



Maribyrnong
CITY COUNCIL

Privacy Policy

Policy Number:	3799	Endorsed by:	Council
Date endorsed:	19 March 2024	Policy Author:	Coordinator Governance
Policy Owner:	Manager Governance and Commercial Services	Review date:	March 2028
Policy Status:	Adopted	Policy type:	Council

Table of Contents

Privacy Policy.....	1
Introduction	3
Definitions	3
Purpose.....	5
Scope.....	5
Background	5
Responsibilities	5
Policy Statement	5
Privacy Policy.....	
Information Privacy Principles (IPPs)	6
Principle 1 – Collection.....	6
Principle 2 – Use and Disclosure	7
Principle 3 - Data quality	9
Principle 4 - Data security.....	9
Principle 5 - Openness.....	9
Principle 6 - Access and correction	9
Principle 7 - Unique identifiers	10
Principle 8 - Anonymity	10
Principle 9 - Transborder data flows	11
Principle 10 - Sensitive information	11
Council Website and Social Media	12
Privacy Training.....	13
Enquiries or Complaints.....	13
Implementation and Monitoring.....	14
Review of Policy.....	14
References.....	14

Introduction

Maribyrnong City Council is committed to complying with the *Privacy and Data Protection Act 2014* (Vic), which prescribes how Council must manage collect, manage and disclose personal information.

Definitions

Term	Definition
Council	means Maribyrnong City Council.
Delegated Committee	means a Delegated Committee established by Council under section 63 of the <i>Local Government Act 2020</i> .
Health information	means <ul style="list-style-type: none">• Information or an opinion about:<ul style="list-style-type: none">○ the physical, mental or psychological health (at any time) of an individual; or○ a disability (at any time) of an individual; or○ an individual's expressed wishes about the future provision of health services to him or her; or○ a health service provided, or to be provided, to an individual – or <ul style="list-style-type: none">• other personal information collected to provide, or in providing, a health service; or• other personal information about an individual collected in connection with the donation, or intended donation, by the individual of his or her body parts, organs or body substances; or• other personal information that is genetic information about an individual in a form which is or could be predictive of the health (at any time) of the individual or of any of his or her descendants.
HRA	means the <i>Health Records Act 2001</i> (Vic).

Information Privacy Principles (IPPs)	The Information Privacy Principles (IPPs) are a set of ten principles that regulate how personal information is handled. These principles underpin the <i>Privacy and Data Protection Act 2014</i> (Vic).
PDPA	means the <i>Privacy and Data Protection Act 2014</i> (Vic).
Personal information	<p>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 <i>Health Records Act 2001</i> (Vic) applies.</p> <p>This can include, but is not limited to a person's:</p> <ul style="list-style-type: none"> • Name, • age, weight or height; • Income; • Marital status; • Education; • Home address and home number; • Employee details; • Email address.
Public Registers	Means documents that Council is required to make publically available pursuant to legislation.
Sensitive information	<p>means information or an opinion about an individual's:</p> <ul style="list-style-type: none"> • racial or ethnic origin; or • political opinions; or • membership of a political association; or • religious beliefs or affiliations; or • philosophical beliefs; or • membership of a professional or trade association; or • membership of a trade union; or • sexual preferences or practices; or • criminal record
Unique Identifier	means a number or code that is assigned to an individual's record to assist with identification (similar to a drivers license number)

Purpose

The purpose of Maribyrnong Council's Privacy Policy (the Policy) is to assist Council in meeting its compliance obligations under the *Privacy and Data Protection Act 2014* (Vic) ("PDPA"), relating to the collection, management and disclosure of personal information.

Scope

The Policy applies to all Councillors, employees, volunteers and contractors of Council and covers all personal information collected and held by Council.

Background

Maribyrnong Council is committed to full compliance with its obligations under the PDPA and an individual's right to privacy and protection of personal information.

Responsibilities

The Manager Governance and Commercial Services is Council's Privacy Officer and is responsible for Council's obligations under the PDPA, promoting the Policy and working with Council departments to ensure staff are conversant with this policy and that processes are compliant with legislative requirements.

Policy Statement

The Policy prescribes that personal information managed by Council is undertaken in accordance with the Information Privacy Principles (IPPs) in the PDPA.

10 Information Privacy Principles (IPPs)

- 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 – Transborder Data flows
- Principle 10 – Sensitive Information

Information Privacy Principles (IPPs)

Principle 1 – Collection

Maribyrnong Council will only collect personal information that is necessary for carrying out one or more of its functions or services.

In some circumstances, Council may be required by law to collect personal information. If reasonable and practicable to do so, Council will only collect personal information directly from you.

Council will only collect personal information by lawful and fair means and not in an unreasonably intrusive manner.

This information typically includes but is not limited to the following:

- Name
- Address (residential, postal and email)
- Telephone number (work, home and mobile)
- Signature
- Date of birth
- Occupation
- Motor vehicle registration number
- Payment or billing information

The information provided may be used for the purpose of Council contacting you to facilitate successful delivery of its functions and services.

Personal Information - Collection Notices

Where Council is collecting your personal information, a collection notice will be included based on the following:

Maribyrnong City Council (Council) is committed to protecting your privacy. The personal information requested on this form is being collected by Council for the purpose of {insert purpose, name of legislation requiring collection if applicable}. The personal information collected will be used by Council for that primary purpose or directly related purposes. The personal information will be disclosed to {insert names of any external parties Council will be disclosing the personal information to} for the purpose of {insert how those external parties will be using the personal information}. Personal information collected will not be disclosed to any third party without your consent, unless permitted or required by law. If the personal information is not collected, Council may not be able to {insert details of the service, function or program Council will be unable to provide without the requested personal information}. Requests for access to and/or amendment of your personal information should be made to Council's Freedom of Information Officer. For more information, refer to Council's Privacy Policy.

Council staff must not collect personal information unless the information is necessary for one or more of Council's functions or activities.

Before collection occurs, Council staff must have established the type of personal information they will be collecting and confirm that all personal information proposed to be collected is required for the program, service or activity they provide. Collecting personal information with no identifiable purpose is not acceptable.

Occasionally, Council staff are provided with unrequested personal information that is not necessary for or related to any purpose of Council. As soon as practical after personal information is received, Council officers should decide whether it is relevant to what Council does. If information is not relevant, Council officers should not keep it in its records.

Before the information is destroyed consideration must be given to the *Public Records Act 1973*. If the information received would be defined as a public record under the *Public Records Act 1973*, Council is obligated to retain the information for a specified statutory timeframe.

Council will only collect sensitive information where you have consented or as permitted under the *PDPA* or any other laws.

Principle 2 – Use and Disclosure

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

Council will only use or disclose your personal information within the course of Council business, including:

- For the primary purpose for which it was collected;
- For a secondary purpose where related to the primary purpose of collection and which would be reasonably expected;
- In accordance with your consent;
- In accordance with legislative requirements, including where required or authorised under law; and

Where otherwise permitted by the IPPs and the *PDPA*. Council will take all necessary measures to prevent unauthorised access to, or disclosure of, your personal information.

Examples of use or disclosure of personal information may include:

- Disclosure of 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 PDPA. Information provided to these contractors is limited to the information required by them to provide services 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.

Council may also disclose personal information to:

- Debt collection agencies;
- Government agencies including, but not limited to the Department of Health and Human Services, the Department of Education (DoE), the Victorian Building Authority (VBA), the Independent Broad-based Anti-Corruption Commission (IBAC) and Worksafe Victoria in accordance with relevant legislation and functions;
- Law enforcement and emergency agencies, including Victoria Police or the State Emergency Services, for emergency or law enforcement purposes;
- Council's professionally advisers, including accountants, auditors, insurers, bankers, valuers, IT providers and lawyers; and
- 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 as part of a background check, or with the Department of Justice and Community Safety as part of a Working with Children Check.

The results from such checks will not be disclosed to any third party unless authorised by law or with the applicants' written authorisation.

Personal information may also be contained in Council's Public Registers. 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.

Principle 3 - Data Quality

Council will take reasonable steps to ensure that personal information it collects and holds is accurate, complete and up to date. Requests to amend any personal information supplied to Council are further detailed under Principle 6 – Access and Correction.

Principle 4 - Data Security

Council will take all necessary steps to ensure that personal information is stored safely and securely to prevent misuse, loss and unauthorised access, modification or disclosure. Council will also take reasonable steps to destroy or permanently de-identify personal information no longer required for the purpose the information was gathered. However, as Council is required to comply with the *Public Records Act 1973 (Vic)* and retention schedules no records will be destroyed or de-identified before seeking advice from Council's Information Management Coordinator.

Principle 5 - Openness

This Policy, available on Council's website, is Council's commitment to public transparency and openness in the management of personal information.

On request, Council will inform an individual in general terms, what information it holds on the individual, for what purpose this information is held and how the information was collected, held and disclosed.

Principle 6 - Access and Correction

Individuals have the right to access their own personal information, and where necessary, request that information be corrected.

Where an individual requests Council to correct their personal information, Council will take reasonable steps to notify the individual of the decision of their request as soon as practicable.

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

Requests can be made in writing and addressed to the:

Freedom of Information Officer

Maribyrnong City Council
PO Box 58
FOOTSCRAY VIC 3011

Email – Email@maribyrnong.vic.gov.au

Further information on making an FOI request can be found on Council's website at: <https://www.maribyrnong.vic.gov.au/About-us/Governance-and-Council-Information/Freedom-of-information>. Some requests for personal information may be dealt with informally outside of the *Freedom of Information Act 1982* (Vic).

Principle 7 - Unique Identifiers

A unique identifier is a number or code that is assigned to someone's record to assist with identification.

Council will only assign a unique identifier to a person if the assignment is reasonably necessary to carry out its functions efficiently.

Council will not adopt or disclose a unique identifier assigned to an individual by another organisation unless:

- It is necessary to enable Council to carry out any of its functions efficiently;
- It has obtained the consent of the individual to the use of the unique identifier;
- There are legal requirements for Council to do so; the conditions for use and disclosure set out in the *PDPA* are satisfied.

Principle 8 - Anonymity

Where lawful and practicable, Council will provide the option for individuals to remain anonymous in their interactions with Council. However, Anonymity may limit Council's ability to process a complaint or other matter.

Therefore, if you choose not to supply personal information that is necessary for the Council to perform its functions, then Council reserves the right to take no further action on that matter.

Principle 9 - Transborder Data Flows

The progress of new technologies has resulted in more common transborder data flows between organisations.

Council will only transfer personal information outside of Victoria in accordance with the provisions outlined in the PDPA.

Council uses cloud computing services based outside Victoria, however, it has taken all reasonable steps to ensure that the information which it transfers will not be held, used or disclosed by third party service providers inconsistently with the IPPs.

Council also ensures third party service providers are subject to laws and/or binding contractual arrangements that provide similar protections to that afforded under the PDPA.

Principle 10 - Sensitive Information

Council will not deliberately collect sensitive information about an individual unless:

- consent has been provided by the individual, or
- the collection is required or authorised under law; or
- the collection is necessary to prevent or lessen a serious threat to the life or health of any individual.

The PDPA defines sensitive information as information or an opinion about an individual's:

- racial or ethnic origin; or
- political opinions; or
- membership of a political association; or
- religious beliefs or affiliations; or
- philosophical beliefs; or
- membership of a professional or trade association; or
- membership of a trade union; or
- sexual preferences or practices; or
- criminal record

that is also personal information.

Council Website and Social Media

Maribyrnong City Council engages the services of a web hosting provider for its websites, including the City of Maribyrnong website, Your City Your Voice website, Maribyrnong Library Service website, Maribyrnong Aquatic Centre website and Love Your West website, which have established a Privacy statement which all visitors to Council's websites are encouraged to read, prior to navigating through the site.

The information available to Council via the web hosting provider includes:

- All information from Sign Up forms
- Comments made in public chat forums
- Survey, Quick Poll, and comment voting responses
- General site activity such as document downloads.

Council's website contains the details of its web hosting provider where further information and the provider's Privacy Policy can be obtained.

Council may use first party cookies and analytics data to collect, analyse, measure and report on visitations to its website. Visitors to Council's website can disable cookies via your web browser.

Council may also collect personal information (including sensitive information) via its social media pages, including, but not limited to, users accessing Facebook, X (formerly known as Twitter), Instagram and YouTube. It is noted that these social media services have their own privacy policies.

Council's website may also include links to third party sites. These third parties have separate and independent privacy policies, which Council has no responsibility or liability for the content and activities of these linked sites.

Council may use various external applications to transact with its community, including but not limited to conducting online surveys, distributing newsletters, facilitating reservations and issuing tickets. These external providers may collect your personal information. It is recommended you read the privacy policies of the third party provider before utilising.

Privacy Training

All Council staff receive privacy training to enhance awareness, understanding and obligations in regards to the collection and management of personal information in the workplace.

All new staff as part of their corporate induction are required to complete a mandatory online module specifically focusing on information privacy.

Refresher training is provided annually across the organisation with Council's Privacy Officer also providing additional training, support and advice to staff upon request.

A copy of this policy is also available to all staff via Council's Policy database and its website.

Enquiries or Complaints

Individuals concerned at Council's handling of their personal information are encouraged and requested to contact Council's Privacy Officer.

Enquires or complaints about a breach of personal information, in the first instance, may be directed to Council's Privacy Officer as follows:

Privacy Officer

Maribyrnong
City Council
PO Box 58
FOOTSCRAY VIC 3011
Email: governance@maribyrnong.vic.gov.au
Website: www.maribyrnong.vic.gov.au

Maribyrnong Council is proactive in dealing with any potential privacy breach and its consequences. This includes:

- Containing the breach and conducting a preliminary assessment
- Evaluating the risks associated with the breach
- Remediating and notifying affected parties, if required
- Review (and remedy if appropriate) the cause of the breach and Council's response.

Complaints about personal information can also be directed to the Victorian Information Commissioner.

The Victorian Information Commissioner can be contacted as follows:

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

Implementation and Monitoring

<i>Policy Owner</i>	<i>Directorate</i>
Manager Governance and Commercial Services	Corporate Services

Review of Policy

The Policy will be reviewed in 2028, as legislation requires, or as Council determines a need has arisen.

References

- *Privacy and Data Protection Act 2014* (Vic)
- *Freedom of Information Act 1982* (Vic)
- *Local Government Act 1989* (Vic)
- *Local Government Act 2020* (Vic)
- *Equal Opportunity Act 2010* (Vic)
- *Occupational Health and Safety Act 2004* (Vic)
- *Public Records Act 1973* (Vic)
- *Victorian Charter of Human Rights and Responsibilities Act 2006* (Vic)
- *Local Government Act 1989*.
- *Privacy Act 1988* (Cth)