



Information Privacy Policy

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1 PURPOSE

The City of Darebin (Council) believes that the responsible handling of personal information is a key aspect of good corporate governance and is strongly committed to protecting an individual's right to privacy.

Council is committed to ensuring that personal information received by the organisation is collected and handled in a responsible manner and in accordance with Information Privacy Principles incorporated within the *Privacy and Data Protection Act 2014*.

In fulfilling these obligations, Council is mindful of the need to balance the public interest in the free flow of information with protecting the privacy of personal information.

2 ABOUT DAREBIN CITY COUNCIL

As a Council it is our role to locally govern for all residents, visitors and ratepayers, and provide a range of programs and services that meet the needs of our community.

The functions of a Council as prescribed by the *Local Government Act 1989* are as follows;

- Advocate and promote proposals which are in the best interests of the local community;
- Plan for and provide services and facilities for the local community;
- Provide and maintain community infrastructure in the municipal district;
- Undertake strategic and land use planning for the municipal district;
- Raise revenue to enable the council to perform its functions;
- Make and enforce local laws;
- Exercise, perform and discharge the duties, functions and powers of councils under this act and other acts;
- Any other function relating to the peace, order and good government of the municipal district.

3 SCOPE

This policy applies to all Council employees, Councillors, contractors and volunteers.

This policy covers all personal information held by Council or any contractors providing services on behalf of Council and includes information we have collected:

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- about you through any of Council's public access interfaces;
- from you, including information about you collected from third parties; and
- about you regardless of format. This includes information collected on forms, in person, in correspondence, over the telephone, via our website and social media applications such as Facebook and Twitter.

4 DEFINITIONS

Personal Information – means information or an opinion (including information or an opinion forming part of a database), 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* (VIC) applies.

Personal information typically includes but is not limited to the following:

- name
- address (postal and email)
- telephone number (work, home and mobile)
- date of birth
- marital status and religion
- occupation
- motor vehicle registration number.

In other words, "personal information" is information directly related to the personal affairs of an individual that enables or could enable the person to be identified. This includes personal information relating to both clients of Council and Council staff.

Information Privacy Principles (IPPs) – are a set of principles that regulate the handling of personal information.

Primary Purpose – A primary purpose is one for which the individual concerned would expect their information to be used. Using the information for this purpose would be within their reasonable expectations.

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Secondary Purpose – A secondary purpose may or may not be apparent to the individual concerned, or within their reasonable expectations. Collecting the information may be mandatory (because required by law) or optional. The main distinction is that the service could still be provided even if the secondary purpose were not served.

Public Registers – are documents that Councils are required to make publicly available pursuant to section 222 of the *Local Government Act 1989* and regulation 12 of the Local Government (General) Regulations 2015. These registers:

- are open to inspection by members of the public;
- contain information required or permitted by legislation; and
- may contain personal information.

Sensitive Information - means information or an opinion about an individual's:

- race or ethnic origin;
- political opinions, or membership of a political association;
- philosophical beliefs;
- membership of a professional or trade association;
- membership of a trade union;
- sexual preferences or practices; or
- criminal record.

5 POLICY

Council has implemented practical measures and takes all reasonable steps to ensure that the use and disclosure of personal and health information is consistent with privacy laws and community expectations.

Where personal information has been collected and needs to be passed on to others who are engaged to provide services on Council's behalf, or where non-council staff are authorised by the Council to collect information, analyse it or deliver services, those involved will be required to treat the information in the same way that the Council does.

The *Privacy and Data Protection Act 2014* prescribes a number of Information Privacy Principles (IPPs) that Council is required to comply with to promote and

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ensure the fair and responsible collection and handling of personal information. Council manages personal information in accordance with the 10 IPPs.

6 INFORMATION PRIVACY PRINCIPLES (IPPs)

Principle 1 - Collection

Council will only collect personal information, or health information in accordance with the Health Privacy Policy, that is necessary for specific and legitimate functions and activities. This information will be collected by fair and lawful means and not in an unreasonably intrusive way.

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 (online or hardcopy)
- Using Council-owned CCTV systems installed in public places for the purpose of surveillance, including cameras in or on Council property.

This information typically includes but is not limited to the following:

- Name, address (postal and email), telephone number (work, home and mobile)
- Age, marital status and religion, occupation
- Motor vehicle registration number
- A photograph image, voice recording, CCTV images

When collecting your personal information Council will provide you with details of:

- why it is collecting personal 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.

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Under normal circumstances Council must collect personal information about an individual **only from** that individual. However, if Council collects personal information about an individual from someone else, Council must take all reasonable steps to ensure that the individual is informed of his or her rights relating to the information collected, except in cases where making the individual aware of the information would pose a significant threat to another person.

The information that you provide may be used for purposes including but not limited to the following:

- To contact you where necessary in order to provide services requested by you, such as obtaining a resident parking permit via our public interfaces.
- As part of our commitment to customer service and community consultation, we may periodically invite you to provide opinions or feedback. Any form of consultation and engagement, including a survey, that Council conducts is voluntary, and you do not have to participate.
- To contact you where it is necessary to resolve issues relating to the Darebin City Council services or functions which you have brought to our attention. For instance, contacting you in response to your report of a cracked foot path or fallen tree branch.
- Dealing with a complaint of dissatisfaction such as:
 - the quality of an action taken, decision made, or service provided by a Council or its contractor; or
 - a delay or failure in providing a service, taking an action, or making a decision by a Council or its contractor.
- To contact you prior to a Council or Committee meeting to confirm your attendance and/or advise you of any changes to the meeting details where you have made a submission for consideration.
- To supply you with material concerning Council initiatives and programs where you have supplied personal information to Council for this purpose. For instance, where you have opted to be included on a mailing list for Council publications via our public interfaces. We will not include you on such mailing lists unless you have given consent.
- To facilitate the collection of Council fees and charges. For instance, we will use your name and address details to forward rate notices.

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- To enable payment for Council provided goods and services. We collect your credit card and bank account details when you make payment for goods and services.
- To enable Council to undertake its law enforcement functions. For instance, Council collects information about you from Vic Roads to process Parking Infringement Notices. Council will only collect information about you from third parties where it is authorised to do so.
- To aid community safety. For instance, Council collects images via camera surveillance which are located throughout the municipality including in, and around Council buildings. Footage and photographs of incidents are made available only to authorised police members and citizens in accordance with Council's Camera Surveillance Policy who agree to comply with the requirements for handling, use and return of footage and photographs.

Principle 2 – Use and Disclosure

Council will only use personal information within Council, or disclose it outside Council 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.

What is use? This includes;

- searching records for any reason,
- using personal information in a record to make a decision,
- inserting personal information into a database.

What is disclosure? This includes;

- providing personal information to a third party (such as a contractor),
- providing a record containing personal information to a member of the public.

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 *Privacy and Data Protection Act 2014* (Vic). Information

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provided to these contractors is limited to the information required by them to provide services to you 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 invite residents to enter incentive draws when completing surveys. Winners of these competitions may be promoted in Council publications, and or the local newspapers only with written consent from the winning resident.

Council will only use personal information contained in complaints which you make to Council to deal with the complaint or to address systemic issues arising from the complaint, and/or as part of any prosecution undertaken as part of its law enforcement functions.

If you have opted to complain to Council, please note that Council may be obliged under legislation to investigate your complaint, and if necessary, may initiate legal proceedings as a result of its investigation to prosecute possible offenders.

Where authorised, Council may also disclose personal information to:

- debt collection agencies;
- government agencies including the Department of Health and Human Services, Department of Justice, Streatrader, Australian Taxation Office (ATO), CES, Victorian Workcover Authority and Vic Roads;
- government agencies e.g. Level Crossing Authority to enable them to advise you of works which may impact upon individuals or properties;
- 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; or
- 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, where required by law (for instance, under the *Working with Children Act 2005*) as part of a background check. Background checks will only be carried out on applicants for selected positions prior to employment with Council. Such checks will only be carried out

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with your written authorisation and the results will not be disclosed to third parties unless authorised by law.

Personal information provided by you as part of a public submission pursuant to Section 223 of the *Local Government Act 1989* to a Council or Special Committee meeting may be included with the published agenda papers and minutes of the meeting.

All written submissions received will be made publicly available for inspection in accordance with Part 5 of the *Local Government (General) Regulations 2004*.

The published agenda papers and minutes are displayed on Council's website and in hardcopy at Council's Customer Service Centres and Libraries for an indefinite period.

With regard to planning objections, where there is a current application for a planning permit, Council is required by the *Planning and Environment Act 1987* to make a copy of every objection available to any person wishing to inspect the file until the end of the period during which an application may be made for a review of a decision on the application.

Whilst it is necessary for an objector to provide a name and address, other information such as an email address and telephone number is optional but may assist with efficient exchange of information between Council and the other parties.

All copies of objections sent out during the period that the application is open will have the following disclaimer noted on the objection.

(Note that the objections have been released under the provisions of the *Planning and Environment Act 1978 (As Amended)* and the personal information contained must only be used for the sole purpose of enabling consideration and review as part of the planning process).

Personal information may also be contained in Council's Public Registers (refer to page 9). Under the *Local Government Act 1989 (Vic)*, any person is entitled to inspect Council's Public Registers, or make a copy of them, upon payment of the relevant fee.

Council will ensure that your personal information is not disclosed to other institutions and authorities outside Council except if required or authorised by law, for example the *Fences Act 1968* or where we have your consent.

Principle 3 – Data Quality

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

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You may amend any personal information you have supplied to Council. Details on how to do so are under Principle 6 – Access and Correction.

Principle 4 – Data Security

Council will endeavour to maintain a secure system for storing personal information and will utilise appropriate technologies, security methods, operational policies and procedures to protect the information from:

- unauthorised access,
- improper use,
- alteration,
- unlawful or accidental destruction,

Any personal information that you provide 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* (Vic).

Principle 5 – Openness

Council must make publicly available its policies relating to the management of personal information.

Council must, on request, take reasonable steps to provide individuals with general information on the types of personal information it holds and for what purpose.

Principle 6 – Access and Correction

Should an individual wish to access their personal information, the individual can contact Council's FOI/Privacy Officer. Access will be provided except in the circumstances outlined in the Act, 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, the individual may request Council to correct the information. The request will be dealt with in accordance with the Act.

Council officers from time to time may contact individuals to confirm that the information we hold is correct via telephone, mail or email to ensure Council is meeting our obligations under IPP/HPP 3 - Data Quality.

Requests under the *Freedom of Information Act 1982* must be made in writing stating as precisely as possible what information is required, and addressed to the:

Freedom of Information Officer
Darebin City Council
PO Box 91
PRESTON VIC 3072
Email: FOI@darebin.vic.gov.au

Where Council holds personal information about an individual and the individual is able to establish that the information is incorrect, Council will take reasonable steps to correct the information as soon as practicable or within 30 business days of the request being received. If Council denies access or correction, Council will provide reasons why.

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

Principle 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 driver's licence number).

Council must 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 assign a unique identifier to a person if the assignment is reasonably necessary to carry out its functions efficiently.

Principle 8 – Anonymity

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

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 if you choose not to supply relevant personal information so that it can perform its functions.

No information regarding action taken will be provided to Anonymous Complainants.

Principle 9 – Transborder Data Flows

IPP9 of the *Privacy and Data Protection Act 2014* (PDPA) does not prohibit the transfer of personal information outside of Victoria but it does place restrictions

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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 or 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 of Victoria, it will take 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 the Victorian IPP's. 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.

Principle 10 – Sensitive Information

(Refer to Definitions Dot Point 3 for further 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, it will not collect sensitive information about you as defined in the policy.

7 ADMINISTRATION

Council's Coordinator Corporate Information acts as Council's Privacy Officer. The Privacy Officer will be responsible for preparing and periodically updating the policy and guidelines, and when necessary liaise with staff to ensure compliance with the *Privacy and Data Protection Act 2014*.

8 RELEVANT LEGISLATION

Privacy and Data Protection Act 2014 (Vic) (PDPA)

Freedom of Information Act 1982 (Vic)

Health Records Act 2001 (Vic)

Victorian Charter of Human Rights and Responsibilities Act 2006 (Vic)

Local Government Act 1989 (Vic)

Public Records Act 1973 (Vic)

9 COMPLAINTS

Council encourages individuals to send written complaints directly to Council about a breach, or perceived breach of privacy in the first instance.

Council's Privacy Officer will acknowledge the receipt of the complaint within 10 business days and resolve it as soon as practicable. A written response will be provided to the complainant.

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Council's Privacy Officer can be contacted as follow:

Privacy Officer
City of Darebin
PO Box 91,
Preston VIC 3072
Telephone: 8470 8888
E-mail: Privacy.Officer@darebin.vic.gov.au

Complaints can also be directed to the Privacy and Data Protection Deputy Commissioner at the Office of the Victorian Information Commissioner, although the Commissioner can decline a complaint if the complainant has not previously complained directly to the Council.

With complaints that are directed to OVIC, their main function is to help the complainant and the organisation resolve the complaint. This process is called conciliation, and its all about finding ways to resolve disputes, rather than assigning blame or determining fault.

The Privacy and Data Protection Deputy Commissioner can be contacted as follows:

Office of the Victorian Information Commissioner
PO Box 24274
Melbourne Vic 3001
Telephone: 1300 006 842
Email: enquiries@ovic.vic.gov.au
Web: www.cpdp.vic.gov.au

For further information visit the [Commissioner for Privacy and Data Protection](#) website.

10 PUBLIC REGISTERS

The following public registers are among those currently maintained by the Darebin City Council which may include personal information such as but not limited to:

- Details of current allowances fixed for the Mayor and Councillors;
- Details of senior officer's total salary packages for the current financial year and the previous financial year;
- 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 Council staff in the previous financial year;

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- Names of sitting Councillors and Council Officers who were required to submit a return of interest during the financial year and the dates the returns were submitted;
- Details of all property, finance and operating leases involving land, buildings, plant, computer equipment or vehicles, entered into by Council as lessor or lessee;
- A list of donations and grants made by Council during the financial year;
- Names of the organisations of which Council was a member during the financial year;
- A list of contracts valued at \$100,000 (or such higher amount as fixed by the State Government from time to time) which the Council entered into during the financial year without first engaging in a competitive process;
- Campaign Donation Returns received from candidates in the 2012 Darebin City Council elections;
- Council's City Development Department keep the following registers:
 - a register of building permits kept pursuant to s31 of the *Building Act 1993*;
 - a register of occupancy permits, and temporary approvals received by Council kept pursuant to s74 of the *Building Act 1993*;
 - a register of emergency orders, building notices and binding orders given to Council under part 8 of the *Building Act 1993*, as required under s126 of the *Building Act 1993*; and
 - a register of all applications for planning permits and all decisions and determinations relating to permits as required under s49.
- Council's Civic Compliance Department keep the following registers:
 - a register of registered dogs and cats (including ownership details) in the municipality under s18 of the *Domestic Animals Act 1994*.
- Council's Health Protection Unit keep the following registers:
 - a register of all food premises registered under the *Food Act 1984* (including Class 4 food premises);

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- a register of all public health and wellbeing premises such as, beauty parlours, hairdressers and businesses with skin penetration practices;
- prescribed accommodation premises, such as residential accommodation, hostels, motels and rooming houses registered under the *Public Health and Wellbeing Act 2008*;
- a register of rooming houses for the Department of Justice populated by Darebin Council from data sourced via the *Public Health and Wellbeing Act 2008*; and
- a register of mobile and temporary food premises for the Department of Health's Streatrader database, populated by Darebin Council and applicants.

A full listing of Council's Public Register is available on Council's website www.darebin.vic.gov.au

11 STAFF TRAINING AND AWARENESS

All Council employees who are dealing with information on a daily basis will receive training to increase their awareness in relation to the treatment of personal information in the workplace.

The Employee Code of Conduct, issued to all staff, deals with the use and disclosure of information obtained in the course of employment and with the confidentiality obligations of staff that have left the organisation. All new staff members are required to sign and acknowledge that they understand the requirements set out in the Employee Code of Conduct.