



Privacy Policy 2025

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Responsible Officer	Corporate Planning & Governance Specialist
Authorising Officer	Director Corporate and Leisure
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1. Statement and Purpose

1.1 The Rural City of Wangaratta (Council) is committed to ensuring that all personal and sensitive information collected by Council officers is handled in accordance with the requirements of the Information Privacy Principles (IPPs) as contained in the *Privacy and Data Protection Act 2014 (Vic)* (the PDP Act) and is only collected, used and disclosed for its primary purpose and only for core business reasons.

1.2 This Policy relates to the collection, use and disclosure of personal and/or sensitive information by a Council representative. Unauthorised third-party access to personal information is captured under Council's Data Breach Policy 2021.

1.3 This Policy is administered by the Governance and Reporting Advisor.

2. Scope

2.1 This policy applies to all areas within Council's operations, including the Wangaratta Sports and Aquatics Centre, the Wangaratta Performing Arts Centre, Maternal and Child Health and Children's Services.

2.2 This policy applies to all persons employed with or who undertake work on behalf of Council in any capacity, including but not limited to Council employees, Councillors, agents, contractors, members of Council Advisory Committees or Community Reference Groups and independent members of the Audit and Risk Committee.

2.3 This policy also applies to health information that Council officers obtain specifically for a Council function; health information is regulated by the *Health Records Act 2001* (Vic) ('HRA') and the Health Privacy Principles (HPPs) contained therein.

3. Functions of Council

3.1 The *Local Government Act 2020* (Vic) states that the role of a council is to provide good governance in its municipal district for the benefit and wellbeing of the municipal community.

3.2 Council manages a diverse range of functions and services to give effect to the key role of councils, including the provision of:

- a) Aged and Community Care services, including in-home support;
- b) Arts and cultural programs;
- c) Community asset management;
- d) Community compliance, including enforcement of Council's Local Laws;
- e) Environment and sustainability and Environmental Health;
- f) Food safety regulation;
- g) Facilities maintenance of council-owned facilities, property and other assets.
- h) Field services, including the works depot;
- i) Maternal and Child Health, including immunisations;

- j) Media, Marketing and Communications;
- k) Property, rating and revenue collection
- l) Recycling and waste management;
- m) Statutory services (including planning and building matters)
- n) Tourism and economic development;
- o) Wangaratta Sports and Aquatic Centre;
- p) Wangaratta Performing Arts and Convention Centre; and
- q) Wangaratta Art Gallery;

4. Policy

4.1 The privacy rights of the public are protected under the PDP Act and the *Health Records Act* (Vic) ('HRA').

4.2 The IPPs outline how Victorian public sector organisations must handle personal information and the HPPs outline how public sector organisations must handle health information.

PRINCIPLES

Information Privacy Principles (IPPs)	Health Privacy Principles (HPPs)
1 - Collection	1 - Collection
2 - Use and Disclosure	2 - Use and Disclosure
3 - Data Quality	3 - Data Quality
4 - Data Security	4 - Data Security and Data Retention
5 - Openness	5 - Openness
6 - Access and Corrections	6 - Access and Correction
7 - Unique Identifiers	7 - Unique Identifiers
8 - Anonymity	8 - Anonymity
9 - Transborder Data Flows	9 - Transborder Data Flows
10 - Sensitive Information	10 - Transfer or closure of the practice of a health service provider
11 - Making information available	

4.3 Council may need to collect your personal or health information to fulfill its operations and functions. This information may include your full name, telephone number and address.

4.4 Other types of information may be required to satisfy specific Council functions or to assist Council in delivering specific services.

5. Collection of personal or health information

5.1 Under IPP and HPP 1, organisations must only collect personal information necessary for a core function of that organisation.

5.2 Council will only obtain personal or health information for purposes relating to a specific Council purpose or function and will communicate the necessity of such collection to any person affected by that collection. Council will provide an opportunity for any person to remain anonymous if appropriate and practicable.

5.3 Council will collect your personal or health information for specific reasons (the below list is non-exhaustive), including when:

- a. required to by law;
- b. you submit a customer request, request for service or complaint (unless this is done so anonymously in accordance with Council's Complaints Policy)
- c. you are requesting immunisation or other services from the Maternal Child Health team;
- d. applying for community grants;
- e. requesting or receiving services from the aged and community care team;
- f. applying for or amending an existing planning and/or building permit(s);
- g. submitting questions for Public Question Time at a Scheduled Council Meeting in accordance with the Council's Governance Rules;
- h. property ownership and rates and revenue collection, including financial hardship;
- i. council is managing insurance claims relating to a specific individual;
- j. you register for membership of a community group, the Wangaratta Sports and Aquatic Centre or the Wangaratta Performing Arts and Convention Centre.

5.4 Council will only ever need your health information in very specific circumstances and to deliver specific functions. These functions are:

- a. Aged and Community Care to ensure that the quality provision of care can be administered;
- b. Immunisations; and
- c. Maternal and child health to determine any allergy or dietary requirements;

5.5 Upon collection of an individual's personal or health information for a council function as above, Council will outline how that person's personal information will be used and the circumstances and third parties to whom the personal information may be used.

6. Use and Disclosure of personal or health information

6.1 Under IPP and HPP 2, organisations must only use and disclose personal information it has obtained for the purpose it has been collected.

6.2 When information has been obtained for a specific purpose under 5.3 and 5.4, Council will only use and disclose that information for that purpose, unless the disclosure for a secondary purpose is permitted and not unreasonable in the circumstances or for the provision of health service by a registered health care provider. Secondary purposes are provided in more detail below.

6.3 For example, information provided for the purposes of addressing a customer request or complaint will *only* be used for the purposes of addressing that request or complaint, unless the individual provides consent for this release or unless the disclosure of this information to another internal or external party is necessary for the satisfactory resolution of this request or complaint.

6.4 Notwithstanding 6.2, Council will only disclose personal information if it is safe to do so and does not establish any danger to person or property.

6.5 Council will inform that individual of how their information will be used and, wherever possible, the third parties or agencies to whom their information may be disclosed, including the circumstances that would warrant this disclosure.

SECONDARY PURPOSES

6.6 The eight secondary purposes in which Council can use or disclose the personal information include when:

- a. the individual in which the personal information relates would reasonably expect Council to release this information to a third party;
- b. the individual has provided consent to release this information for a specific purpose;
- c. necessary for research or the compilation of statistics;
- d. necessary to lessen or prevent serious threats to health or safety;
- e. investigating suspected unlawful activity;

- f. required or authorised by law;
- g. reasonably necessary to assist with law enforcement and/or protection of public revenue; and
- h. requested to do so by a Commonwealth security agency (i.e., ASIO or ASIS).

6.7 For example, if your personal information is sought by a third party due to imminent and/or serious threat of damage to life or property, Council will be obliged to release this information to prevent this action occurring without initially obtaining your consent.

6.8 If Council releases your information for a secondary purpose, Council will, either prior to the release wherever possible or as soon as practicable after the release, provide that individual notice in writing of this disclosure, the reasons for this disclosure and any available appeal rights.

6.9 Whenever disclosing personal information under clauses 5.3 and 5.4 (excepting when required to do so by law), Council will ensure that the information requested by the third party is being requested for legitimate reasons and will be recorded by that third party securely.

7. Quality of your personal and/or health information

7.1 Under IPP and HPP 3, organisations must take reasonable steps to make sure that the personal information it collects, uses or discloses is accurate and remains current.

7.2 Where possible, Council staff will verify the accuracy of the information provided to them for the specific function or activity in which that information was provided.

7.3 For example, if you regularly liaise with the community and recreation team for the purposes of your involvement in a community asset committee or council group, council staff will ensure that the personal information Council uses for that function is accurate and current. The frequency of Council's verification depends on the frequency and nature of your engagement with that function or department.

7.4 Council will ensure that all personal and/or health information is maintained in accordance with its Information Retention and Disposal Policy and Information and Records Management Policy.

7.5 If you detect any errors with the personal information Council has obtained, please contact Council's governance team who can assist:

Governance and Reporting Advisor

Wangaratta Rural City Council

PO Box 238

Wangaratta VIC 3676

council@wangaratta.vic.gov.au

8. Security of your personal and/or health information

- 8.1 Under IPP and HPP 4, organisations must take reasonable steps to protect the personal and/or health information it possesses from misuse and loss and from any unreasonable access, modification or disclosure and to destroy or permanently de-identify personal information if it is no longer required.
- 8.2 Council utilises a range of mechanisms to safeguard the information that it obtains, including frequent, mandatory training for council staff on their obligations to protect personal information and technological restrictions on the council staff that can access certain information. Access is governed by Council's Information and Records Management Policy and Information Management and Retention Policy.
- 8.3 If Council becomes aware that an individual's personal information has been incorrectly handled by a member of council staff, Council will undertake an immediate remedial course of action, consistent with existing Council policy or any existing Officer of the Victorian Information Commissioner (OVIC) guidelines relevant to the nature of that incorrect usage.
- 8.4 Information is destroyed or permanently de-identified when it is no longer required in accordance with the *Public Records Act 1973* (Vic).

9. Access and Correction

- 9.1 Under IPP and HPP 6, organisations who hold the personal and/or health information of individuals must make that information accessible to the person in which that information relates, unless:
- a. providing access would pose a serious threat to the safety of that person or another person;
 - b. the disclosure would unreasonably breach the privacy of another person;
 - c. the request is frivolous or vexatious;

- d. the information relates to legal proceedings;
 - e. providing access would be unlawful;
 - f. denying the request is authorised by a relevant law; or
 - g. granting access would prejudice an investigation of a possible unlawful event.
- 9.2 If Council cannot provide a person access to their personal and/or health information under 9.1, it will identify ways, if possible, of providing sufficient information to satisfy both parties and will inform the individual in writing of why access cannot be granted in full.
- 9.3 All individuals maintain the ability to correct any personal information that Council has in its disposal at any time.
- 9.4 Under IPP and HPP 7, organisations must not apply unique identifiers to any personal information it obtains, unless that unique identification assists that organisation in achieving its core business functions.
- 9.5 Council will only provide a unique identifier when Council must communicate with the community on a matter and, for practical reasons and to protect the identity of a person, bulk communications are identified as the preferred method.

10. Anonymity

- 10.1 Under IPP 8, organisations must allow individuals the opportunity to not identify themselves wherever lawful and practical in the circumstances.
- 10.2 Council recognises that individuals may wish to remain anonymous. Council will endeavour to ensure that anonymity is protected whenever necessary but there may be some occasions when anonymity cannot be ensured (for example, rates notices or when a customer requests a call back when making a complaint or request).
- 10.3 If anonymity cannot be guaranteed, Council will ensure that only Council employees to whom the information is provided or council officers who perform duties relating specifically to the council function in which the information is sought have access to that information.
- 10.4 In the event anonymity is not a practical option, Council will ensure all personal information is de-identified.
- 10.5 If personal information cannot be de-identified, Council has an information management policy framework in place to ensure access is only granted to Council employees who require access and access is only provided for the reasons in which the information was obtained.

11. Transborder Data Flows

- 11.1 Under IPP and HPP 9, Council must ensure that any personal information it collects remains subject to all applicable privacy provisions once that information is transferred outside of Victoria.
- 11.2 Council will ensure that it exercises all due diligence in any situation in which the personal information it collects is disclosed to an interstate or international entity. The due diligence includes but is not limited to requesting evidence of any privacy policy of the organisation requesting the personal information and a rationale as to why the information is being sought.

12. Sensitive Information

- 12.1 Under IPP and HPP 10, Council must not collect any sensitive information, unless a customer has given express consent for the collection of this information or if the collection of this type of information is required or authorised by law.
- 12.2 Circumstances in which Council may require access to sensitive information may include surveys or data collection being conducted by Council to serve a vital or public interest purpose (for example, emergency assistance or the provision of essential health care).

13. Roles and Responsibilities

13.1 Contract Managers

- a. Ensuring that contracts with third parties include provisions for data protection and security;
- b. Monitoring the activities of third parties to ensure compliance with data protection requirements.

13.2 Council Representatives

- a. comply with this policy when managing the personal or sensitive information of any person (any uncertainty regarding the release of any personal information should be communicated to the Governance and Reporting Advisor for determination);
- b. Protecting the confidentiality and security of the personal data they handle;

- c. Reporting any breaches or incidents involving personal data to their line manager and the Governance and Reporting Advisor.

13.3 Corporate Planning and Governance Specialist

- a. Investigate any breaches of this policy and escalate to the Office of the Victorian Information Commissioner (OVIC) if the breach is notifiable.

13.4 Governance and Reporting Advisor

- a. Responsible for ensuring any breaches of this policy are reported to the relevant body as per the applicable legislative instrument.
- b. Responsible for ensuring the maintenance and general awareness and understanding of this policy.

14. Breaches

- 14.1 Any breaches relating to the collection, use or disclosure of the private and/or sensitive information under this policy will be considered by the Corporate Planning & Governance Specialist.
- 14.2 Any breach in relation to the unauthorised access, modification or disclosure by third parties will be actioned in accordance with the Data Breach Policy 2021 and escalated to the applicable agency for determination.
- 14.3 Council's Data Breach Response Plan outlines the remedial actions available to Council in case of a breach of policy and internal procedures for managing breaches will be followed and communicated to all relevant parties.
- 14.4 Depending on the nature and scope of the breach, potential legal repercussions outside the scope of the policy may exist. For further guidance, Council's governance unit can provide further advice.

15. Human Rights

- 15.1 This policy has considered and complies with the Human Rights and Responsibilities contained in the Victorian Charter of Human Rights and Responsibilities Act 2006.

16. Gender Impact Assessment

16.1 This policy has considered and applied Council's Gender Impact Assessment Template and satisfies the provisions established in the *Gender Equality Act 2020* (Vic).

17. Monitoring and evaluation

17.1 This policy must be considered by Council's Audit and Risk Committee at least once in its three-year cycle to determine its effectiveness and scope.

18. Definitions

Core Business relates to a situation in which Council is required to obtain personal information from a community member to fulfil any legal obligations. For example, rates notices, for a period of community consultation that may have a direct impact on a person's property, to action a complaint (if applicable) etc.

Data Breach means any unauthorised access, modification or disclosure of the private or sensitive information of any person by a third party⁶.

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 applies.

Primary purpose relates to the specific purpose of collecting that information. For example, if personal information is collected to ensure a missing waste bin is collected, Council must not use that personal information for another purpose, except in accordance with this policy or the Act.

Secondary purpose relates to a situation which does not relate to the primary purpose of collecting such information.

Sensitive Information means information or an opinion about an individual's— (a) racial or ethnic origin; or (b) political opinions; or (c) membership of a political association; or (d) religious beliefs or affiliations; or (e) philosophical beliefs; or (f) membership of a professional or trade association; or (g) membership of a trade union; or (h) sexual preferences or practices; or (i) criminal record— that is also personal information.

Unique Identifier means a number or letter sequence that marks that particular record as unique from every other record of its type.

19. References and Related Policies

Legislation

- *Aged Care Act 1997 (Cth)*
- *Health Records Act*
- *Privacy and Data Protection Act 2012 (Vic)*

External

- OVIC – *The Guidelines to the Information Privacy Principles* (November 2019)

20. Review

This policy must be reviewed at least once every four years or whenever required due to operational or legislative change.

Version History		
Version Number	Date of change	Reasons for change
1.0	April 2018	Establishment of policy
2.0	April 2023	Standard review
3.0	November 2024	Review through feedback from Audit and Risk Committee