



Privacy Policy

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1. Purpose

The purpose of this Policy is to outline the East Gippsland Shire Council's (Council) commitment to protecting an individual's right to privacy and maintaining a culture that respects that right.

It provides an overview of the types of information that Council may receive or create, and how it handles information, ensuring personal and health information is managed in compliance with the:

- *Privacy and Data Protection Act 2014* (Vic) (PDP Act) and the Information Privacy Principles (IPPs);
- *Health Records Act 2001* (Vic) (HR Act) and the Health Privacy Principles (HPPs); and
- *Freedom of Information Act 1982* (Vic) (FOI Act).

2. Scope

This Policy applies to all Council staff, Councillors, contractors and volunteers.

This Policy covers all personal and health information including sensitive and/or confidential information held by Council, or any contractors providing services on behalf of Council, and includes information Council has collected:

- about individuals through any of Council's public access interfaces;
- from individuals, including information collected from third parties; and
- about individuals irrespective of the format, which includes information collected on forms, in person, in correspondence, over the telephone, via our website, YourSay and social media applications.

This Policy supports Council's Privacy Officers, whose responsibilities are to assist Council and staff to understand their obligations within this Policy and comply with the PDP Act. The Privacy Officers are authorised to provide advice, receive and investigate complaints, and assist with requests for access and correction from internal and external stakeholders.

3. Context

Council delivers good governance for the benefit and wellbeing of all residents, visitors and ratepayers by providing a range of services and programs that meets the needs of the local community.

Under the *Local Government Act 2020* (LG Act), Council's functions include to:

- advocate and promote proposals which are in the best interests of the local community;
- plan for and provide services and facilities;
- provide and maintain community infrastructure;
- undertake strategic and land use planning;
- raise revenue to enable Council to perform its functions;

- make and enforce local laws;
- exercise, perform and discharge the duties, functions and powers of Council under the LG Act and the other Acts; and
- exercise any other function relating to the peace, order and good government in the municipality.

Council believes that the responsible handling of personal information is a key characteristic of good corporate governance and it is strongly committed to an approach of protecting an individual's right to privacy and maintaining a culture that respects that right.

To fulfil its functions, Council needs to balance the public interest in the free flow of information while also protecting individuals' privacy. Council is dedicated to ensuring that when it receives personal and health information, it is collected and handled in a responsible manner, and meeting the requirements of the PDP Act and the HR Act.

4. Statement

Council is committed to protecting the right to privacy through implementing proactive actions to ensure that it handles personal and health information consistently with privacy legislation and the expectations of the community. Council is required to comply with the IPPs and HPPs, which promote and ensure the fair and responsible collection and handling of personal and health information.

Where personal and health information has been collected by Council from an external provider engaged to provide services on Council's behalf, or where non-council staff are authorised by Council to collect information, analyse it or deliver services, then those service providers will be required to handle your personal and health information in the same way as Council does.

Principle 1 - Collection

Council will only collect personal or health information that is necessary for its functions. In some instances, Council is legally required to collect personal or health information.

When Council collects personal or health information it will do so by fair and lawful means and not in an unreasonably intrusive way. Where it is practicable to do so, at the time Council collects the personal or health information, Council will also provide details of:

- why it is collecting the information;
- how that information can be accessed by the individual it was collected from;
- 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.

If it is reasonable and practicable to do so, Council will collect personal or health information directly from the individual. If Council collects personal or health information about an individual from someone else, it will take reasonable steps, if they are practicable, to make them aware of these matters.

Council will, from time to time, use this information for purposes, such as:

- to issue accounts;
- to make direct contact on a range of issues regarding Council performing its functions; or
- to make contact in relation to Council exercising its powers under various Acts, Regulations or Local Laws.

All areas of Council that collect personal or health information will (at the very least) provide notice of the purpose of collecting the personal or health information on the form. The following collection notice is provided as a sample only and context may differ depending upon the activity for which the information is being collected:

“The East Gippsland Shire Council will only collect personal or health information for municipal purposes as specified in the Local Government Act 2020 or other legislation. Personal and/or health information will be used by Council for the purpose for which it was collected or for a directly related purpose. The intended recipients of the information are authorised Council staff, contractors, and consultants. Council may disclose the information to law enforcement agencies, courts or other organisations if it is required by law to do so. Individuals may apply to Council for access to and/or amendment of their information using the Freedom of Information Act 1982. More information is available on Council's website or from Council's Privacy Officer. Individuals may view Council's Privacy Policy on Council's website or obtain a copy from any Council Customer Service Centre.”

There are specific requirements that Council must meet when it collects health information. It must have obtained the individuals consent, or the law must provide for it to collect the health information or some other exception set out in the HR Act must apply.

There are also some specific requirements where health information is provided to Council when it is providing health services. In some situations, a person providing health information about another individual, for example a family member, may request Council to keep the information confidential. In such a situation, Council will:

- confirm with the person providing the information that it is to remain confidential;
- record it only if required to provide health services;
- take reasonable steps to ensure the health information is accurate and not misleading; and
- take reasonable steps to record the information is provided in confidence and is to remain confidential.

Privacy Policy

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Principle 2 – Use and Disclosure

Council will only use personal or health information within Council, or disclose it outside Council, for:

- the primary purpose for which it was collected;
- a secondary purpose that is related to the primary purpose and disclosure would be reasonably expected by an individual;
- where the individual has consented to the use; or
- other limited circumstances, such as when required to do so by law.

Council will take all necessary steps to prevent unauthorised access to or disclosure of an individual's personal or health information.

Council may disclose personal or health information to external organisations where it has a contracted service provider to perform a service for and on behalf of Council. Council limits the personal or health information provided to its contractors by only providing them with the information that is necessary to provide services on behalf of Council.

Council may disclose:

- personal information to debt collection agencies, to recover a debt owed to Council;
- personal or health information to government agencies, where there is a legal requirement; or
- personal or health information to law enforcement agencies, including the Courts and Victoria Police, such as where a court order requires the information to be provided.

Some examples of circumstances where personal or health information may be disclosed by Council are:

- names and contact information for applications for employment with Council will be supplied to agencies, where certain pre-employment assessments are required. Where such checks are required, this will be explicitly stated in the relevant advertising and the results will not be disclosed to third parties unless authorised by law;
- public submissions to a Council or a committee meeting may be included with published agenda papers and minutes of the meeting. The published agenda papers and minutes are displayed online and available in hardcopy format;
- public registers held by Council may be required, or permitted, by law to be made available for inspection;
- Council may be establishing or defending a legal claim, or has reason to suspect unlawful activity; and
- there may be a serious threat to an individual's life, health, safety or welfare, or a serious threat to public health, public safety or public welfare.

Principle 3 – Data Quality

Council will take reasonable measures to make sure that the personal or health information it collects, uses or discloses, is accurate, complete and up-to-date. In addition, for health information, those steps will be reasonable in the circumstances and the Council will have regard to the purpose for which the health information is to be used, to ensure that it is relevant to Council's function and activities.

Personal or health information supplied to Council may be amended by an individual. Details on how to do so can be found under Principle 6.

Principle 4 – Data Security

Council will take all necessary steps to protect all personal or health information it holds from misuse, loss, unauthorised access, modification or disclosure. This applies regardless of the format in which the information is held.

Council will take reasonable steps to lawfully and responsibly destroy or permanently de-identify personal or health information when it is no longer needed for any purpose, subject to its compliance with *Public Records Act 1973*, the HR Act and other legal requirements.

Principle 5 - Openness

Council will make publicly available its policies relating to the management of personal or health information. On request, Council will take reasonable steps to provide individuals with general information on:

- the types of personal or health information it holds about the individual making the request;
- for what purpose the information is held; and
- how it collects, holds, used and discloses that information.

Principle 6 – Access and Correction

As Council is subject to the FOI Act, access or correction of personal or health information is managed under that legislation.

Requests under the FOI Act must be made in writing stating as precisely as possible what information is sought and addressed to the:

Freedom of Information Officer
PO Box 1618, Bairnsdale, Victoria 3875
Email: feedback@egipps.vic.gov.au

The Freedom of Information Officer may review a request and deem that the information can be managed outside of the FOI Act. In these instances, the Freedom of Information Officer may refer the request to the Privacy Officer for review and actioning under the PDP Act and IPPs, or other applicable legislation.

Where the Council holds personal or health information about an individual and the individual is able to establish that the information is incorrect, then 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, then 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 measures 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 a code that is assigned to an individual’s record to assist with identification (similar to a driver’s licence number).

Council will not assign, adopt, use, disclose, or require unique identifiers from individuals unless it is necessary to enable Council to carry out its functions more efficiently. Council will only use or disclose unique identifiers assigned to individuals by other organisations if the individual consents to Council doing so, or there are legal requirements for Council to do so, or the conditions for use and disclosure in the privacy legislation are satisfied.

Principle 8 - Anonymity

Where it is both lawful and practicable, Council will provide the option of anonymity when supplying information or entering into transactions with it.

Anonymity may limit Council’s ability to process a complaint or other matter. Therefore, if an individual chooses not to supply personal or health information that is necessary for Council to perform its functions, Council reserves the right to take no further action on the matter.

Principle 9 – Transborder Data Flows

Council may transfer personal or health information about an individual to a recipient outside the state of Victoria only in the following instances:

- the individual has provided consent; or
- disclosure is authorised by law; or
- the recipient of the information is subject to a law, scheme or contract with principles that substantially similar to the PDP Act; or
- where the information is health information, the specific provisions of HPPs are met.

By way of an example, Council may use cloud computing services based outside the state of Victoria, in which case, Council will ensure to comply with IPPs and HPPs whilst engaging in those services.

Principle 10 – Sensitive Information (IPP 10)

Council will not collect sensitive information about an individual except where:

- the individual has provided consent; or
- the law requires the information to be collected; or
- it is necessary to collect the sensitive information for establishing, exercising or defending a legal claim; or
- in certain prescribed circumstances, such as where the collection is necessary to prevent or lessen a serious or imminent threat to the life or health of any individual, or as otherwise prescribed by the PDP Act.

Principle 11 – Health Service Provider Changes (HPPs 10 and 11)

In the event that a health service offered by Council is discontinued, the health information held by Council will be managed in accordance with the HR Act. For example, the health information may continue to be held by Council or it may be transferred to a competent and safe storage facility until such time as it can be destroyed in accordance with the principle on data security.

Where an individual requests Council to make health information available to another health service provider, this will be done in accordance with the HR Act. Council reserves its right to charge a fee for this service in accordance with the HR Act.

5. Privacy Complaints

The privacy complaint process is available to an individual who is dissatisfied with Council's handling of their personal information or believes that an officer of the Council is in breach of the PDP Act or HR Act. All privacy complaints, must be made in writing to:

Privacy Officer
PO Box 1618, Bairnsdale, Victoria 3875
Email: feedback@egipps.vic.gov.au

6. Roles and Responsibilities

All Council staff have a statutory responsibility under the PDP Act to comply with the IPPs.

Council staff, Councillors, contractors, volunteers and consultants are expected to read and comply with this Policy and related Procedures.

The following teams or positions have direct and/or supporting responsibilities associated with this Policy:

Position	Roles and Responsibilities
Executive Leadership Team	Overall responsibility for organisational compliance.

Position	Roles and Responsibilities
Managers and Supervisors	Implementation and compliance monitoring of the Policy within respective Business Units. Ensuring all Council staff who fall in their business unit(s) and management responsibilities, are aware of privacy handling requirements. Reporting any breaches to the Coordinator Information Management Services.
Chief Information Officer	Privacy Officer. Overall responsibility for Council's Privacy Framework and conducting internal reviews of all complaint outcomes.
Coordinator Information Management Services	Privacy Officer. Responsible for the review and maintenance of this policy, receiving and investigating privacy complaints and responding to Privacy Complaint enquiries received from the Office of the Victorian Information Commissioner.
Freedom of Information and Privacy Officer	Privacy Officer and Authorised Freedom of Information Officer.

7. Definitions

Term	Meaning
Community	Individuals who live in East Gippsland; Individuals and organisations who are ratepayers in East Gippsland; and Individuals and organisations who conduct activities in East Gippsland.
Contractor / Contracted Service Provider	An individual or company engaged to undertake works on behalf of Council, including service providers / service partners and sub-contractors.
Council	East Gippsland Shire Council.
Councillor	An individual who has been elected to the office of "Councillor" of East Gippsland Shire Council.
Council officer	A current member of East Gippsland Shire Council staff with the authority to engage in activities on behalf of Council.

Term	Meaning
Health Information	This is defined in the HR Act, as including: • information or opinion about the physical or mental health, disability, of an individual; • an individual's expressed preferences about the future provision of health, disability or aged care services to him or her; • the nature of health, disability or aged care services that have been, or are to be, provided to an individual; • information originally collected in the course of providing a health, disability or aged care service to an individual; • personal information collected in connection with the donation of human tissue; or • genetic information that is or could be predictive of the health of an individual or their descendants; where the information is also personal information. The following can all be health information if they identify an individual or their identity is ascertainable: • services required by Council nursing staff; • services required by Council aged care staff; • information collected by maternal child health care staff. The Council may hold health information of Council customers, Council staff and Council service providers.
Health Privacy Principles or HPPs	These are a set of Principles set out in Schedule 1 to the HR Act that regulate the handling of the health information.
Information Privacy Principles or IPPs	These are a set of Principles set out in Schedule 1 to the PDP Act that regulate the handling of the personal information. Further support in understanding the IPP's can be found on the Office of the Victorian Information Commissioner website, or by contacting Council's Privacy Officers (see Roles and Responsibilities section of this policy).

Term	Meaning
Personal Information	This is defined in the PDP Act as meaning 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 which to the HR Act applies. The following can all be personal information if they identify a person or their identity is ascertainable: • name; • address (postal or email); • telephone (home, work or mobile); • date of birth; • marital status; • religion; • occupation; • images, such as CCTV footage; or • motor vehicle registration number. Council may hold personal information of Council customers, Council staff and Council service providers.
Primary Purpose	A primary purpose is the purpose that the Council needed to collect an individual's personal or health information. Using their information for this purpose would be within the individual's reasonable expectation.
Public Registers	These are sources of information that the Council is required to make publicly available under various Acts or Regulations. Public registers: • can be inspected by members of the public; • contain information that Council is required or permitted by legislation to collect; and • may contain personal information.
Secondary Purpose	A secondary purpose is any purpose other than the purpose for which the information was originally collected. A permitted secondary purpose under PDP Act or HR Act must fit within IPP 2.1 or HPP 2.2. Further support in understanding IPP 2.1 can be found on the Office of the Victorian Information Commissioner website , or by contacting Council's Privacy Officers (see Roles and Responsibilities section of this policy).
Sensitive Information	This is defined in Schedule 1 to the PDP Act as information or an opinion about an individual's: • race or ethnic origin; • political opinions, or membership or a political association; • philosophical beliefs; • memberships of a professional or trade association; • membership of a trade union; • sexual preferences or practices; or • criminal record.

Term	Meaning
Staff	All staff engaged by East Gippsland Shire Council, including all full-time, part-time and casual employees, labour hire agency staff, contractors and volunteers.
Third party	Has the same meaning as prescribed in the PDP Act: <i>a person or body other than the organisation holding the information and the individual to whom the information relates.</i>
Volunteer	Formally recognised, unpaid member of the public who assists with the provision of Council services e.g. Visitor Information Centre, Library.

8. Human Rights

Council is committed to upholding the Human Rights principles as outlined in the *Charter of Human Rights and Responsibilities Act 2006* (the Charter). This Policy has been assessed as compliant with the obligations and objectives of the Charter.

9. Gender Equality

This Policy has considered the *Gender Equality Act 2020* in its preparation and has been assessed as not requiring a Gender Impact Assessment (GIA).

10. Risk Reference

This Policy is implemented as a control to mitigate risks in the following categories:

Risk Category	✓	Risk Category	✓
Environmental		Technology and Information Management	✓
Health and Safety		Assets, Facilities and Security	
Project, Product and Service Delivery		Human Resources	
Financial and Economic		Procurement	
Leadership and Political Awareness	✓	Corporate Governance and Compliance	✓
Reputation and Corporate Image	✓	Legal	✓

11. References and Supporting Documents

11.1 Applicable Legislation:

Privacy and Data Protection Act 2014
Health Records Act 2001
Freedom of Information Act 1982
Public Records Act 1973
Local Government Act 2020
Charter of Human Rights and Responsibilities Act 2006

11.2 Applicable Policy and Procedure:

Guidelines for Compliance with the IPPs
Staff Code of Conduct

11.3 Supporting Documents:

[Office of Victorian Information Commissioner IPP Guidelines](#)

12. Review and Revision History

Version Number	Date Approved	Approved By	Review Summary
1	30 April 2024	Council	New Policy to replace Information Privacy Policy CP006
2	31 January 2025	Document Owner	Administrative amendments to roles and responsibilities reflecting the transition of the FOI and Privacy functions to the Information Management team

12.1 Administrative Updates

Minor amendments to this document may be required from time to time. Where amendments do not materially alter the intent of a document, they will be made administratively and approved by the Document Owner.

12.2 Document Control Disclaimer

Printed copies of this document are considered uncontrolled. Please refer to the Corporate Document Register on Council's intranet to access the most current version of this document.