

Information Privacy Policy



City of
KINGSTON

VERSION NO. 6
APPROVAL Chief Executive Officer

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Date: 19 July 2024

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RESPONSIBLE EXECUTIVE General Manager Customer and Corporate Support
POLICY TYPE Organisational
POLICY OWNER Manager Governance, Risk & Integrity

REVISION RECORD	Version	Revision Description
19 August 2020	[V5]	Minor edits to include real incident learnings and inclusive language. Added reference to new guidelines and policies.

1 Purpose

Kingston's Information Privacy Policy illustrates the ways in which Council is committed to protecting the privacy and confidentiality of personal and health information. It demonstrates how Council complies with the principles and legislative requirements under the Privacy and Data Protection Act 2014 (P&DP Act) and the Health Records Act 2001. Our approach to managing the information privacy principles (IPP) recognises the commitment to Kingston's Good Governance Framework.

2 Scope

The Policy relates to all personal and health information about an individual that is collected, used, stored, or disclosed by Council. This policy applies to **all** people working within Council including Councillors, contractors and volunteers, and employees. The policy is supported by Council's Privacy and Data Protection Committee that builds capability and confidence for good judgement and decision making across the organisation. I moved this statement from Policy details to scope.

3 Governance Principles and Council Plan alignment

3.1 Governance Principles

This policy considers the overarching governance principles, it demonstrates how Council actions are to be made and actions taken in accordance with relevant laws, as outlined in the Privacy & Data Protection Act (2014) and how the transparency of Council decisions, actions and information is to be ensured.

3.2 Council Plan Alignment

This policy aligns with the Council plan objective 6.1 “Council will be collaborative, accountable, transparent, responsive, well informed and efficient” In line with strategy 6.1.1 this policy will assist in holding council to the highest standard of governance and integrity.

4 Policy Details

The Information and Health Privacy Principles set out the minimum standards for how personal and health information should be managed in the Victorian public sector. As part of Council’s commitment to meeting the requirements of the Acts and demonstrating Good Governance, the approach outlined within this policy demonstrates compliance to each of the overarching Information and Health Privacy Principles.

5 Information Privacy Principles

5.1 Collection (IPP 1)

Personal or health information will only be collected where it is necessary to carry out Council functions and activities. In some circumstances, collection of personal information is required by law. Diversity demographic information is only collected where necessary, i.e. legislated workforce data reporting to government entities. Sensitive information such as details pertaining to date of birth is only collected where the individual has consented or as otherwise permitted under legislation.

If information is collected about an individual from another party, reasonable steps will be taken to make the individual aware of this. At or near the time of collection, an individual will be notified of the purpose for the information collection and to inform the individual how they can access this information. Collection Notices, such as the example below, are included on forms and explain how Council intend to use, share and disclose any personal information collected.

“The City of Kingston is committed to protecting your privacy. The personal information requested on this form is being collected by City of Kingston for the purpose of [insert purpose] or any other directly related municipal purpose as specified in the Local Government Act 2020. The personal information will also be disclosed to [insert names of any other entities receiving the personal information] for the purpose of [insert how the entities will use the personal information]. It will not be disclosed to any other external party without your consent, unless required or authorised by law. If the personal information is not collected, [insert details of what will happen – can they still participate in the process, can they be anonymous etc]. If you wish to alter any of the personal information you have supplied, please contact City of Kingston via telephone [insert 1300 653 356 number for your work area] or email info@Kingston.vic.gov.au [OR insert generic email address for your work area]. View our Information Privacy Policy available on the Kingston website. “

The following applies when you interact with our websites.

Collection and use of personal data

The City of Kingston’s various websites only collect or record personal information you choose to provide through our Contact Us section, subscription to communications, newsletters, initiatives or program updates, online applications etc. You can browse our websites anonymously, without disclosing your personal information.

Collection and use of site visit data

Cookies are data files that are placed on a device when it is used to visit a website. For the most part they are sessional and just contain system-generated values to identify the user’s session for statistical and system administration purposes only. Cookies are used on our sites, but they do not collect any personal information.

5.2 Use and Disclosure (IPP 2)

Health and personal information is only used or disclosed for the primary purpose that it was collected, where the individual consents and for other related purposes that an individual would reasonably expect this to occur.

For example:

- a. Council may use email addresses or mobile phone numbers to inform residents that could be significantly affected by unplanned events
- b. Council would NOT utilise email addresses or mobile phone numbers to advertise an event or for other marketing purposes

Council may share relevant and minimal information when it is related to the reason the information was collected, with other work areas within the organisation, with external service providers and contractors (who are also bound by the same obligations) that have been engaged to provide the service or function on behalf of Council.

Information will be used and disclosed in circumstances where required by law and to protect the health, safety or welfare of an individual or the public. For example, personal information may be disclosed when reporting a matter to police.

Personal information is also held in registers that are available for public inspection at the Council office.

Examples of personal information held by Council that is accessible by the public include:

- Council lease of land information
- Register of all registered dogs and cats
- Decisions and determinations relating to planning permits
- Register of Authorised officers
- Summary of personal interest returns
- Advertised and open tender information (via Tenderlink)

5.3 Data Quality (IPP 3)

Reasonable steps are taken to ensure that all personal and health information collected, held, used and disclosed is accurate, complete, up-to-date and relevant to Council's purpose, functions and activities. Information will be verified and updated at the time of collection in line with our Minimum Data Collection standards.

For example: *staff will ask for personal details to verify a customer's identity before actioning a request to update a postal address.*

5.4 Data Security and Retention (IPP 4)

A secure system is maintained for storing personal and health information and reasonable steps are taken to destroy, unless required by law, or permanently de-identify information when it is no longer required in active processes. This is outlined further in Council's destruction Policy. Appropriate security measures are implemented of Council information systems, operational policies and procedures, to protect the personal and health information held from misuse, interference, loss and from unauthorised access, modification or disclosure. For example: *Unsolicited personal information received will be destroyed or de-identified as soon as practicable.*

5.5 Openness (IPP 5)

Reasonable steps are taken to let people know about the type of information held, the purpose for holding it, and how that information is it is collected, used and disclosed. There are established procedures to respond to queries about the personal information handling practices and clearly expressed policies on the way personal information is managed.

Can we reference the Part II statement here?

5.6 Access and Correction (IPP 6)

Upon request, individuals have the right to access their own personal information and can request that incorrect or misleading personal information is amended or deleted.

Anyone can request access to documents held by Council however there are some exemptions under the Freedom of Information Act (Vic) 1982.

Examples of exemptions include:

- *Documents affecting personal privacy of other people (such as names, addresses, telephone numbers) - section 33(1).*
- *Documents relating to commercial information (putting a commercial business at an unreasonable disadvantage) - section 34(1.)*
- *Information provided in confidence such as complaints – section 35(1).*
- *Documents affecting legal proceedings (legal advice or opinions) - section 32(1).*

Access will be provided when requested except in circumstances outlined in legislation or where the Freedom of Information Act 1982 (Vic) applies. Freedom of Information (FOI) gives a general right to individuals to access information held by Government agencies limited by exemptions and seek a correction or amendment of a document containing their personal information.

Individuals are encouraged to contact the Freedom of Information Officer (FOI@Kingston.vic.gov.au) to determine whether information can be accessed before making a formal FOI request. For details on how to make an application under the FOI Act, refer to Council's [website here](#).

5.7 Unique Identifiers (IPP 7)

At times a code or number may be assigned to someone's record to assist with identification.

This can take the form of an employee number, client code, reference, or invoice number. These unique identifiers are only assigned, used, disclosed or required for the course of conducting business activities efficiently or as required by law. For example, Council will *utilise the invoice number on an account instead of using someone's name to process an account*.

5.8 Anonymity (IPP 8)

Where lawful and practicable, individuals will be given the option of remaining anonymous when supplying information or entering into transactions with Council. However, individuals need to be aware that anonymity may limit the ability to take appropriate action, resolve an issue or provide a response to the individual.

5.9 Transborder Data Flows (IPP 9)

The development of cloud computing has resulted in trans-border data flows becoming more frequent as many cloud service providers are located outside Australia. Council will only transfer personal information outside of Victoria in accordance with the provisions outlined in the P&DP Act. Council takes all reasonable steps to ensure that information transferred is minimal and necessary to carry out functions and activities, and that personal information is held, used, or disclosed by the data custodian in line with the Victorian IPPs. All reasonable steps are taken to

ensure the data custodian is subject to laws and/or binding contractual arrangements that provide similar protections to those afforded under the P&DP Act.

5.10 Sensitive Information (IPP 10)

The P&DP Act places special requirements on the collection of sensitive information. This includes racial or ethnic origin, political opinions, or membership of political associations, religious or philosophical beliefs, gender identity, sexual orientation, membership of professional or trade associations or trade unions, and criminal record.

Sensitive information will only be collected when an individual has consented, collection is required or permitted by law, when necessary for research or statistical purposes as permitted under the Privacy and Data Protection Act.

5.11 Transfer or Closure of Health Service (Health Privacy Principle 10)

Health Information relating to a discontinued Council Health Service will be managed in accordance with the Health Records Act.

5.12 Making Health Information available to another provider (Health Privacy Principle 11)

If an individual asks for their health information to be made available to another service provider, Council will comply with the request as soon as practicable. Health Services will provide information to other health providers in accordance with the Health Records Act.

6 Privacy Breaches and complaints

A data breach occurs when personal information held by an organisation is subject to misuse or loss or to unauthorised access, modification or disclosure. A data breach can be accidental or as a result of a malicious act from an external or internal party.

Examples of data breaches include:

- *An email containing recipients' email addresses is forwarded to unintended parties.*
- *An organisation mistakenly provides personal information to the wrong person.*
- *An employee takes paper records, an unencrypted USB stick or laptop out of the office and the information is lost or stolen. include transfer of files?*
- *An organisation's database is illegally accessed by staff members or by individuals outside of the organisation.*

Action will be taken quickly to investigate and understand any privacy breach incidents Privacy Breach guidelines have been developed to assist officers to take appropriate steps to manage any potential consequences for affected individuals.

Refer to risk assessment and breach management process and that low risk incidents can be managed locally, high risk incidents must be escalated in line with the Breach Reporting process.

Complaints about the way Council has managed personal information should be directed to Council's Privacy officer (info@Kingston.vic.gov.au or 1300 653 356) who will in the first instance try to resolve the issue. Complaints can be made in writing or via phone. The complaint will initially be investigated by Council's Information Privacy Officer and the complainant will be provided with a written response within 10 working days.

If an individual is not satisfied with the way Council dealt with your concerns, you can make a complaint to the [Office of the Victorian Information Commissioner \(OVIC\)](#).

7 Internal and External Assessments.

7.1 Risk Assessment 7.1

A risk assessment has been completed in conjunction with this policy.

7.2 Delegation and Authorisation (Compliance Framework)

Please refer to [Council's Instruments of Delegations](#)

7.3 Human Rights Charter

This policy has been reviewed against and complies with the Charter of Human Rights and Responsibilities Act 2006 and aligns with section 13 Privacy and reputation.

8 Related Documents and Resources

City of Kingston Documents

- Public Transparency Policy
- Social Media Policy
- Media and External Communications Policy
- Compliance Policy
- Privacy Breach Guidelines and information
- Privacy request response guideline
- Privacy impact Assessment guideline
- Complaint guidelines
- Part II statement
- Code of Conduct
- CCTV Code of Practice
- Shared fencing procedure
- AccessCare Privacy and confidential information policy
- *Data Destruction Policy*
- *Minimum Data Collection Policy*

Resources / External Documents

- Privacy and Data Protection Act 2014
- Freedom of Information Act 1982
- Fences Act 1968
- Health Records Act 2001
- Charter of Human Rights and Responsibilities Act 2006
- Local Government Act 2020
- [OVIC website](#)

9 Definitions

Personal information

Personal information is defined in the Privacy and Data Protection Act (2014) as information or an opinion, 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.

Health information

Health information refers to information or an opinion, whether true or not, and whether recorded in a material form or not, about the physical, mental or psychological health (at any time) of an individual; a disability (at any time) of an individual; an individual's express wishes about the future provision of health services to him or her; a health service provided, or to be provided, to an individual; other personal information collected to provide, or in providing, a health service.

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 Privacy and Data Protection Act.