

## Information Privacy Policy

*Yarriambiack Shire Council encourages a working environment which promotes gender equality and models non-violent and respectful relationships.*

### Contents

<b>1. Objective.....</b>	<b>2</b>
<b>2. Responsibility .....</b>	<b>2</b>
<b>3. Policy Statement and Scope.....</b>	<b>2</b>
<b>4. Definitions .....</b>	<b>2</b>
<b>5. Yarriambiack Shire Council functions.....</b>	<b>3</b>
<b>6. General Privacy Statement.....</b>	<b>4</b>
<b>7. How the Yarriambiack Shire Council manages information .....</b>	<b>5</b>
7.1 Collection of Personal Information (IPP1) .....	5
7.2 Use and Disclosure of Information (IPP2).....	6
7.3 Data Quality (IPP3) .....	6
7.4 Data Security and Retention (IPP4) .....	6
7.5 Openness (IPP5).....	7
7.6 How to Access and Correct Information (IPP6).....	7
7.7 Unique Identifiers (IPP7).....	7
7.8 Anonymity (IPP8).....	7
7.9 Trans-border Data Flows (IPP9) .....	8
7.10 Sensitive Information (IPP10).....	8
<b>8. How to make a complaint or enquiry concerning privacy breach .....</b>	<b>8</b>
<b>9. Privacy Impact Assessment (PIA).....</b>	<b>10</b>
<b>10. Public Registers .....</b>	<b>10</b>
<b>11. Closed Circuit Television (CCTV) .....</b>	<b>10</b>
<b>12. Health Privacy Principles (HPPS) .....</b>	<b>11</b>
<b>13. Staff Training and Awareness .....</b>	<b>11</b>
<b>14. Documents.....</b>	<b>11</b>
<b>15. References .....</b>	<b>11</b>

## 1. Objective

The objective of this policy is to ensure the responsible collection and handling of personal information relating to individuals by compliance with the Information Privacy Principles (IPPs).

## 2. Responsibility

Council's Manager Organisational Performance is the Council's Privacy Officer. The Information Privacy Officer has the responsibility to assist Council comply with its obligations under the *Privacy and Data Protection Act 2014 (PDPA)* and is authorised to provide advice and receive complaints and requests for access and correction. The Information Privacy Officer may be required to seek legal advice if required.

The Information Privacy Officer is responsible for preparing and periodically updating the policy and submitting it to the Executive Management Team for approval, ensuring that staff understand the Information Privacy Policy.

## 3. Policy Statement and Scope

The Yarriambiack Shire Council views the protection of an individual's privacy as an integral part of its commitment towards complete accountability and integrity in all its activities, functions and programs. This statement outlines Council's policies relating to the management of personal information as required by the *Privacy and Data Protection Act 2014 (PDPA)*.

Ten Information Privacy Principles (IPPs) underpin the PDPA. Under IPP 5, it is a requirement for a local government organisation to have a written policy about its management of personal information and to make this available to anyone who asks for it.

This policy applies to all staff, Councillors, Consultants, Contractors, Volunteers of Yarriambiack Shire Council and those on Work-placement and Work Experience.

## 4. Definitions

<b>Information Privacy Principles</b>	The Information Privacy Principles (IPPs) are a set of ten principles that regulate how personal information is handled (collected, managed, stored, used, disclosed or transferred by an organisation). These principles underpin the <i>PDPA</i> .
<b>Personal Information</b>	Personal information is defined in the <i>PDPA</i> as <i>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 Health Records Act 2001 applies</i> . Personal information can include, but is not limited to, such information as a person's <ul style="list-style-type: none"> <li>• Name, age, weight or height</li> <li>• Income</li> <li>• Marital Status</li> <li>• Education</li> </ul>

	<ul style="list-style-type: none"> <li>• Home address and home number</li> <li>• Employee Details or email address</li> </ul>
<b>Sensitive Information</b>	<p>Sensitive information is a subset of personal information. It is defined in the <i>PDPA</i> as information or an opinion about an individual's racial or ethnic origin, political opinions, membership of a political association, religious beliefs or affiliations, philosophical beliefs, membership of a professional or trade association, membership of a trade union, sexual orientation or practices, criminal record.</p>
<b>Public Registers</b>	<p>Public registers are documents that Council are required to make publicly available pursuant to Victorian Government legislation. These registers are:</p> <ul style="list-style-type: none"> <li>• open to inspection by members of the public or made available on Council's website</li> <li>• contain information required or permitted by legislation</li> <li>• may contain personal information.</li> </ul> <p>The Yarriambiack Shire Council also makes available a number of non-statutory registers that may contain personal information.</p>
<b>Privacy Impact Assessment (PIA)</b>	<p>Is an assessment of any actual or potential effects that the activity or proposal may have on individual privacy and ways in which any adverse effects may be mitigated?</p>

## 5. Yarriambiack Shire Council functions

Council's main services, functions and activities include:

- animal management
- business and community development
- capital works and maintenance of parks and gardens, roads, pedestrian ways, and public spaces of the townships
- community health services
- environment and water management
- financial planning, budgets, valuations, rates and credit control
- food safety and regulation of food premises
- IT infrastructure
- land transfers and subdivisions
- library services
- maintenance of council-owned facilities, property and other assets

Name Information Privacy Policy	This Document is Uncontrolled when Printed	Responsible Officer: CEO
Version: 2	Issue Date: 27 February 2021	Next Review: January 2023
		Page 3/ 11

- management of parks, gardens and sporting facilities and services
- public safety
- recycling and waste management
- regulation of filming, trading and other activities in the streets
- services for children, youth, aged people and people with disabilities
- housing
- tourism
- planning and building

## 6. General Privacy Statement

The Yarriambiack Shire Council is committed to ensuring that personal information collected, stored and used by Council is handled in a responsible manner and in accordance with the *PDPA*.

Personal Information is information that can be used on its own or with other information to identify, contact or locate a person, or whose identity can be ascertained from the information.

Information provided will be retained for Council use only and will not be disclosed except as required by law or with consent.

Council is required to collect and use personal, confidential and sensitive information from individuals and therefore, abides by the Information Privacy Principles identified below.

### Principles

- Principle 1 Collection
- Principle 2 Use and Disclosure
- Principle 3 Data Quality
- Principle 4 Data Security and Retention
- Principle 5 Openness
- Principle 6 Access and Correction
- Principle 7 Unique Identifiers
- Principle 8 Anonymity
- Principle 9 Trans-border Data Flows
- Principle 10 Sensitive Information

A detailed explanation of each of the IPPs is available from the Office of Victorian Information Commissioner (OVIC) Website at the following link:

<https://ovic.vic.gov.au/privacy/for-agencies/information-privacy-principles/>

Name Information Privacy Policy	This Document is Uncontrolled when Printed	Responsible Officer: CEO
Version: 2	Issue Date: 27 February 2021	Next Review: January 2023
		Page 4/ 11

## 7. How the Yarriambiack Shire Council manages information

The following Information Privacy Principals describes the way in which Yarriambiack Shire Council manages personal information.

### 7.1 Collection of Personal Information (IPP1)

Council will only collect personal information that is necessary for carrying out its functions and activities. In some circumstances, Council is required by law to collect personal information.

#### Personal Information

Depending on the reason, personal information collected typically includes, but is not limited to the following:

- Name
- Address
- Telephone number
- Date of birth
- Signature
- Motor vehicle registration
- Photograph and/or video footage

If it is reasonable and practicable to do so, Council will collect personal information directly from individuals. When doing so, individuals will be informed of the matters set out in the legislation, including the purpose(s) for which the information is collected and will use lawful and fair means.

Council will take reasonable steps to make individuals aware of:

- who we are and how we can be contacted
- how individuals may gain access to the information
- the purpose/s for which information is being collected
- to whom Council discloses the information
- any relevant laws that require the information to be collected
- the main consequences (if any) for individuals if all or part of the information is not collected.

#### The means by which Yarriambiack Shire Council may collect personal information

- during conversations between you and our representatives (face to face or via phone)
- when you access and interact with our website, social networking sites
- When you make an enquiry, provide feedback or complete an application form
- Via a Notice of Acquisition or voters roll information from the Victorian Electoral Commission

Where Council collects personal information about individuals from a third party, Council will take reasonable steps (via at least one of the following methods - telephone, mail or email) to make those individuals aware of this, unless making them aware of the matter would pose a serious threat to the life or health of any individual.

Council Officers should complete a Privacy Impact Assessment (PIA) when collecting personal information for a new program or project, or when a program or project is being updated – refer to point 9 of this policy.

Name Information Privacy Policy	This Document is Uncontrolled when Printed	Responsible Officer: CEO
Version: 2	Issue Date: 27 February 2021	Next Review: January 2023
		Page 5/ 11

Whenever Council collects personal information, you should be given notice of how we intend to use, share and disclose that personal information. This notice should be provided in a format similar to the example below.

### Privacy Collection Notice – Example

*Yarriambiack Shire Council is committed to protecting your privacy. The personal information you provide on this form is being collected for the primary purpose of [reason for collecting the information].*

*Where required, [the personal information being collected, e.g. your identity], will be provided to [people to whom the information will be provided, e.g. Yarriambiack Shire Council staff/contractors] to enable them to [the reason/s they need the information, e.g. process your application].*

*Your personal information will not be disclosed to any external party without your consent, unless required or authorised by law. If you wish to gain access to, or alter any personal information you have supplied on **this [type of form, e.g. application / grant / agreement]**, please contact us on [contact details].*

### Anonymity

Where lawful and practicable, Council will offer you the option of remaining anonymous. However, as anonymity may limit Council's ability to process a complaint or other matter, Council reserves the right to take no action on any matter where you choose not to supply relevant personal information so that it can perform its functions.

### 7.2 Use and Disclosure of Information (IPP2)

Council will use and disclose personal information about an individual for the primary purpose for which the information was collected. Council will also use or disclose information for a secondary purpose in other limited circumstances.

*For example, Council may use or disclose information for law enforcement purposes to assist in the investigation of an unlawful activity that has been committed, being committed or in reporting concerns of the unlawful activity to the relevant authority.*

Council may further use or disclose information where lawful to do so, including where necessary to lessen or prevent a threat to the life, health, safety or welfare of an individual or group.

### 7.3 Data Quality (IPP3)

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

### 7.4 Data Security and Retention (IPP4)

Yarriambiack Shire Council will take reasonable steps to maintain a secure system for storing personal information systems, operational policies and procedures are in place to protect personal information from:

- misuse and loss
- unauthorised access, modification or disclosure.

Council reviews its holdings of records (which can include personal information) and will destroy and transfer these records in accordance with the *Public Records Act 1973*.

While the Yarriambiack Shire Council takes all steps to ensure your personal information is secure, you should be aware that there are risks in transmitting information across the Internet. If you are concerned about conveying sensitive material to Yarriambiack Shire Council over the Internet, you might prefer to contact us by telephone on 52980100 or mail at P O Box 243, Warracknabeal Vic 3393.

Name Information Privacy Policy	This Document is Uncontrolled when Printed	Responsible Officer: CEO
Version: 2	Issue Date: 27 February 2021	Next Review: January 2023
		Page 6/ 11

## 7.5 Openness (IPP5)

This policy details Council's management of personal information.

This policy is available upon request by contacting the Manager Organisational Performance on 5398 0104 or via email at [bschilling@yarrimabiack.vic.gov.au](mailto:bschilling@yarrimabiack.vic.gov.au) or you may download the policy from Council's website.

## 7.6 How to Access and Correct Information (IPP6)

An individual may ask for access to their information or request a correction to their information by contacting the Privacy Officer.

When contacted, the Privacy Officer will let the individual know whether it holds information about the individual and any further steps that the individual should take to obtain access to the information. Satisfaction of the conditions of *the Privacy and Data Protection Act 2014* could result in access being withheld in conjunction with an explanation (*for example, where the information relates to legal proceedings or where the Freedom of Information Act 1982 applies*).

If an individual believes that their personal information is inaccurate, incomplete, or out-of-date, they may request Council to correct and update the information.

Council provides individuals with a right of correction to ensure Council does not act on wrong information or mispresent personal facts about individuals. A right of correction helps maintain the data quality of their information, complementing IPP3 – Data Quality. Council generally, should retain both the old and new information to ensure they meet any record-keeping obligations under the *Public Records Act 1993 (Vic)*.

*A "Request to Correct Information" form is available to complete and submit via Council's website.*

## 7.7 Unique Identifiers (IPP7)

Schedule 1 to the PDPA defines 'unique identifier' as:

*An identifier (usually 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 Health Records Act 2001.*

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 identifiers to records if it is necessary to enable Council to carry out a function efficiently.

There are three steps to determine whether a particular 'identifier' (any sequence of numbers, letters and/or symbols) is a 'unique identifier' for the purposes of the PDPA:

- Was the identifier assigned by an organisation to an individual?
- Was the identifier assigned **with the aim, purpose or intention of uniquely identifying that individual?**
- Was the assignment of the identifier to uniquely identify the individual **for the purposes of the operations of the organisation.**

## 7.8 Anonymity (IPP8)

Where lawful and practicable, Council will offer you the option of remaining anonymous as part of your transaction with Council.

Before a member of Council staff collects your personal information, they must first establish whether that particular information is required to complete their function or activity. *For example, do they need to know your name, address and contact number to action your report that a bin is on fire in Scott Street? Or could you remain anonymous and only provide the location of the bin?*

Name Information Privacy Policy	This Document is Uncontrolled when Printed	Responsible Officer: CEO
Version: 2	Issue Date: 27 February 2021	Next Review: January 2023
		Page 7/ 11

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.

### 7.9 Trans-border Data Flows (IPP9)

Council may transfer personal information about you to an individual or organisation outside Victoria only in limited circumstances, some of which include:

- if you have provided your consent
- if disclosure is authorised by law
- if the recipient of the information is subject to a law binding scheme or contract with similar principles as the PDPA.

### Disclosure of Personal Information Overseas

The development of new technologies, such as the internet and the 'cloud' has meant that trans-border data flows between organisations have become more common (many cloud service providers are located outside Australia).

IPP9 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 IPPs will not apply to organisations in a different state, territory or country.

Council will only transfer personal information outside of Victoria in accordance with the provisions outlined in the PDPA. 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.

### 7.10 Sensitive Information (IPP10)

Council will not collect sensitive information about you except in circumstances prescribed in the PDPA, 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.

## 8. How to make a complaint or enquiry concerning privacy breach

The PDPA gives you the right to complain about a breach of your privacy by Council. A data breach occurs when personal information that is held by an organisation is subject to misuse or loss or to unauthorised access, modification or disclosure.

A breach can be caused deliberately as a result of a malicious act from an external or internal party. It can also be caused by human error or by a failure of an organisation to implement effective information management or security systems.

**Example of a breach:** *An organisation publishes details of a new project on its website which includes responses to consultation. Personal information in the responses has been electronically redacted in PDF format but the organisation later discovers that the personal information can be rendered visible where the contents of the PDF are copied and pasted into a Microsoft Word document.*

Please note:

- your complaint must relate to a breach of one or more of the ten Information Privacy Principles
- your complaint should be made within 45 days of you being made aware of the breach (although it may still be considered if there are reasons you were not able to complain within the specified timeframe)
- complaints can only be about personal information that is recorded in some form.

Complaints must:

- be made by the person whose privacy has allegedly been breached, or a person

Name Information Privacy Policy	This Document is Uncontrolled when Printed	Responsible Officer: CEO	
Version: 2	Issue Date: 27 February 2021	Next Review: January 2023	Page 8/ 11



they have authorised to act on their behalf

- be in writing (letter or email) and accompanied by a suitable form of identification. Complaints received orally or by phone must be recorded in the Council's CRM system.
- provide a brief description of the incident: *For example, the date of the incident, what personal information was involved and what form it was in (if known), for example paper records, electronic database.*

Your complaint will be acknowledged within ten business days and will be investigated as soon as practicable. You will be provided with a written response within 28 days of the date your complaint is received by Council. Complaints will be dealt with in accordance with Council's Complaints Handling Policy and investigated following a Four Step process in the event that the Council experiences a privacy breach.

Investigating process:

- Step 1** Contain the breach and make a preliminary assessment
- Step 2** Evaluate the risks for individuals associated with the breach
- Step 3** Consider breach notification to affected individuals and others (note all breaches warrant notification). Is there a risk of serious harm? Risk assessment to be undertaken on a 'case by case' basis
- Step 4** Review the incident and take action to prevent future breaches; fully investigate the cause of the breach and implement prevention strategies and mitigation controls.

Please submit your complaint to:

Manager Organisational Performance – Privacy Officer

Or by post

Privacy Officer

P O Box 243

Warracknabeal Vic 3393

Ph: 53980104

Email: [bschilling@yarriambiack.vic.gov.au](mailto:bschilling@yarriambiack.vic.gov.au)

Alternatively, a complaint can be made to the Office of the Victorian Information Commissioner (OVIC), however, the OVIC may decline to hear the complaint if you have not made a complaint to Council first.

Where a complainant is not satisfied with the decision of the Council's Information Privacy Officer, they may apply to the OVIC.

To make a complaint to the OVIC you must first download the OVIC's privacy complaint form. (available in [PDF](#) or [Word document](#) form the [OVIC website](#)), completing it and sending it to by post or email to:

Office of the Victorian Information  
Commissioner

P O Box 24274

Melbourne VIC 3001

Email: [enquiries@ovic.vic.gov.au](mailto:enquiries@ovic.vic.gov.au)

Name Information Privacy Policy	This Document is Uncontrolled when Printed	Responsible Officer: CEO	
Version: 2	Issue Date: 27 February 2021	Next Review: January 2023	Page 9/ 11

## 9. Privacy Impact Assessment (PIA)

In designing or managing any project or system, there may be several competing public interests to be considered, including the protection of privacy and privacy risks. A privacy "risk" means the risk that a project will not comply with privacy laws, will not meet community expectations, or will have unmitigated or unnecessary negative impacts.

It is strongly encouraged that staff complete a Privacy Impact Assessment (PIA) to consider the future consequences of a current or proposed action and look to prevent or minimise any negative impacts on privacy. The Privacy Impact Assessment is available from the OVIC site via following link:

<https://ovic.vic.gov.au/resource/privacy-impact-assessment-template/?highlight=PIA%20form>

Assessments are to be conducted in accordance with the PIA Accompanying Guide <https://ovic.vic.gov.au/resource/privacy-impact-assessment-accompanying-guide/>

## 10. Public Registers

The following public registers are examples among those currently maintained by the Yarriambiack Shire Council which may include personal information.

- Details of current allowances fixed for the Mayor, Deputy Mayor and Councillors under section 39 of the LGA 2020.
- Details of overseas or interstate travel (with the exception of interstate travel by land for less than 3 days) undertaken in an official capacity by Councillors or any member of Council staff in the previous 12 months, including the names of the Councillors or members of Council staff and the date, destination, purpose and total cost of the overseas or interstate travel.
- Submissions received from the public in accordance with section 223 of the *Local Government Act 1989* during the previous 12 months.
- A register maintained under section 224(1A) of the *Local Government Act 1989* of authorised officers appointed under that section.
- A document containing details of all leases involving land, which were entered into by the Council as lessor, including the lessee and the terms and the value of the lease.
- A list of donations and grants made by the Council during the financial year, including the names of persons or bodies which have received a donation or grant and the amount of each donation or grant.
- A list of the names of the organisations of which the Council was a member during the financial year and details of all membership fees and other amounts and services provided during that year to each organisation by the Council.
- A register of registered dogs and cats (including ownership details) in the municipality must be maintained by Council pursuant to the *Domestic Animals Act 1994*.
- Campaign Donation Returns received from candidates in the Council election.

## 11. Closed Circuit Television (CCTV)

Council operates CCTV systems installed at fixed and mobile locations on land and buildings with the municipality. Council operates CCTV systems to support the provisions and management of Council services, assets and facilities.

Data will only be collected, stored, accessed and disclosed in accordance with the *Privacy and Data Protection Act 2014*, the *Surveillance Devices Act 1999* and any other relevant legislation.

Name Information Privacy Policy	This Document is Uncontrolled when Printed	Responsible Officer: CEO
Version: 2	Issue Date: 27 February 2021	Next Review: January 2023
		Page 10/ 11

For more information, please refer to Council's CCTV Policy and Council's CCTV Standard Operating Procedures and Operations and Maintenance Manual.

## 12. Health Privacy Principles (HPPS)

Council is committed to the *Health Records Act 2001* and the eleven principles that regulate how Council will collect, hold, manage, use, disclose or transfer health information. Please refer to the Yarriambiack Shire Council's [Occupational Health & Safety and Wellbeing Guidelines](#) for further information.

## 13. Staff Training and Awareness

All Council employees receive training to enhance their awareness about their obligations regarding the collection and management of personal information in the workplace.

All new staff are required to complete the online training module 'Information Privacy' as part of their induction program and must agree to abide by the 'Employee Code of Conduct' in respect to the 'Privacy' requirements.

## 14. Documents

This Policy is implemented in conjunction with the following documents:

- Yarriambiack Shire Council Complaints Policy
- Public Interest Disclosure Policy and Guidelines
- Staff Code of Conduct
- CCTV Policy
- CCTV Standard Operating Procedures and Operations and Maintenance Manual

## 15. References

- *Privacy and Data Protection Act 2014*
- *Freedom of Information Act 1982*
- *Victorian Charter of Human Rights and Responsibilities Act 2006*
- *Public Records Act 1973*; and
- *Surveillance Devices Act 1999 (Vic)*
- *Victorian Protective Data Security Standards, Notifiable Conduct Scheme*
- *Local Government Act 1989 & Local Government Act 2020*

Council Approved Policy

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