

HEPBURN SHIRE COUNCIL

POLICY NUMBER 30

PRIVACY POLICY

Date adopted: 20th August 2002

PROGRESSIVE ORGANISATIONS HAVE GOOD POLICIES

Policies help organisations and the public to better understand an organisation's priorities and where it is heading. Hepburn Shire Council has committed itself to prepare and maintain a comprehensive set of policies to guide the organisation towards a better future.

Policies will be regularly reviewed. Staff input is actively sought in the preparation of policies. Community input is sought for those policies, which have a major public focus. Comments are also welcomed after policies have been adopted to assist in their review and improvement.

AIM OF THIS POLICY

To state Council's commitment to the 10 Information Privacy Principles as listed in the Information Privacy Act 2000 (Vic) and the Health Privacy Principles contained in the Health Records Act 2001 (Vic) and to clearly state that Council will only collect required information and Council will use information only for the purposes for which it was collected and Council will safeguard any personal information held.

Any enquiries regarding this policy should be directed to Council's Director Corporate Services.

VICTOR SZWED
Chief Executive Officer
Hepburn Shire Council

DATE LAST AMENDED:

DATE OF NEXT REVIEW: August 2004

DATE POLICY LAPSES: August 2007

REFERENCES: Information Privacy Act 2000

DATE ADOPTED: 20th August 2002

HEPBURN SHIRE COUNCIL

PRIVACY POLICY

Information Privacy Act 2000 (Vic) & Health Records Act 2001 (Vic).

The Information Privacy Act 2000 (Vic) is legislation that requires state and local government agencies to protect the rights of the individual by complying to standardised guidelines in the collection and maintenance of information. The protections provided by the Act are based on 10 Information Privacy Principles.

Hepburn Shire Council believes that the responsible handling of personal and health information is a key aspect of democratic governance, and is strongly committed to protecting an individual's right to privacy. Accordingly, Council is committed to full compliance with its obligations under the Information Privacy Act 2000 (Vic) (Privacy Act) and the Health Records Act 2001 (Vic) (Health Act). In particular, Council will comply with the Information Privacy Principles and the Health Privacy Principles contained in these Acts. This Privacy Policy explains some of these Principles and how they will apply.

What is Personal and Health Information?

This Policy applies to both personal and health information held by Council.

Personal Information is information about an individual. This information or opinion, whether true or not, can be recorded in any form and will allow the identification of that individual.

For example, Council holds personal information about its ratepayers (e.g. names and addresses) in order to carry out its functions (e.g. planning, valuation and property services). It may also request personal information in order to provide education, welfare and other community services (e.g. aged-care services). In some instances, personal information may be contained on a public register (register of building permits, food premises and animal registration details).

Health Information is broadly defined to include information or an opinion about the physical, mental or psychological health of an individual, a disability, an individual's expressed wishes for future provision of health services or any health service provided to an individual, or other information collected to provide or in providing a health service.

For example, Council may request health information in order to provide community service needs. (e.g. Aged Care Service)

Some personal information may also be "sensitive information" as defined in the Privacy Act. Sensitive information includes information like an individual's racial or

ethnic origin, religious beliefs, membership of groups or criminal record (relates only to staff members or volunteers in sensitive areas).

What information will Council collect?

Council will only collect personal and health information that is necessary for its functions and activities and will do so in lawful and fair manner.

In regards to personal and health information, Council will only collect sensitive information where consent has been given or otherwise as permitted by law.

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 individual is informed of his or her rights relating to the information collected.

Individuals will have the option of not identifying themselves when supplying information or entering into transactions with Council wherever it is lawful and practicable.

How will the information be used?

Council will only use or disclose personal and health information for the purpose for which it was collected. Council Staff will treat personal and health information confidentially. If Council needs to share information for any other purpose than for which it was collected, agreement will be sought before doing so (unless otherwise required by law).

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

How will information remain secure?

Council will maintain secure systems for storing personal and health information. Council will also maintain operational policies and procedures to protect personal and health information from misuse and loss and from unauthorized modification or disclosure. Council will destroy or de-identify personal and health information if it is no longer needed for any purpose or as required by law.

What rights do individuals have to access or correct information?

Individuals have a right to seek access to their personal and health information and make corrections. Access and correction will be handled under the Victorian Freedom of Information Act. Some limits may apply where particular circumstances prevent Council from releasing information. If any limits apply this will be explained.

If personal and health information is inaccurate, incomplete, misleading or out of date, the individual may request Council to correct this information. Personal and health information cannot be removed from records, but a correcting statement may be added.

Requests for access and/or correction of personal and health information, should be made to Council's Privacy Officer telephone: 5321 6407.

What if Council services are serviced by third party contractors?

Council does outsource some of its functions to third party contractors. All third party contractors will be required to comply with the Acts in all respects.

How are complaints handled?

Complaints in relation to privacy and confidentiality will be handled by Council's Privacy Officer telephone: 5321 6407. Complaints will be investigated and a written response will be provided as soon as possible (but no later than 45 days). If an individual is not satisfied with the way in which Council handles information or deals with a complaint, a formal complaint can be made to the relevant Commissioner.

Victorian
Privacy
Commissioner

Tel: 8619 8719

Victorian Health
Services
Commissioner

Tel: 8601 5200

Further Information

Any enquiries about this Privacy Policy, should be directed to Council's Privacy Officer telephone 5321 6407.