



BOROONDARA
City of Harmony

Privacy and Data Protection Policy

2018

Responsible Directorate: Chief Executive Office
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1. Introduction

1.1. Purpose

The City of Boroondara 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 the Boroondara City Council.

This policy covers all personal information held by the Boroondara City 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.

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 that Councils are 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. Methodology

The *Privacy Data and Protection Act 2014 (Vic)* replaced the *Information Privacy Act 2000 (Vic)* and this policy reflects the change to a single privacy and data protection framework with clear privacy standards.

3.2. Context

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

4. Policy statement

It is the policy of the Boroondara City Council 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 to do so. This information typically includes but is not limited to the following:

- name
- address (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.

The information you provide may be used for purposes including but not limited to the following:

- to contact you where it is necessary in order to provide services requested by you, such as obtaining a resident parking permit via our public interfaces.

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- as part of our commitment to customer service, we may periodically invite 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 Boroondara City 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 you have supplied personal information to Council for this purpose. For instance, where you have opted to be included on a mailing list for a Council publication via our public interfaces. We will not include you on such mailing lists unless you have given consent.
 - 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 provided 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. Council will only collect information about you from third parties where it is authorised to do so.
 - to aid community safety. For instance, Council collects images via closed circuit television cameras which are located throughout our municipality. Footage and photographs of incidents are made available only to authorised police members and civilians who meet the criteria of the protocols and agree to comply with the requirements for handling, use and return of footage and photographs.

5.2. Principle 2 - Use and Disclosure

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

Council discloses personal information to external organisations such as Council's contracted service providers who perform various services for and on behalf of the 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.

Council also discloses 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.

Council may also use 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.



Where authorised, Council may also disclose personal information to:

- debt collection agencies.
- government agencies including the Department of Human Services, the Victorian Workcover Authority and Road Traffic Authority.
- law enforcement agencies, including the courts and the Victoria Police, in instances where Council is required to respond to a subpoena or provide information to assist a police investigation.
- other individuals or organisations only if Council believes that the disclosure is necessary to lessen or prevent a serious and imminent 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*) 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 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 page 9). Under the *Local Government Act 1989* (Vic), any person is entitled to inspect Council's Public Registers, or make a copy of them, upon payment of the relevant fee.

We will ensure that your personal information is not disclosed to other institutions and authorities outside Council except if required or authorised by law or where we have your consent.

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 amend any personal information you have supplied to Council. Details on how to do so are under Principle 6 - Access and Correction.

5.4. Principle 4 - Data Security

Council will take all necessary steps to ensure that personal information is stored safely and securely. This will ensure that personal information held by Council will be 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 disposed of in accordance with the document disposal requirements of the *Public Records Act 1973* (Vic).

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).

However, some requests for personal information may be dealt with informally (outside the *Freedom of Information Act 1982*). Please contact a member of the Council Governance Team on (03) 9278 4473 to discuss your requirements.

Requests under the *Freedom of Information Act 1982* must be made in writing stating as precisely as possible what information is required, and addressed to the:

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

Where a person requests Council to correct their personal information, Council will take reasonable steps to notify the person of the decision of the request as soon as practicable, or within 30 days of the request being received.

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). Council will only assign identifiers to records if it is necessary to enable Council to carry out a function efficiently.

5.8. Principle 8 - Anonymity

Where **lawful and practicable**, Council will offer you the option of remaining anonymous when supplying personal information as part of a transaction with Council.

However, as anonymity may limit Council's ability to process a complaint or other matter, Council reserves the right to take no action on any matter if you choose not to supply relevant personal information so that it can perform its functions.

5.9. Principle 9 - Trans Border Data Flows

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

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

5.10. Principle 10 - Sensitive Information

Council will not collect sensitive information about you except in circumstances prescribed in the *Privacy and Data Protection Act 2014* (Vic) or in circumstances where the information is both directly pertinent and necessary to one of its functions.



6. Complaints or enquiries concerning privacy

Complaints, in the first instance, may be directed to the Coordinator Governance. These complaints will be acknowledged within two business days and will be resolved as soon as practicable.

The complaint must be received within six months from the time the complainant first became aware of the misconduct and details of the complaint will be kept confidential at all times.

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

The Office of the Victorian Information Commissioner (OVIC) can be contacted as follows:

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.

Contact	Contact number	Contact e-mail
Coordinator Governance	9278 4471	boroondara@boroondara.vic.gov.au
Manager Governance	9278 4470	boroondara@boroondara.vic.gov.au

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

The Manager Governance 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 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.

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)

Public Records Act 1973 (Vic)

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

Working with Children Act 2005 (Vic)



9. Public Registers

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

- Details of current allowances fixed for the Mayor and Councillors
- Details of senior officers' total salary packages for the current financial year and the previous financial year
- 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
- Names of sitting Councillors and Council officers who were required to submit a return of interest during the financial year and the dates the returns were submitted
- Details of all leases involving land entered into by the Council as lessor, including the lessee and the terms and value of the lease
- A list of donations and grants made by the Council during the financial year
- A list of contracts valued at \$100,000 (or such higher amount as fixed by the State Government from time to time) which the Council entered into during the financial year without first engaging in a competitive process
- Campaign Donation Returns received from candidates in the 2016 Boroondara City Council elections
- Council's City Planning Directorate keep the following registers:
 - A register of building permits kept pursuant to s31 of the Building Act 1993.
 - A register of occupancy permits and temporary approvals received by Council kept pursuant to s74 of the Building Act 1993.
 - A register of emergency orders, building notices and binding orders given to Council under part 8 of the Building Act 1993, as required under s126 of the Building Act 1993.
 - A register of all applications for planning permits and all decisions and determinations relating to permits. Details of planning applications received by Council are also available on Council's web site at www.boroondara.vic.gov.au
 - A register of registered dogs and cats (including ownership details) in the municipality pursuant to the Domestic Animals Act 1994.

Version History:

<i>Information Privacy Policy</i>	<i>Adopted by Council on 22 February 2010</i>
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<i>Privacy and Data Protection Policy</i>	<i>Adopted by CEO on 17 December 2014</i>