also disclose personal information to:

- debt collection agencies
- government agencies including but not limited to; the Department of Human Services, the Victorian Workcover Authority and Road Traffic Authority
- law enforcement agencies, including the courts and the Victoria Police
- other agencies in the course of an investigation and defence of legal claims against Council
- 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.
- other work areas within Council to assist with the efficient processing of enquiries.



#### Submissions to Council:

- Council may disclose personal information to a contracted service providers if it is necessary for the contractor to carry out a specific task. All third party contracted service providers are bound by the IPP's in the same way as a Council employee.
- Personal information collected as part of a submission to Council as part of advisory committee, community consultation and engagement will be made available to Councillors and included in Council reports and working documents.
- Personal information provided by an individual as part of a written public submission to a Council or committee meeting may be included in the published agenda and minutes of the meeting. These documents are displayed online and available in hardcopy format for an indefinite period of time. Any individual who addresses a public Council or committee meeting will be heard and may be seen on the live stream. Any audio and video capture on the night will be recorded. Further information on the live streaming of Council meetings can be found in Council's Live Streaming of Public Meetings Policy.

### 6.4. Privacy Principle 3 – Data Quality

Council will take reasonable steps to ensure that all personal and health information collected, used or disclosed is accurate, complete, up to date and relevant to its functions or activities.

Council will systematically append and/or update any new personal information you provide to your existing customer record. This ensures that your customer record is complete and up to date.

You may request that Council amend any personal and health information you have supplied to it.

### 6.5. Privacy Principle 4 – Data Security and Retention

Council will take all reasonable measures to ensure personal and health information is stored safely and securely to prevent information from misuse, loss or unauthorised access, modification or disclosure.

Personal and health information will be managed confidentially and securely and destroyed in accordance with relevant legislation specifically the Public Records Act 1973 and the relevant Retention and Disposal Authority from the Public Records Office Victoria.

### 6.6. Privacy Principle 5 – Openness

Council will make a copy of this Privacy Policy available for download from its website or a copy can be provided on request from Council's Privacy Officer by calling 1300 179 944 or emailing [governance@hobsonsbay.vic.gov.au](mailto:governance@hobsonsbay.vic.gov.au)

On request by an individual, Council will take reasonable steps to let the individual know, generally, what sort of personal information it holds, for what purposes, and how it collects, holds uses and discloses that information.

## 6.7. Privacy Principle 6 - Access and Correction

Individuals have a right to request access to any personal or health information held about them by Council. If an individual believes that their information is inaccurate, incomplete or out of date, they may request Council to correct it.

Council can deny access to personal and health information in accordance with the exemptions detailed in the *Privacy and Data Protection Act 2014* and the *Health Records Act 2001*.

Examples of why Council might deny access to the information include:

- a. The matter relates to legal proceedings and the Freedom of Information Act 1982 applies
- b. The release would pose a serious threat to life or health of any person
- c. The information is classified confidential.

Where Council denies an individual access to their information it will advise the individual of the reasons for the denial as soon as practicable.

Generally, requests for access and correction of documents containing health information are managed under the *Freedom of Information Act 1982 (Vic)*.

Requests for personal information may be dealt with informally for example, outside of the Freedom of Information Act 1982. Please contact the Council's Privacy Officer on 1300 179 944 or via email [governance@hobsonsbay.vic.gov.au](mailto:governance@hobsonsbay.vic.gov.au) to discuss your requirements.

Requests for amendments must be made in writing and addressed to the Privacy Officer, Hobsons Bay City Council, PO BOX 21 ALTONA VIC 3018. Alternatively, you may email [governance@hobsonsbay.vic.gov.au](mailto:governance@hobsonsbay.vic.gov.au). In your written correspondence, you must specify an address to which a decision notice can be sent to the person making the request; specify the matters in respect of which the person making the request believes the personal affairs information is inaccurate, incomplete, out of date or misleading; and specify the amendments the person making the request wishes to be made.

## 6.8. Privacy Principle 7 – Unique Identifiers

Council will not assign, adopt, use or disclose or require unique identifiers from individuals unless it is necessary to enable Council to carry out any of its functions efficiently.

Council will only use or disclose unique identifiers assigned to an individual by another organisation (such as a driver's licence number, a passport number or a Medicare card number) if it is required in order for Council to carry out its functions or where it has obtained the consent of the individual to use and disclose this information.

## 6.9. Privacy Principle 8 – Anonymity

Council will, where it is lawful and practicable, give individuals the option of not identifying themselves when entering into transactions with Council or supplying information.

Council will ensure that individuals are aware of any limitations to services if the information requested is not provided. For example, Council cannot send an eNewsletter if an individual does not provide their email address in the online registration form.

## 6.10. Privacy Principle 9 – Trans-border Data Flows

Council may transfer personal or health information about you to an individual or organisation outside of Victoria only in limited circumstances outlined in the Privacy and Data Protection Act 2014 and the Health Records Act 2001. For example, Council may transfer information about an individual where required or requested by law; with consent of the individual; where the transfer is necessary for the performance of a contract between an individual and the organisation; where the transfer is necessary for the conclusion or performance of a contract that is in the interest of the individual and is between Council and a third party; and where reasonable steps have been taken to ensure the information transferred will not be held, used or disclosed by the recipient of the information inconsistently with the Information Privacy Principles (IPP's) and the Health Privacy Principles (HPP's). Council may use cloud computing services based outside Victoria, however it will need to take reasonable steps to ensure that the information which it transfers will not be held, used or disclosed by the host or recipient of the information inconsistently with the Victorian Information Privacy Principles and Health Privacy Principles. Council must be assured that the hosts or recipients of information are subject to laws and/or binding contractual arrangements that provide similar protections to that afforded under the Privacy and Data Protection Act 2014

## 7. Closed Circuit Television (CCTV), Time Lapse Photography and Drones

Council operates CCTV systems at fixed and mobile locations across the municipality. CCTV cameras are installed on Council properties for the purposes of security. Upon request, Council may provide the CCTV footage to Victoria Police or another agency requiring the footage for the purposes of evidence of criminal activity or insurance.

Council also operates time lapse photography at construction sites for the purpose of recording a project's progress. Time lapse cameras are not installed on construction sites for the purposes of security. However, where criminal activity occurs, Council may release the footage showing the criminal activity to Victoria Police or another agency requiring the images for the purposes of evidence.

Council will ensure that signage indicating the presence of CCTV cameras and time lapse cameras is installed.

Drone technology is used by Council for the purposes of monitoring and recording building maintenance, environmental surveys and/or for promotional purposes.

All the data collected from CCTV, drones and time lapse photography will only be used, stored, accessed, disclosed and disposed of in accordance with the Privacy and Data Protection Act 2014, the Surveillance Devices Act 1999 and any other relevant legislation.

## 8. Complaints and Privacy Breaches

If an individual feels aggrieved by Council's collection or handling of their personal or health information, they can make a complaint to Council's Privacy Officer by calling 1300 179 944, made in writing and addressed to the Privacy Officer at Hobsons Bay City Council, PO Box 21, Altona VIC 3018, or emailing Council at [governance@hobsonsbay.vic.gov.au](mailto:governance@hobsonsbay.vic.gov.au).

The complaint will be investigated within five business days and a written response will be provided.

Alternatively, individuals may make a complaint directly to the Office of the Victorian Information Commissioner (OVIC) by sending written correspondence to PO Box 24274, Melbourne VIC 3001, calling 1300 006 842 or emailing [enquiries@ovic.vic.gov.au](mailto:enquiries@ovic.vic.gov.au).

Moreover, individuals may make a complaint directly to the Health Complaints Commissioner by visiting their [website](https://hcc.vic.gov.au) - <https://hcc.vic.gov.au>, or calling 1300 582 113.

The Commissioner may decline to hear the complaint if the individual has not made a complaint to Council first.

As soon as a Council employee becomes aware of a breach or potential privacy breach, they are to notify their supervisor and take immediate action to contain the breach. When a breach has been confirmed, the supervisor will notify the relevant manager and Council's Privacy Officer.

Council will complete four key steps once a complaint, enquiry has been received or has become aware that a breach has occurred. These steps are:

- (1) breach containment and preliminary assessment
- (2) evaluation of the risks associated with the breach
- (3) Remediate and notification and
- (4) prevention.

## 9. Staff Training and Awareness

All Council employees, including contractors and volunteers, are required to attend a privacy awareness training session as part of their induction into the organisation. Existing staff members are required to attend a refresher session every three years.

The Employee Code of Conduct specifically addresses the issue of Privacy and Protection of Information as well as Confidentiality of information. All staff are given a copy of the Code when they commence with the Council as part of their induction package.

A copy of the Council's Privacy Policy is available on both the intranet and Council's website.

## 10. Responsibilities

Councillors and Council employees, including contractors and volunteers, are responsible for ensuring that they understand their responsibilities and adhere to the requirements set out in this policy.

The Freedom of Information Officer is to manage requests to access or obtain copies of documents.

The Governance department is to ensure compliance and the implantation of this policy, as well as make necessary amendments to this policy every three years or otherwise in accordance with any changes in the legislation.

## 11. Related documents

Employee Code of Conduct  
Records Management Policy  
CCTV in Public Places Policy

## 12. Related legislation

Local Government Act 2020  
Local Government Act 1989  
Privacy and Data Protection Act 2014  
Health Records Act 2001  
Freedom of Information Act 1982  
Surveillance Devices Act 1999  
Public Records Act 1973

## 13. Review date

This policy will be reviewed three years from the date of endorsement by Council's Executive Leadership Team, unless it is required to be updated sooner.

## 14. Further information

For further information concerning this policy please contact Council's Privacy Officer on 1300 179 944 and/or [governance@hobsonsabay.vic.gov.au](mailto:governance@hobsonsabay.vic.gov.au).

## 15. Document control

<b>Policy Name</b>	Privacy Policy
<b>Object ID</b>	A
<b>Agility Document Number</b>	
<b>Responsible Directorate</b>	Corporate Services
<b>Policy Owner</b>	Manager Corporate Integrity (Legal Counsel)
<b>Policy Type</b>	ELT Endorsed Policy
<b>Date Adopted by ELT</b>	24 January 2022
<b>Review Date</b>	24 January 2025

## 16. Version history

<b>Version Number</b>	<b>Date</b>	<b>Authorised by</b>
1.0	29/10/2009	Chris Eddy
1.2	23/02/2016	Julie Brne / Roger Verwey
1.2	17/03/2016	Julie Brne / Roger Verwey
2.0	24 January 2022	Endorsed by ELT (subject to review by SLT)*
	2 February 2022	Reviewed by SLT

## 17. Appendices

### Appendix A

#### Information Privacy Principles (IPP's) - *Privacy and Data Protection Act 2014 (Vic)*

No.	Subject		Key Principles
1.	Collection	1.1  1.3	<p>An organisation (including a person) must not collect personal information about an individual unless the information is necessary for one or more of its functions or activities</p> <p>At or near the time of collection, the organisation must notify the individual of a range of prescribed matters including the identity of the organisation, the purpose, proposed use and disclosure, right to access etc</p>
2.	Use and disclosure	2.1	An organisation must not use or disclose personal information about an individual for a purpose (the secondary purpose) other than the primary purpose of collection unless a prescribed exception applies
3.	Data quality	3.1	An organisation must take reasonable steps to make sure that the personal information it collects, uses or discloses is accurate, complete and up to date
4.	Data security	4.1	<p>An organisation must take reasonable steps to protect personal information it holds from misuse and loss and from unauthorised access, modification or disclosure</p> <p>An organisation must take reasonable steps to destroy or permanently de-identify personal information if it is no longer needed for any purpose</p>
5.	Openness	5.1  5.2	<p>An organisation must set out in a document clearly expressed policies on its management of personal information. The organisation must make the document available to anyone who asks for it</p> <p>On request by a person, an organisation must take reasonable steps to let the person know, generally, what sort of personal information it holds, for what purposes, and how it collects, holds, uses and discloses that information</p>
6.	Access and correction	6.1  6.5	<p>If an organisation holds personal information about an individual, it must provide the individual with access to the information on request by the individual, except to the extent that prescribed exceptions apply</p> <p>If an organisation holds personal information about an individual and the individual is able to establish that the information is not accurate, complete or up to date, the organisation must take reasonable steps to correct the information so that it is accurate, complete and up to date</p>
7.	Unique identifiers	7.1  7.2	<p>An organisation must not assign unique identifiers to individuals unless the assignment of unique identifiers is necessary to enable the organisation to carry out any of its functions efficiently</p> <p>An organisation must not adopt as its own identifier of an individual a unique identifier of the individual that has been assigned by another organisation unless prescribed exceptions apply</p>
8.	Anonymity	8.1	Wherever it is lawful and practicable, individuals must have the option of not identifying themselves when entering transactions with an organisation
9.	Transborder data flows	9.1	An organisation may transfer personal information about an individual to someone (other than the organisation or the individual) who is outside Victoria only if prescribed conditions apply
10.	Sensitive information	10.1	An organisation must not collect sensitive information about an individual unless the individual has consented or prescribed exceptions apply

## Appendix B Health Privacy Principles (HPP's) - Health Records Act 2001 (Vic)

No.	Subject		Key Principles
1.	Collection	1.1 1.4	An organisation (including a person) must not collect health information about an individual unless the information is necessary for one or more of its functions or activities and the individual has consented.  At or near the time of collection, the organisation must notify the individual of a range of prescribed matters including the purpose, proposed use and disclosure, right to access etc.
2.	Use and disclosure	2.1 2.2	An organisation may use health or personal information about an individual only for the primary purpose for which the information was collected.  An organisation must not use or disclose health information about an individual for a purpose other than the primary purpose unless the individual has consented to the use or disclosure
3.	Data quality	3.1	An organisation must take reasonable steps to make sure that the health information it collects, uses or discloses is accurate, complete and up to date and relevant to its functions
4.	Data security and retention	4.1 4.2	An organisation must take reasonable steps to protect the health information it holds from misuse and loss and from unauthorised access, modification or disclosure  A health service provider must not delete health information relating to an individual, even if it is later found or claimed to be inaccurate unless prescribed conditions apply
5.	Openness	5.1 5.2	An organisation must set out in a document its health information management policies, and access rights, and must make the document available to anyone who asks for it  On request by an individual, an organisation must take reasonable steps to advise the individual about whether it holds their health information, how and why it is held, and the process for seeking access
6.	Access and correction	6.1 6.5	If an organisation holds health information about an individual, it must provide the individual with access to the information on request by the individual, unless prescribed conditions apply  If an individual is able to establish that their information held by an organisation is inaccurate, incomplete, misleading or out of date, the organisation must take reasonable steps to correct the information
7.	Identifiers	7.1 7.2	An organisation may only assign identifiers to individuals if the assignment of identifiers is reasonably necessary to enable the organisation to carry out any of its functions efficiently  A private sector organisation may not adopt as its own identifier of an individual an identifier that has been assigned to that person by a public sector organisation unless prescribed exceptions apply
8.	Anonymity	8.1	Wherever it is lawful and practicable, individuals must have the option of not identifying themselves when entering transactions with an organisation
9.	Transborder data flows	9.1	An organisation may transfer health information about an individual to someone (other than the organisation or the individual) who is outside Victoria only if prescribed conditions apply
10.	Transfer or closure of the practice of a health service provider	10.1	If the practice or business of a health service provider is to be transferred or closed, the provider must comply with a prescribed set of procedures, including notification to former clients and the public
11.	Making information available to another provider	11.1	If an individual requests a health service provider to make their health information available to another provider, the former must comply with the request