

CITY OF WHITTLESEA

POLICY NO. 10.3

INFORMATION PRIVACY POLICY

CATEGORY: Acts and Regulations

PURPOSE: Council policy statement demonstrating Council's commitment to the information privacy principles and health privacy principles contained in the *Privacy and Data Protection Act 2014* and the *Health Records Act 2001* (the Acts).

NATIONAL COMPETITION POLICY IMPLICATIONS: Nil

ACCESS & EQUITY IMPLICATIONS: Nil

DATE OF ADOPTION BY COUNCIL: 16 July 2002

REVIEW DATE: 13 October 2014

DIRECTORATE RESPONSIBILITY: Governance & Economic Development

LINK TO COMMUNITY PLAN:

Community Plan 2013-2017 Key Strategic Direction	Objective
Good Corporate Governance	Council adopts best practice models of operation

POLICY STATEMENT:

In complying with the Acts, Council will:

- Maintain a regime for the responsible collection, storage, handling and disclosure of personal and health information;
- Provide individuals with rights of access to personal and health information about themselves which is held by Council.
- Provide individuals with the right to request Council to correct and amend information about them held by Council, including information held by contracted service providers.
- Provide an accessible framework for the resolution of complaints regarding the handling of personal and health information.

PRIVACY AND DATA PROTECTION ACT 2014

Council will conform to the 10 Information Privacy Principles (IPP's) contained in the *Privacy and Data Protection Act 2014* ('the Act'), as follows:

Information Privacy Principle 1 - Collection

Council will only collect personal information 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. (*Schedule 1 of the Act*).

Council will provide details of:

- why it is collecting personal information;
- how that information can be accessed;
- the purpose for which the information is collected;
- with whom Council shares this information;
- any relevant laws; and
- the consequences for the individual if all or part of the information is not collected.

Where practicable, Council will collect personal information about an individual only from that individual. If Council collects personal information about an individual from someone else, Council will take all reasonable steps to ensure that individual is informed of his or her rights relating to the information collected.

Information Privacy Principle 2 - Use and Disclosure

Council will not use or disclose personal information for a purpose other than the primary collection purpose, except where allowed in the Act (*Schedule 2 of the Act*).

Information Privacy Principle 3 - Data Quality

Council will take reasonable steps to make sure that the personal information it collects, uses or discloses, is accurate, complete and up to date. (*Schedule 3 of the Act*).

Information Privacy Principle 4 - Data Security

Council will take reasonable steps to protect all personal information it holds from misuse, loss, unauthorised access, modification or disclosure. (*Schedule 4 of the Act*).

Council will take reasonable steps to lawfully and responsibly destroy or permanently de-identify personal information when it is no longer needed for any purpose.

Information Privacy Principle 5 - Openness

Council will make publicly available its policies relating to the management of personal information. (*Schedule 5 of the Act*).

Council will make publicly available at the Civic Centre and on Council's website a Personal Information Privacy document indicating general information on the types of

personal information Council holds and for what purposes and how it collects, holds, uses and discloses that information.

Information Privacy Principle 6 - Access and Correction

Council will provide access to information held by Council about an individual to that individual on request, except in specific circumstances as outlined within the Act. *(Schedule 6 of the Act)*.

Where Council holds personal information about an individual and the individual is able to establish that information is incorrect, Council will take reasonable steps to correct information as soon as practicable but within 45 days of the request. If, however, Council denies access or correction, Council will provide reasons.

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 so requested by the individual.

Information Privacy Principle 7 - Unique Identifiers

Council will not assign, adopt, use, disclose or require unique identifiers from individuals except for the course of conducting Council business or if required by law. Council will only use or disclose unique identifiers assigned to individuals by other organisations if the individual consents to the use and disclosure or the conditions for use and disclosure set out in the Act are satisfied. *(Schedule 7 of the Act)*.

Information 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. *(Schedule 1 of the Act)*.

Information Privacy Principle 9 - Transborder Data Flows

Council will transfer personal information outside of Victoria only if that data transfer conforms with the reasons and conditions outlined in the Act. *(Schedule 9 of the Act)*.

Information Privacy Principle 10 - Sensitive Information

Council will not collect sensitive information about an individual except for circumstances specified under the Act. *(Schedule 10 of the Act)*.

HEALTH RECORDS ACT 2001

Council will conform to the 11 Health Privacy Principles (HPP's) contained in the Health Records Act 2001 as follows:

Health Privacy Principle 1 - Collection

Council will only collect health information that is necessary for specific and legitimate functions and activities in accordance with Health Privacy Principle 1.1. This information will be collected by fair and lawful means and not in an unreasonably intrusive way.

Council will provide details of:

- why it is collecting health information;
- how that information can be accessed;
- the purpose for which the information is collected;
- with whom Council shares this information;
- any relevant laws that require the particular information to be collected; and
- the consequences for the individual if all or part of the information is not collected.

Where practicable, Council will collect health information about an individual only from that individual. If Council collects health information about an individual from someone else, Council will take all reasonable steps to ensure that individual is informed of his or her rights relating to the information collected.

Health Privacy Principle 2 - Use and Disclosure

Council will not use or disclose health information for a purpose other than the primary collection purpose, except where allowed in the Health Records Act 2001. (See Sections 13 - 17).

Health Privacy Principle 3 - Data Quality

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

Health Privacy Principle 4 - Data Security & Data Retention

Council will take reasonable steps to protect all health information it holds from misuse, loss, unauthorised access, modification or disclosure.

Council will take reasonable steps to lawfully and responsibly destroy or permanently de-identify health information when it is no longer needed for any purpose.

Council will keep a record when it deletes health information of the name of the individual to whom the health information related the period covered by it and the date on which it was deleted.

Where Council transfers health information to another individual or organisation and does not continue to hold a record of that information it will keep a record of the name and address of the individual or organisations to whom it was transferred.

Health Privacy Principle 5 - Openness

Council will make publicly available its policies relating to the management of health information and the steps that an individual must take to obtain access to their health information.

Council will, on request, take reasonable steps to provide individuals with general information on the types of health information it holds and for what purposes and how it collects, holds, uses and discloses that information.

On request by an individual, Council will take reasonable steps to let the individual know whether Council holds health information relating to that individual and the steps that the individual should take if the individual wishes to obtain access to the information.

Council will make publicly available at the Civic Centre and on Council's website a Personal Health Information Privacy document indicating in general terms the nature of health information held, the purposes for which the information is used and how Council collects, holds, uses and discloses the information.

Health Privacy Principle 6 - Access and Correction

Council will provide access to health information held by Council about an individual to that individual on request, except in specific circumstances outlined in Health Privacy Principle 6.1 of the Health Records Act 2001.

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

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

Health Privacy Principle 7 - Identifiers

Council will not assign, adopt, use, disclose or require identifiers from individuals except for the course of conducting Council business or if required by law. Council will only use or disclose identifiers assigned to individuals by other organisations if the individual consents to the use and disclosure or the conditions for use and disclosure set out in the Act are satisfied.

Health 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.

Health Privacy Principle 9 - Transborder Data Flows

Council will transfer health information outside of Victoria only if that data transfer conforms with conditions outlined in Health Privacy Principle 9.1 of the Health Records Act 2001.

Health Privacy Principle 10 - Transfer or Closure of the Practice of a Health Service Provider

Where a health service provided by Council is sold, transferred or closed, Council will publish a public notice stating that the practice has been sold, transferred or closed and the manner in which Council proposes to deal with the health information held by the practice on individuals who have received health services.

Not earlier than 21 days after giving notice in accordance with Health Privacy Principle 10.2, Council will, in relation to health information about an individual held by, or on behalf of, the practice or business, elect to retain that information or transfer it to the health service provider, if any, who takes over the practice or business or the individual or a health service provider nominated by him or her.

Health Privacy Principle 11 - Making Information Available to Another Health Provider

If an individual so requests, Council will make health information relating to the individual held by Council available to another health service provider. If an individual authorises another health service provider to request Council to make health information relating to the individual held by Council available to the requesting health service provider, provide a copy or written summary of that health information to that other health service provider.

Council will comply with the requirements of this Principle as soon as practicable. Nothing in Part 5 of the Health Records Act 2001 or Health Privacy Principle 6 limits the operation of this Principle.