



# MORNINGTON PENINSULA *Shire*

## Privacy Policy

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The purpose of this policy is to establish an internal protocol for the responsible collection, handling and disclosure of personal and health information.

This policy aligns with the Shire's Strategic Plan 2013 – 2017 through Goal 8 - **Innovative, responsive, value for money service delivery**:

8.1.1 To demonstrate good corporate and democratic governance in our operations.

8.1.2 To monitor and minimise our risk exposure.

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**The Privacy Policy is provided in detail overleaf.**

*This Policy shall be subject to review within 12 months of the next general Council election to be held in October 2016.*

# Privacy Policy

<b>TYPE</b>	<p>COUNCIL <i>A document that has been adopted by Council at a council meeting and relates to our external customers and/or community. This may be a public or private document.</i></p>
<b>PURPOSE</b>	<p>This Policy has been created to establish an internal protocol for the responsible collection, handling and disclosure of personal and health information.</p> <p>All personal and health information held, collected or disposed of by Council will be managed in accordance with this Policy.</p>
<b>OBJECTIVES</b>	<p>Council is committed to ensuring that personal and health information collected, handled and disclosed by the organisation is dealt with in accordance with the <i>Privacy and Data Protection Act 2014</i> and the <i>Health Records Act 2001</i>.</p> <p>In achieving these objectives, Council will:</p> <ul style="list-style-type: none"> <li>• balance the public interest in the free flow of information with the public interest in protecting the privacy of personal information;</li> <li>• balance the public interest in promoting open access to public sector information with the public interest in protecting its security;</li> <li>• promote awareness of responsible personal information handling practices; and</li> <li>• promote the responsible and transparent handling of personal information.</li> </ul>
<b>SCOPE</b>	<p>This policy applies to all Shire staff and Councillors.</p>
<b>DEFINITIONS</b>	<p><b>Councillor</b> is an elected representative of the Mornington Peninsula Shire.</p> <p><b>Health Information</b> is Information or an opinion about:</p> <ul style="list-style-type: none"> <li>• the physical, mental or psychological health (at any time) of an individual;</li> <li>• a disability (at any time) of an individual</li> <li>• an individual's expressed wishes about the future provision of health services to him or her; or</li> <li>• a health service provided, or to be provided, to an individual that is also personal information;</li> </ul> <p>Other personal information:</p> <ul style="list-style-type: none"> <li>• collected to provide, or in providing a health service;</li> <li>• about an individual collected in connection with the donation, or intended donation, of his or her body parts, organs or body substances; or</li> <li>• that is genetic information about an individual in a form which is or could be predictive of the health (at any time) of the individual or of any of his or her descendants.</li> </ul>

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<p><b>DEFINITIONS</b> (CONT'D)</p>	<p><b>Health Privacy Principles</b> apply to a Health Service Provider.</p> <p><b>Health Service Provider</b> is an organisation that provides a health service such as Council's immunisation program.</p> <p><b>Personal Information</b> is information or an opinion, other than certain health or generally available information, about an individual whose identity is apparent, or can reasonably be ascertained, that is recorded in any form, whether true or not.</p> <p><b>Public Register</b> is a document held by Council which is open for inspection by members of the public (whether or not on payment of a fee) as required under legislation</p> <p><b>Sensitive Information</b> is information or an opinion about an individual's:</p> <ul style="list-style-type: none"> <li>• racial or ethnic origin;</li> <li>• political opinion;</li> <li>• membership of a political association;</li> <li>• religious belief or affiliations;</li> <li>• philosophical beliefs;</li> <li>• membership of a professional or trade association;</li> <li>• membership of a trade union;</li> <li>• sexual preferences or practices; or</li> <li>• criminal record.</li> </ul> <p><b>Staff</b> refers to all staff of the Shire whether employed full time, part time or casual, contractors, consultants, volunteers and workplace students.</p> <p><b>Unique Identifier</b> is 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.</p>
<p><b>POLICY</b></p>	<p>The responsible handling of personal and health information is a key aspect of democratic governance, and Council is strongly committed to balancing the public interest of providing access to information, with an individual's right to privacy.</p> <p>Upon collecting personal or health information, the Privacy Collection Statement will refer individuals to this Policy for information concerning Council's collection, handling and disclosure practices and procedures.</p> <p>Council acknowledges the ten Information Privacy Principles (IPP's) contained in the <i>Privacy and Data Protection Act 2014</i> as being the cornerstone of information privacy.</p>

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<p><b>POLICY</b> (CONT'D)</p>	<p><b>Information Privacy Principles</b></p> <p>The 10 IPP's are as follows:</p> <ol style="list-style-type: none"> <li>1. Collection</li> <li>2. Use and disclosure</li> <li>3. Data quality</li> <li>4. Data security</li> <li>5. Openness</li> <li>6. Access and correction</li> <li>7. Unique identifiers</li> <li>8. Anonymity</li> <li>9. Trans-border data flow</li> <li>10. Sensitive information</li> </ol> <p>The first nine of the eleven Health Privacy Principles (HPP's) are similar to IPP's 1-9.</p> <p>The two different HPP's are:</p> <ol style="list-style-type: none"> <li>10. Transfer or closure of the practice of a health service provider</li> <li>11. Making information available to another health service provider</li> </ol> <p><b>Collection</b></p> <p>Council will only collect personal information that is necessary for the fulfilment of one or more of its statutory functions and legitimate business activities, and will do so by lawful and fair means and not in an unreasonably intrusive way.</p> <p>In some instances, Council is required by law to collect personal information. Council will only collect sensitive information or health information where consent has been given or as required under legislation.</p> <p>The following Acts are examples (not exhaustive) of legislation which require the collection of personal information:</p> <p><i>Building Act 1993</i></p> <p><i>Domestic Animals Act 1994</i></p> <p><i>Food Act 1984</i></p> <p><i>Health Records Act 2001</i></p> <p><i>Local Government Act 1989</i></p> <p><i>Planning &amp; Environment Act 1987</i></p> <p><i>Valuation of Land Act 1960</i></p>
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<p><b>POLICY</b> (CONT'D)</p>	<p><b>Collection (Cont'd)</b></p> <p>If it is reasonable and practicable to do so, Council will only collect personal information directly from the affected individual.</p> <p>If personal information about an individual is collected from someone else, Council will take reasonable steps to make sure the affected individual is aware of this Policy.</p> <p>Following the collection of personal information, the individual whose information has been collected, may contact Council for access to that information.</p> <p>Where it is reasonably and lawfully required to do so, Council will disclose collected personal information to relevant agencies.</p> <p>Failure to provide personal information where required to do so may obstruct Council in the fulfilment of its statutory functions and obligations.</p> <p><b>Use and Disclosure</b></p> <p>Council will only use personal information for the purpose for which it was collected (primary purpose) unless a secondary purpose is related to the primary purpose of collection and the individual would reasonably expect Council to use or disclose that information or the individual has consented to its disclosure.</p> <p>Council will only use health information internally, or disclose it externally in accordance with the <i>Health Records Act 2001</i>.</p> <p><b>Data Quality</b></p> <p>Council will take reasonable steps to make sure that personal information that is collected, handled or disclosed by the organisation is accurate, complete and up to date.</p> <p><b>Data Security</b></p> <p>Council will endeavour to maintain a secure system for storing personal information. It will have technological and operational policies and procedures in place to protect personal information from misuse and loss and from unauthorised modification or disclosure.</p> <p>Council will dispose of personal and health information when it is no longer necessary to fulfil the purposes for which the information was collected or as required by law.</p>
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<p><b>POLICY</b> (CONT'D)</p>	<p><b>Openness</b> This Policy is a publicly available document. On request, Council will take reasonable steps to let the person know, generally, what sort of personal information it holds, for what purpose, and how it collects, holds, uses and discloses that information.</p> <p><b>Access and Correction</b> Should a person wish to access their personal information they should contact Council's Privacy Officer in writing. Access will generally be provided within a reasonable timeframe except in the circumstances where disclosure is prevented by law. If a person believes their personal or health information is inaccurate, incomplete or out of date, they may request Council to amend the information.</p> <p><b>Anonymity</b> Where it is lawful and practical to do so, Council will give a person the option of not identifying themselves when supplying information or entering into a transaction with it.</p> <p><b>External Contractors</b> From time to time it is necessary for Council to engage contractors to assist with the performance of Council functions. In performing these duties, contractors may be required to collect use or disclose personal information. Council requires all contractors to handle personal information in accordance with the IPP's.</p> <p><b>Grievance Procedure</b> If a person feels aggrieved by Council's handling of their personal or health information, they may make a complaint in writing to Council's Privacy Officer. Complaints will be investigated as soon as practicable with a written response provided within 12 working days. Alternatively, the person may make a complaint to the Privacy or Health Commissioner, although the Commissioner may decline to hear a complaint which has not first been referred to Council.</p>
<p><b>RESPONSIBILITY</b></p>	<p><b>Manager Governance</b> for reviewing and updating this policy as required.</p>

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<b>RELATED POLICIES / STRATEGIES / PLANS</b>	Staff Code of Conduct; and Councillor Code of Conduct. Privacy Policy Guidelines
<b>RELATED LEGISLATION</b>	<ul style="list-style-type: none"> <li>• <i>Freedom of Information Act 1982;</i></li> <li>• <i>Health Records Act 2001;</i></li> <li>• <i>Privacy and Data Protection Act 2014; and</i></li> <li>• <i>Public Records Act 1973.</i></li> </ul>
<b>REFERENCES</b>	Nil
<b>AUTHOR</b>	Governance
<b>APPROVED</b>	Executive 17 November 2015 Council 14 December 2015
<b>REVIEW</b>	This Policy shall be subject to review within 12 months of the next general Council election to be held in October 2016.