



INFORMATION PRIVACY POLICY

Date Resolved By Council:	22 February 2010
Commencement Date:	22 February 2010
Review Date:	February 2012
Responsible Directorate:	Chief Executive Office

INFORMATION PRIVACY POLICY

NOTE: *This Information Privacy Policy replaces the earlier Information Privacy Policy adopted by Council on 11 February 2002.*

Introduction

Boroondara City 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. Accordingly, Council is committed to full compliance with its obligations under the *Information Privacy Act 2000* (the Act).

Purpose

To meet the information privacy principles (IPP's) set out in the Act in relation to the management and handling of personal information.

Scope

This policy applies to all employees, Councillors, contractors and volunteers of the Boroondara City Council.

This policy covers all personal information held by the Boroondara City Council, that is, information, or an opinion about an individual, whose identity is apparent, or can be reasonably ascertained, from that information or opinion. This includes information we have collected in any format including correspondence, in person, over the phone, and over the Internet.

The policy also covers personal information that we have sourced from third parties.

Publicly available information held in public registers and information used for law enforcement are exempt from provisions of the Act. However, this exemption only applies if the use and disclosure of personal information is for the primary purpose for which the information was collected, or for a related purpose the person would reasonably expect.

Compliance

Boroondara City Council is committed to complying with the Act. The main purposes of the Act are:

- To establish a regimen for the responsible collection, storage, handling and disclosure of personal information;
- To provide individuals with rights of access to information about themselves which is held by the organisation; and
- To provide individuals with the right to request an organisation to correct and amend information about themselves held by the organisation, including information held by contracted service providers.

INFORMATION PRIVACY POLICY

Council **must** conform with the ten information privacy principles (IPP's) contained in the Act, listed as follows:

- Principle 1 - Collection
- Principle 2 - Use and Disclosure
- Principle 3 - Data Quality
- Principle 4 - Data Security
- Principle 5 - Openness
- Principle 6 - Access and Correction
- Principle 7 - Unique Identifiers
- Principle 8 - Anonymity
- Principle 9 - Trans-border Data Flows
- Principle 10 - Sensitive Information
-

External Contractors

While Council staff usually handles personal information, Council may outsource some of its functions to third parties. This may require the contractor to collect, use or disclose certain personal information.

Where a contractor breaches the IPPs the Council will be held responsible, unless the contractor has agreed to be bound by the IPPs in an enforceable contract with the Council. It is the intention of Council to require contractors to comply with the IPPs and the provisions of the Act in all respects.

Information Privacy Principles

Principle 1 - Collection

Council must 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.

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 the Council shares this information;
- any relevant laws; and
- the consequences for the individual if all or part of the information is not collected.

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.

INFORMATION PRIVACY POLICY

Principle 2 - Use and Disclosure

Council must not use or disclose personal information for a purpose other than:

- the **primary purpose** for which it was collected; **or**
- a **directly related secondary purpose** the person would reasonably expect; **or**
- for those conditions specified in the Act; **or**
- where the use or disclosure is specifically authorised under another Act; **or**
- where consent has been obtained from the individual.

Principle 3 - Data Quality

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

Principle 4 - Data Security

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

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

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 purposes and how it collects, holds, uses and discloses that information.

Principle 6 - Access and Correction

Council must provide access to information held by Council about an individual on request *except in specific circumstances as outlined within 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 requested by the individual.

Principle 7 - Unique Identifiers

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 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.

INFORMATION PRIVACY POLICY

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.

Principle 9 - Trans Border Data Flows

Council may transfer personal information outside of Victoria only if that data transfer conforms with the reasons and conditions outlined in the Act.

Principle 10 - Sensitive Information

Council must not collect sensitive information about an individual except for circumstances specified under the Act.

Administration

The Manager Governance and the Coordinator Governance act as Council's Information Privacy Officers. The Manager Governance has the ultimate accountability and responsibility for Council's obligations under the Act.

The Manager Governance will be responsible for preparing and periodically updating the policy and guidelines and when necessary liaising with the senior management group to ensure compliance with the Act.

The Manager Governance will report periodically to the Audit Committee on Council's performance pursuant to this policy.

The Manager Governance or the Coordinator Governance can take complaints and requests for access and correction.

Complaints

Although there is no obligation to do so, Council encourages individuals to send written complaints directly to Council about a breach, or perceived breach of privacy in the first instance. Alternatively, complaints can be directed to the Privacy Commissioner, although the Privacy Commissioner can decline a complaint if the complainant has not complained directly to the Council.

The Privacy Commissioner can be contacted as follows:

Privacy Victoria
Level 11, 10-16 Queen Street
MELBOURNE VIC 3000
Telephone: 1300 666 445
Email: enquiries@privacy.vic.gov.au

Further Information

In the first instance, all enquiries concerning Information Privacy should be directed to the Coordinator Governance.

The Coordinator Governance can be contacted on 9278 4471 or via email at boroondara@boroondara.vic.gov.au.