

Privacy and Data Protection Policy

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BOROONDARA
City of Harmony

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1 Introduction

1.1 Purpose

The City of Boroondara (**Council**) views the protection of an individual's privacy as an integral part of its commitment towards accountability and integrity in all its activities and programs. This policy outlines Council's commitment to protecting an individual's right to privacy and the management of personal information as required by the *Privacy and Data Protection Act 2014* (Vic).

1.2 Scope

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

This policy covers all personal information held by Council and includes information we have collected:

- About you through any of Council's public access interfaces.
- From you, as well as information about you collected from third parties.
- About you regardless of format. This includes information collected on forms, in person, in correspondence, over the telephone or via our web site.

For information collected when using Council's website, please also refer to Council's Website Privacy Statement (see at 5.5 below).

2 Definitions

Personal Information means information or an opinion (including information or an opinion forming part of a database), that is recorded in any form and 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 to which the *Health Records Act 2001* (Vic) applies.

Information Privacy Principles (IPPs) is a set of principles that regulates the handling of personal information.

Public Registers are documents or information that Council is required to make publicly available pursuant to State Government legislation. These registers:

- are open to inspection by members of the public
- contain information required or permitted by legislation
- may contain personal information.

Sensitive Information is personal information or an opinion about an individual's:

- race or ethnic origin
- political opinions
- membership of a political association
- religious beliefs or affiliations
- philosophical beliefs
- membership of a professional trade association
- membership of a trade union
- sexual preferences or practice
- criminal record.

3 Background

3.1 Context

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 *Privacy and Data Protection Act 2014 (Vic)*.

3.2 About Council

Council's role is to provide good governance in its municipal district for the benefit and wellbeing of the community.

It does this by performing its role giving effect to the overarching governance principles set out in the *Local Government Act 2020 (Vic)*. These include collaboration with other councils, governments and statutory bodies, and ensuring the transparency of Council decisions, actions and information. Council has functions, duties and powers under the *Local Government Acts* of 1989 and 2020 as well as a range of other Acts, such as the *Food Act 1984 (Vic)*, the *Building Act 1993 (Vic)* and the *Public Health and Wellbeing Act 2008 (Vic)*.

Some of Council's functions and services include:

- Planning and building - such as applying for a permit
- Rates and valuations
- Waste and environment - including, recycling and waste management, reporting a damaged tree, animal management and registration, and drainage
- Community health services - such as maternal and child health, immunisation, youth, aged people and people with disabilities
- Regulation of parking and roads - such as paying a parking fine and applying for a parking permit
- Recreation and arts programs
- Library services
- Local business support.

3.3 Central Customer Database

Council maintains a central customer database, in addition to separate existing information systems and databases, and assigns a unique identifier to each individual to ensure there is only one name record for each individual customer so as to maintain data integrity.

The personal information in Council's systems and databases may be used by Council to contact individuals in relation to Council functions and services. In particular, contact details provided to Council in connection with one function or service may be used by Council to contact the individual in relation to other functions and services.

If an individual's contact details change, they are encouraged to contact Council so that Council's systems and databases can be updated.

Council conducts data matching periodically to ensure accurate records are maintained on individual customers.

4 Policy statement

It is Council's policy that personal information is managed in accordance with the 10 Information Privacy Principles (IPPs). The 10 IPPs contained in the *Privacy and Data Protection Act 2014* (Vic) are listed below:

- 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

5 Information Privacy Principles (IPPs)

5.1 Principle 1 - Collection

Council will only collect personal information supplied by you when it is necessary for one or more of its functions or activities. This information typically includes but is not limited to the following:

- name
- address (residential, postal and email)
- telephone number (work, home and mobile)
- date of birth
- occupation
- Medicare number
- credit card and bank account numbers
- motor vehicle registration number.

From time to time Council may collect information about an individual from a source other than the individual. For example:

- a third party may provide Council with address change notification, which is used to update customer records.
- Council may obtain demographic or customer interests information, which is used for planning purposes and understanding customer consumption patterns and behaviour.

The personal information we collect may be used for purposes including but not limited to the following:

- to contact you in order to provide services requested by you, such as obtaining a resident parking permit via our public interfaces.
- as part of our commitment to customer service, by periodically inviting you to provide feedback about your experience via a survey. Any survey is voluntary and you do not have to participate.
- to contact you where it is necessary to resolve issues relating to the Council services or functions which you have brought to our attention. For instance, contacting you in response to your report of a fallen tree branch.

- to contact you prior to a Council or Committee meeting to confirm your attendance and/or advise you of any changes to the meeting details where you have made a submission for consideration.
- to supply you with material concerning Council initiatives and programs where we think this will be of interest to you
- to facilitate the collection of Council fees and charges. For instance, we will use your name and address details to forward rate notices.
- to enable payment for Council providing goods and services. We collect your credit card and bank account details when you make payment for good and services.
- to enable Council to undertake its law enforcement functions. For instance, Council collects information about you from various Road Traffic Authorities to process Parking Infringement Notices.
- to aid community safety. For instance, Council collects images via closed circuit television cameras which are located throughout our municipality.
- to enable Council to receive enquires and complaints from members of the public.

Collection notices

In accordance with IPP 1.3, where your personal information is being collected for a particular purpose, Council will provide you with a collection notice at or before the time of collection (or as soon as practicable after the information is collected). The collection notice will explain the purpose for which the information is being collected and how Council will use and handle the information. This notice is separate to this policy.

5.2 Principle 2 - Use and Disclosure

Council will take all practicable measures to prevent unauthorised access to, or disclosure of, your personal information.

For example, Council will use and/or disclose your personal information:

- for the primary purpose for which it was collected.
- for secondary purposes where these are related to the primary purpose of collection and reasonably expected.
- in accordance with your consent.
- where required or authorised under law.
- where otherwise permitted by the IPPs and the *Privacy and Data Protection Act 2014* (Vic).

Some examples of use or disclosure of personal information include:

- disclosure of personal information to external organisations such as Council's contracted service providers who perform various services for and on behalf of Council. These contractors have agreed to be bound by the provisions of the *Privacy and Data Protection Act 2014* (Vic). Information provided to these contractors is limited to the information required by them to provide services to you on behalf of Council.
- disclosure of personal information to other agencies in the course of an investigation and defence of legal claims against Council. This includes Council's solicitors, consultants and investigators.
- use of personal information contained in complaints which you make to Council as part of any prosecution undertaken as part its law enforcement functions.

If you have opted to complain to Council, please note that Council may be obliged under legislation to investigate your complaint, and if necessary may initiate legal proceedings as a result of its investigation to prosecute possible offenders.

Council may also disclose personal information to:

- debt collection agencies.
- government agencies including the Department of Health and Human Services, the Department of Education and Training, the Victorian Building Authority, the Independent Broad-based Anti-Corruption Commission and the Victorian Workcover Authority in accordance with their relevant legislation and functions.
- statutory authorities to enable them to advise you of works which may impact upon you or your property (such as road closures/reconstruction, property acquisition etc.).
- law enforcement and emergency agencies, including the Victoria Police and SES, for emergency or law enforcement purposes.
- water, gas and electricity utilities for the purposes of ensuring data is accurate.
- Council's professional advisers, including accountants, auditors, insurers, bankers, valuers, IT providers and lawyers.
- other individuals or organisations where Council believes that the disclosure is necessary to lessen or prevent a serious threat to an individual's life, health, safety or welfare or a serious threat to public health, safety or welfare.

Personal information in applications for employment with Council will be supplied to agencies such as the Victoria Police where required by law (for instance, under the *Working with Children Act 2005* (Vic)) as part of a background check. Background checks will only be carried out on applicants for selected positions prior to employment with Council. Such checks will only be carried out with your written authorisation and the results will not be disclosed to third parties unless authorised by law.

Personal information provided by you as part of a public submission to a Council or a Delegated Committee meeting may be included with the published agenda papers and minutes of the meeting. The published agenda papers and minutes are displayed online and available in hardcopy format for an indefinite period.

Personal information may also be contained in Council's Public Registers (refer at 9 below). Under the *Local Government Act 1989* (Vic) and *Local Government Act 2020* (Vic), any person is entitled to inspect Council's Public Registers, or make a copy of them, upon payment of the relevant fee.

5.3 Principle 3 - Data Quality

Council will endeavour to ensure that the personal information it holds is accurate, complete and up to date. You may request to amend any personal information you have supplied to Council. Details on how to do so are under Principle 6 - Access and Correction.

Council's central customer database is continuously updated to ensure customer records are accurate, complete and up to date.

5.4 Principle 4 - Data Security

Council will take all practicable steps to ensure that personal information held by Council is stored safely and securely, so that it is protected from misuse, loss, and unauthorised modification and disclosure. This applies regardless of the format in which the information is held.

Any personal information that you provide to Council, which is no longer necessary for Council's purposes, will be archived or disposed of in accordance with the document retention and disposal requirements of the *Public Records Act 1973 (Vic)* and the Public Records Office Victoria.

5.5 Principle 5 - Openness

This document and Council's website privacy statement details Council's management of personal information.

These documents are available upon request by contacting a member of the Council Governance Team on (03) 9278 4471 or via email at boroondara@boroondara.vic.gov.au

You may also download them from Council's web site at www.boroondara.vic.gov.au

5.6 Principle 6 - Access and Correction

Requests for access to and correction of documents containing personal information are generally managed under the *Freedom of Information Act 1982 (Vic)* (**FOI Act**).

Such requests must be made in writing and addressed to the:

Freedom of Information Officer
Boroondara City Council
Private Bag 1
CAMBERWELL VIC 3124

Email - boroondara@boroondara.vic.gov.au

For further information on how to make an FOI request, please visit the Council website at - <https://www.boroondara.vic.gov.au/about-council/council-administration/make-freedom-information-request>

For requests seeking access, they must state as precisely as possible what information is being sought. For requests seeking amendment of personal information, they must state the information is believed to be inaccurate, incomplete, out of date or would give a misleading impression and what changes are requested to be made.

However, some requests for personal information may be dealt with informally (outside the FOI Act). Please contact a member of the Council Governance Team on (03) 9278 4473 to discuss your requirements.

5.7 Principle 7 - Unique Identifiers

A unique identifier is a number or code that is assigned to someone's record to assist with identification (similar to a drivers licence number). Unique identifiers may be assigned where necessary to enable Council to carry out any of its functions efficiently. An example is the unique identifier assigned to customers in Council's central customer database so as to ensure that there is only one name record for each individual customer.

5.8 Principle 8 - Anonymity

Where **lawful and practicable**, you have the option of remaining anonymous when dealing with Council.

Many types of contact with us are able to be completed without someone providing their details (such as lodging complaints, reporting broken assets, etc.).

However, anonymity may limit Council's ability to take action. Therefore, if you choose not to supply personal information that Council considers is necessary for it to perform its functions, Council reserves the right to take no action on the matter.

5.9 Principle 9 - Trans Border Data Flows

Council may transfer personal information about you to an individual or organisation outside Victoria in the following instances:

- if you have provided your consent.
- if the recipient of the information is subject to a law, binding scheme or contract with similar principles as the IPPs under the *Privacy and Data Protection Act 2014* (Vic).

Council uses cloud-based infrastructure as part of its website and online form tools, which is supplied by third party service providers that may be based overseas. Accordingly, your personal information may be placed with or transferred or disclosed to service providers in jurisdictions outside of Victoria. These jurisdictions include but are not limited to the United States of America and the United Kingdom.

5.10 Principle 10 - Sensitive Information

Council only collects sensitive information about you except in the circumstances prescribed in the *Privacy and Data Protection Act 2014* (Vic).

6 Complaints or enquiries concerning privacy

Complaints about a privacy breach, in the first instance, may be directed to Council's Coordinator Governance as follows:

Coordinator Governance
Private Bag 1
CAMBERWELL VIC 3124
Telephone: (03) 9278 4471
Email: boroondara@boroondara.vic.gov.au

These complaints will be acknowledged within three business days and will be resolved as soon as practicable.

Alternatively, complaints can be directed to the Office of the Victorian Information Commissioner (**OVIC**), although the Information Commissioner may decline to consider a complaint if the complainant has not first complained directly to Council.

You can make a complaint to the OVIC by downloading a copy of the privacy complaint form from their website, completing it and sending it to the OVIC by post or email as follows:

Post:
Office of the Victorian Information Commissioner
PO Box 24274
MELBOURNE VIC 3001
Telephone: 1300 006 842
Email: enquiries@ovic.vic.gov.au

7 Implementation and monitoring

7.1 Accountabilities

For all queries or feedback regarding this policy, please contact either of the responsible officers below.

Position Title	Contact number	Contact department email
Coordinator Governance	9278 4471	boroondara@boroondara.vic.gov.au
Manager Governance and Legal	9278 4470	boroondara@boroondara.vic.gov.au

The Manager Governance and Legal and the Coordinator Governance act as Council's Privacy and Data Protection Officers. The Manager Governance and Legal has the ultimate accountability and responsibility for Council's obligations under the *Privacy and Data Protection Act 2014* (Vic).

The Manager Governance and Legal will review and make any necessary amendments to the policy at their discretion or otherwise in accordance with any changes in the legislation.

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

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

8 Relevant Legislation

Privacy and Data Protection Act 2014 (Vic)

Freedom of Information Act 1982 (Vic)

Health Records Act 2001 (Vic)

Local Government Act 1989 (Vic)

Local Government Act 2020 (Vic)

Public Records Act 1973 (Vic)

Victorian Charter of Human Rights and Responsibilities Act 2006 (Vic)

Working with Children Act 2005 (Vic)

Privacy Act 1988 (Cth)

9 Public Registers

The following public registers are among those currently maintained by Council which may include personal information:

- A register of authorised officers appointed under s 224 of the *Local Government Act 1989* (Vic).
- A register of delegations under ss 11(8) and 47(7) of the *Local Government Act 2020* (Vic).
- Details of current allowances fixed for the Mayor and Councillors

- Details of overseas or interstate travel (with the exception of interstate travel by land for less than 3 days) undertaken in an official capacity by Councillors or Council staff in the previous 12 months
- Summary of personal interests returns under s 135 of the *Local Government Act 2020* (Vic).
- Details of all leases involving land entered into by the Council as lessor, including the lessee and the terms and value of the lease
- Election campaign donation returns under ss 307 and 308 of the *Local Government Act 2020* (Vic).
- A register of building permits kept pursuant to s 31 of the *Building Act 1993* (Vic).
- A register of occupancy permits and temporary approvals received by Council kept pursuant to s 74 of the *Building Act 1993* (Vic).
- A register of emergency orders, building notices and building orders, as required under s 126 of the *Building Act 1993* (Vic).
- A register of swimming pools and spas, pursuant to s 230 of the *Building Act 1993* (Vic).
- A register of all applications for planning permits and all decisions and determinations relating to permits pursuant to s 49 of the *Planning and Environment Act 1987* (Vic). Details of planning applications received by Council are also available on Council's web site at www.boroondara.vic.gov.au.
- A copy of objections to planning permits pursuant to s 57(5) of the *Planning and Environment Act 1987* (Vic).
- A copy of planning permits issued pursuant to s 70 of the *Planning and Environment Act 1987* (Vic).
- A register of registered dogs and cats (including ownership details) in the municipality pursuant to the *Domestic Animals Act 1994* (Vic).

10 Tax File Numbers

Council holds tax file number (TFN) information about its employees. Under the Notifiable Data Breach Scheme, contained in Part IIIIC of the Commonwealth *Privacy Act 1988*, Council is required to notify the Office of the Australian Information Commissioner (OAIC) and affected individuals if there has been an 'eligible data breach' of TFN information. An eligible data breach occurs when there is loss of, unauthorised access to, or unauthorised disclosure of, personal information, which is likely to result in serious harm, and remedial action has not been taken to prevent such risk of harm.

Council is not otherwise directly subject to the Commonwealth *Privacy Act 1988*. However, Council may at times agree to be bound by this Act (for example, where it receives funding under a Commonwealth program).

Version History:

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