

## **Cardinia Shire Council**

### **Information Privacy Policy**

Council believes that the responsible handling of personal information is a key aspect of democratic 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 *Information Privacy Act 2000* (Vic) (Act). In particular, Council will comply with the Information Privacy Principles contained in the Act. This Privacy Policy explains some of these Principles and how they may apply to you.

The main purposes of the Act are:

- To establish a regime for the responsible collection, storage, handling and disclosure of personal information;
- To provide individuals with rights of access to information about themselves which is held by the organisation;
- To provide individuals with the right to request an organisation to correct and amend information about themselves held by the organisation, including information held by contracted service providers.

### **Personal Information**

This Policy applies to personal information held or collected by Council. Personal information means information or an opinion about an individual whose identity is apparent, or can reasonably be ascertained, from the information or opinion, other than certain health or generally available information.

For example, Council holds personal information on its ratepayers (eg names and addresses) in order to carry out its functions (eg planning, valuation and property services). It may also request personal information in order to provide education, welfare and other community services (eg childcare services). In some instances, personal information may be contained on a public register (register of building permits, food premises and animal registration details).

### **Sensitive Information**

Council may also hold sensitive information. Sensitive information includes information or an opinion about an individual's racial or ethnic origin, political opinions, trade union membership, philosophical or religious beliefs, sexual preferences or criminal record.

## **Bodies Bound by the Act**

The Act is binding on all Councilors, council staff and other bodies providing services to Council through third party contracts or agreements. Contracted service providers, including subcontractors to them, are to be alerted to Councils Information Privacy Policy on the basis that compliance with the Policy, and the Act, is a requirement in any new contract and compliance is sought in all existing contracts.

The services provided to Cardinia Shire Council by third party contractors are:

Parks & Gardens Maintenance	Valuation of Properties
Garbage & Waste Services	Health Services

## **Timing for Compliance**

The Act commenced on 1 September 2001. Cardinia Shire Council must comply fully with the Information Privacy Principles prescribed by the Act by 1 September 2002.

Third party contractors engaged after 26 May 2000, must comply fully with the Information Privacy Principles prescribed by the Act by 1 September 2002. Third party contractors engaged before 26 May 2000, must comply fully with the Information Privacy Principles prescribed by the Act by 1 September 2003.

## **Compliance**

Council **must** comply with the ten privacy principles contained in the Act, listed as follows:

Principle 1 - Collection	Principle 6 - Access and Correction
Principle 2 - Use and Disclosure	Principle 7 - Unique Identifiers
Principle 3 - Data Quality	Principle 8 - Anonymity
Principle 4 - Data Security	Principle 9 - Trans-border Data Flows
Principle 5 - Openness	Principle 10 - Sensitive Information

## **Collection**

Council will only collect personal information that is necessary for its functions and activities. In some instances, Council is required by law to collect personal information. Council will only collect sensitive information where you have consented or as permitted under the Act. If it is reasonable and practicable to do so, Council will collect personal information about you, directly from you. When doing so, it will inform you of the matters set out in the Act, including the purpose(s) for

which the information is collected, and will use lawful and fair means. If Council collects personal information about you from someone else, it will take reasonable steps to make you aware of these matters.

### **Use and Disclosure**

Council will only use personal information within Council, or disclose it outside Council, for the purpose for which it was collected or in accordance with the Act (eg where you have consented or where you would reasonably expect this to occur).

### **Security**

Council will endeavour to maintain a secure system for storing personal information. Technological and operational policies and procedures are in place to protect personal information from misuse and loss and from unauthorised modification or disclosure.

Council will dispose of personal information where it is no longer necessary to fulfill the purposes for which the information was collected or as required by law.

### **Openness**

Cardinia Shire Council shall be open in the way it handles personal information by making available clearly stated policies on its management of personal information, statements on the type of personal information collected and held in the performance of the functions of Council, and guidelines on the use and disclosure of personal information.

### **Access and Correction**

Should you wish to access your personal information, please contact Council's Privacy Officer (tel: 5945 4226). Access will be provided except in the circumstances outlined in the Act, for example, where the information relates to legal proceedings or where the *Freedom of Information Act* 1982 applies.

Where access to personal information is sought under Information Privacy Principle 6 - Access and Correction, Cardinia Shire Council shall adopt the fee structure prescribed in the Schedule of the Freedom of Information (Access Charges) Regulations 1993 for that access. Requests for access shall not incur an application fee (similar to that prescribed in Section 17(2A) of the Freedom of Information Act 1982).

Where access is sought for documents (within the meaning prescribed by the Freedom of Information Act 1982 (FoI Act)) containing personal information, the

request shall be dealt with under the FoI Act and shall be subject to all fees and charges under that Act.

If you believe that your personal information is inaccurate, incomplete or out of date, you may request Council to correct the information. Your request will be dealt with in accordance with the Act. Requests for the correction of personal information contained in documents within the meaning prescribed by the FoI Act, that information may only be corrected in accordance with that Act.

### **Anonymity**

Where lawful and practicable, Council will give you the option of not identifying yourself when supplying information or entering into transactions with it.

### **Complaints**

If you feel aggrieved by Council's handling of your personal information, you may make a complaint to Council's Privacy Officer (tel: 5945 4226). Your complaint will be investigated as soon as possible (but no later than 5 business days) and you will be provided with a written response. Alternatively, you may make a complaint to the Privacy Commissioner (although the Commissioner may decline to hear the complaint if you have not first made a complaint to Council).

### **Changes**

Council may amend this Privacy Policy from time to time.

### **Further Information**

If you have any queries about this Privacy Policy, please contact Council's Privacy Officer (tel: 5945 4226).