

**Title:** Confidentiality and Privacy

**Type:** Council  
**File No:** 04/01/03

**Date Adopted:** 27 January 2010  
**Next Review Date:** 2011

**Revision History:**

Date	Action	Who
December 1997	Adopted	Council
May 2008	First review and draft	Jenny Branton
May 2008	Review draft	Privacy Officer
July 2008	Consultation and Review	Victorian Privacy Commission
August 2008	Consultation	Portfolio Councillor
September 2008	Consultation	Communications Team
December 2008	Briefing Note	Council
January 2010	Approval	Council

**1. Purpose**

To establish Council’s approach to protecting information it holds from misuse, from loss, and from unauthorised access, unauthorised modification or unauthorised disclosure.

**2. Rationale**

This policy is required to meet the information privacy principles and health privacy principles set out in the Information Privacy Act, 2000 and the Health Records Act, 2001 in relation to the management and handling of personal and health information within the public sector.

**3. Scope**

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

This policy covers:

- All personal and health information, that is, information, or an opinion about an individual, whose identity is apparent, or can be reasonably ascertained, from that information or opinion.
- Personal information that we have sourced from third parties.
- Information about businesses, groups and organisations.
- Information collected in any format including correspondence, in person, over the phone, and other electronic communication.

**4. Policy**

**4.1 Types of Information**

4.1.1 Personal Information – means information or an opinion, whether true or not about an individual whose identity is apparent, or can reasonably be ascertained, from the information or opinion

4.1.2 Health Information – means information or an opinion about the physical, mental, psychological health of an individual, disability of an individual or a health service provided or to be provided to an individual.

4.1.3 Sensitive Information - 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

Information whether true or not about an individual, business, group or organisation which might be damaging or be perceived to be damaging to that individual, business, group or organisation.

## 4.2 Privacy Statements

4.2.1 A general statement outlining Council’s position on the handling of personal information will be used when information is requested and collected.

4.2.2 Forms collecting information for a specific purpose will include a privacy statement on the form including the purpose of collection.

4.2.3 Council’s privacy statements will be published in the relevant publications (e.g. forms, websites), confirming Council’s commitment to confidentiality and privacy.

## 4.3 Collection

4.3.1 Council will only collect personal information that is necessary for specific and legitimate functions of Council. Information will be collected by fair and lawful means.

4.3.2 Council will advise individuals, where possible, of the purposes for which their personal information is being collected, and of those third parties to whom the information is usually disclosed.

4.3.3 Sensitive information will only be collected where the individual has consented or collection is required or permitted by law.

4.3.4 Sensitive information (as defined in this policy) will be treated with the upmost security and confidentiality and only used for the purpose for which it was collected.

4.3.5 Council will, where it is lawful and practicable, give individuals the option of not identifying themselves when entering into transactions with council.

4.3.6 Council will ensure that individuals are aware of all, if any, limitations to services if the information required is not provided.

4.3.7 Council will not adopt or use individuals unique identifiers from other organisations except where necessary to conduct business.

4.3.8 Council will not assign, adopt, use, disclose or require unique health or other identifiers from individuals except for the course of conducting normal business or if allowed or required by law.

## 4.4 Use and Disclosure of Information

The Murrindindi Shire Council will not use or disclose information about an individual other than for the primary purpose for which it was collected unless one of the following applies:

- It is for a related secondary purpose that the individual would reasonably expect.
- Where Council have the consent of the individual to do so.
- If, as defined in the Health Records Act 2001, the individual is incapable of giving consent.
- As required or permitted by the Information Privacy Act 2000 or any other legislation.

## 4.5 Data Security and Retention

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4.5.1 Council will take all reasonable measures to prevent misuse or loss or unauthorised access, modification or disclosure of information.

4.5.2 Information will be managed confidentially and securely and destroyed or archived in accordance with the Victorian Local Government General Disposal Schedule.

4.5.3 Council will monitor and implement reasonable and appropriate technical advances or management processes, to provide an up to date ongoing safeguard for personal information.

4.5.4 Council will only transfer personal or health information outside of Victoria in accordance with the provisions outlined in the Information Privacy Act 2000 and Health Records Act 2001.

4.5.5 Council will take reasonable steps to ensure that all personal information collected, used or disclosed is accurate, complete and up to date.

4.5.6 Council's Services will provide health information to other health providers in accordance with the Health Records Act 2001

#### **4.6 Access and Correction to Information**

4.6.1 Individuals have a right to request access to any personal or health information held about them, and may request any incorrect information be corrected.

4.6.2 Council may decide not to allow access to personal information in accordance with the exemptions contained within Information Privacy Act 2000 and Health Records Act 2001.

4.6.3 The process for requesting access to recorded personal and health information, i.e. documents, is through a Freedom of Information application.

#### **4.7. Information Privacy Officer and Committee**

4.7.1 The Council's Chief Executive Officer is responsible for appointment of the Murrindindi Shire Council's Privacy Officer.

4.7.2 The Privacy Officer is required to inform all Council officers of their obligations under this policy and to handle difficult enquiries, complaints or adjustments concerning personal, sensitive or health information.

4.7.3 The Privacy Officer is required to maintain all documentation relating to the management and implementation of the Information Privacy Act 2000 for the Murrindindi Shire Council.

4.7.4 Requests for information must be managed by the Information Privacy Officer in accordance with the Freedom of Information Act 1982 and the Health Records Act 2001.

### **5. Supporting Documents**

Records Solutions Local Government Privacy Guide 2006  
Office of the Victorian Privacy Commissioner, Guidelines to the information privacy principles  
Community Information Brochure

### **6. Related Policies and legislation**

Privacy Act 1988  
Victorian Information Privacy Act, 2000  
Health Records Act, 2001  
Freedom of Information Act 1982  
Public Records Act 1973

### **7. Governance**

Implementation of this policy will be managed by Council's Privacy Officer.

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**8. Portfolio and/or Riding Councillor Input**

Policy has the reviewed by the portfolio Councillor

**9. Responsible Officer**

Manager Corporate Services

**10. Human Rights Charter**

This policy does not contravene the Victorian Charter of Human Rights and Responsibilities.