

PRIVACY POLICY

1.0 Purpose

The City of Ballarat considers the protection of an individual's privacy an integral part of its commitment towards accountability and integrity in all its activities and programs. The purpose of this policy is to outline City of Ballarat's commitment to protecting an individual's right to privacy and the management of personal information as required by the *Privacy and Data Protection Act 2014* as well as health information as required by the *Health Records Act 2001*.

This policy is developed in accordance with Information Privacy Principle (IPP) 5 in Schedule 1 of the *Privacy and Data Protection Act 2014*.

This policy addresses:

- City of Ballarat's main functions and the types of personal and health information it collects to fulfil those functions;
- How City of Ballarat uses and shares the personal and health information it collects, including which third parties the information may be shared with and any legislation that authorises or permits the organisation to collect and handle the personal or health information;
- How personal and health information is stored and kept secure;
- How individuals can contact City of Ballarat's Privacy Officer and make a privacy complaint.

2.0 Scope

This policy applies to all personal and health information which is collected, used and disclosed by any area of the City of Ballarat. All City of Ballarat staff are required to adhere to this policy.

The policy covers all personal and health information held by City of Ballarat and includes information it has collected:

- About an individual, regardless of format and through any of City of Ballarat's public access interfaces; and
- From an individual, as well as information about an individual collected from third parties.

3.0 Policy Statement

3.1 Management of personal and health information

The City of Ballarat manages personal information in accordance with the Information Privacy Principles (IPPs) as stipulated in Schedule 1 of the *Privacy and Data Protection Act 2014*.

The City of Ballarat manages health information in accordance with the Health Privacy Principles (HPPs) as stipulated in Schedule 1 of the *Health Records Act 2001*.

3.1.1 Collection of Personal Information (IPP 1 / HPP 1)

City of Ballarat will only collect personal and health information that is necessary for the functions, activities or services of the City of Ballarat.

If the City of Ballarat is required to collect personal or health information, it will only be collected by lawful

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and fair means and not in an unreasonably or intrusive way. If it is reasonable and practicable to do so, personal or health information will be collected directly from an individual, however there are situations where City of Ballarat may need to collect or is provided with an individual's information from a third party.

When collecting personal or health information, City of Ballarat will take reasonable steps to advise the individuals concerned of:

- What information is being collected;
- For what purpose the information is being collected;
- Whether the law requires the collection of the information; and
- The main consequences, if any, of not providing the information.

Where the personal information being collected is in the form of photographs or recordings taken in a public place, notice may be provided through display of a sign or a public announcement.

3.1.2 Use and Disclosure (IPP 2 / HPP 2)

City of Ballarat will not use or disclose individual's personal or health information other than in accordance with the *Privacy and Data Protection Act 2014* or the *Health Records Act 2001*.

City of Ballarat may disclose personal information to contracted service providers who perform various services for and on behalf of the City of Ballarat. City of Ballarat will ensure that contracted service providers have agreed to be bound by the provisions of the *Privacy and Data Protection Act 2014*. Information provided to these contractors is limited to the information required by them to provide services to the individual on behalf of City of Ballarat.

Personal information provided by individuals as part of a public submission to a Council or committee meeting may be included with the published agenda papers and minutes of the meeting. The published agenda papers and minutes are displayed online and available in hardcopy format for an indefinite period.

Personal information may also be contained in City of Ballarat's public registers. Under the *Local Government Act 2020*, any person is entitled to inspect City of Ballarat's public registers, or make a copy of them, upon payment of the relevant fee.

3.1.3 Data Quality (IPP 3 / HPP 3)

City of Ballarat will take reasonable steps to make sure that the personal and health information it collects, uses or discloses, is accurate, complete and up-to-date. Additionally, in the case of health information, City of Ballarat will take reasonable steps to make sure that the information it collects, uses, holds or discloses, is relevant to its functions or activities.

3.1.4 Data Security (IPP 4 / HPP 4)

City of Ballarat will take all reasonable steps to protect the personal and health information it holds from misuse, loss, and unauthorised access, modification and disclosure.

If personal information is no longer needed for any purpose, City of Ballarat will take reasonable steps to destroy or permanently de-identify the information. If destroyed, this will be in accordance with the document disposal requirements of the *Public Records Act 1973* and relevant Council procedures.

Any health information relating to an individual will be disposed of in accordance with the *Health Records Act 2001*.

Act 2001, Public Records Act 1973 and relevant Council procedures.

3.1.5 Openness (IPP 5 / HPP 5)

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

3.1.6 Access and Correction (IPP 6 / HPP 6)

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

Requests for documents under the *Freedom of Information Act 1982* must be made in writing stating as clearly and precisely as possible what information is required, and

addressed in accordance with clause 3.2 of this policy.

Fees apply to requests for documents under the *Freedom of Information Act 1982*. Further information about the *Freedom of Information Act 1982* process can be found on City of Ballarat's website.

Where the request is for correction of personal or health information, City of Ballarat will take reasonable steps to correct the information so that it is accurate, complete and up to date. In the case of correction of health information, City of Ballarat will not delete the previous information except in accordance with HPP 4.

If City of Ballarat and the individual disagree on the need to correct the personal or health information, City of Ballarat will take reasonable steps to associate the information with a statement from the individual recording the claim by the individual that the information is not accurate, correct or up to date.

3.1.7 Unique Identifiers (IPP 7 / HPP 7)

A unique identifier is a number or code that is assigned to someone's record to assist with identification (similar to a driver's licence number).

City of Ballarat will only assign identifiers to records if it is necessary to enable City of Ballarat to carry out a function efficiently. However, Maternal Child Health clients are assigned a unique identifier by the state-wide system used to deliver this service. This health record identifier does not and cannot link to any City of Ballarat identifier systems for the purpose of any other City of Ballarat business activity.

3.1.8 Anonymity (IPP 8 / HPP 8)

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

However, as anonymity may limit City of Ballarat's ability to process a complaint or other matter, City of Ballarat reserves the right to take no action on any matter if an individual chooses not to supply relevant personal information so that it can perform its functions.

For some services, such as Maternal and Child Health, individuals cannot remain anonymous as

identification is a legal requirement of providing the service.

3.1.9 Trans-border Data Flows (IPP 9 / HPP 9)

City of Ballarat may transfer personal information about individuals to an individual or organisation outside Victoria only in accordance with IPP/HPP 9.

3.1.10 Sensitive Information (IPP 10)

Subject to exclusions contained within the *Privacy and Data Protection Act 2014*, City of Ballarat will not collect sensitive information about an individual except in accordance with this IPP.

In addition to the above, there are circumstances in which City of Ballarat are able to collect information from third parties without consent as legislated, including in:

- Child Information Sharing legislation;
- Family Violence Information Sharing legislation; and
- Responsibilities under the *Child, Youth and Families Act (2005)*

3.1.11 Transfer or closure of the practice of a health service provider (HPP 10)

This principle applies if the practice or business of a health service provider (the provider) is to be sold or otherwise transferred and the provider will not be providing health services in the new practice or business, or closed down.

If the above is to occur, City of Ballarat will publish notice that the practice or business has been, or is about to be, sold, transferred or closed down, as the case may be. City of Ballarat will also publish the manner in which it proposes to deal with the health information about individuals who have received health services held by the practice or business, including whether the provider proposes to retain the information or make it available for transfer to those individuals or their health service providers.

No earlier than 21 days after City of Ballarat publishes the above information, City of Ballarat must elect to retain or transfer information to either the health services provider, if any, who takes over the practice or business, or the individual or health service provider nominated by the individual.

3.1.12 Making information available to another health service provider (HPP 11)

If an individual:

- a) requests City of Ballarat to make health information that it holds relating to the individual available to another health service provider; or
- b) authorises another health service provider to request City of Ballarat to make health information that it holds relating to the individual available to the requesting health service provider

City of Ballarat will, on payment of a fee not exceeding the prescribed maximum fee and subject to the regulations, provide a copy or written summary of that health information to that other health service provider.

City of Ballarat will comply with the requirements of this principle as soon as practicable.

3.2 Privacy contacts and complaints

The below table provides contact information for any enquiries, requests, or complaints. Prior to a complaint being submitted to external bodies, individuals are encouraged to engage in the complaints management process in accordance with the Complaints Management Policy, to resolve the complaint directly with City of Ballarat.

Purpose of communication	Contact information
Enquiries in relation to privacy, personal information and health information	<i>City of Ballarat – Privacy</i> Telephone: (03) 5320 5500 Online: privacy@ballarat.vic.gov.au Post: PO Box 655, Ballarat, VIC, Australia 3353 In person: The Phoenix, 25 Armstrong Street South, Ballarat, VIC, Australia 3350
Requests for access or correction of personal or health information	<i>City of Ballarat – Freedom of Information</i> Telephone: (03) 5320 5500 Online: foi@ballarat.vic.gov.au Post: PO Box 655, Ballarat, VIC, Australia 3353 In person: The Phoenix, 25 Armstrong Street South, Ballarat, VIC, Australia 3350
Breach of privacy Complaint about a Freedom of Information application	Office of the Victorian Information Commission www.ovic.vic.gov.au

4 Supporting documents and references

4.1 Legislation

Education and Care Services National Law Act 2010
Education and Care Services National Regulations
Freedom of Information Act 1982
Health Records Act 2001
Local Government Act 2020
Privacy and Data Protection Act 2014
Public Records Act 1973
Child, Youth and Families Act 2005
Gender Equality Act 2020

4.2 Related documents

Child Information Sharing Scheme Ministerial Guidelines
Family Violence Information Sharing Scheme
National Quality Standard (ACECQA)
Records Retention and Disposal Procedure
Complaints Management Policy

4.3 Definitions

Council

Consists of the Councillors who are democratically elected to represent the Ballarat municipality in accordance with the *Local Government Act*

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The body corporate constituted in accordance with the *Local Government Act 2020*.

Health information

Health information is any information or opinion about an individual's physical, mental, or psychological health, health services, disabilities, organ donation, and genetic information, as well as any personal information supplied for the purpose of obtaining a health service.

Health information includes, but is not limited to:

- Record of injury or disability;
- Immunisation records;
- Maternal and child health records;
- Work Cover records; or
- Fitness charts (e.g. gyms).

Personal information

Personal information is 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.

Personal information includes, but is not limited to:

- Name;
- Address;
- Telephone number;
- Date of birth;
- Photographs or recordings of a person.

Public Registers

Public registers are documents that City of Ballarat is required to make publicly available pursuant to legislation. These registers:

- are open to inspection by members of the public;
- contain information required or permitted by legislation; and
- may contain personal information.

Staff

A staff member includes employees, contractors, consultants, labour hire agency staff or volunteers engaged by the City of Ballarat.

Sensitive information

Sensitive information is 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; or
- Criminal record.

5 Policy owner

The owner of this policy is the Chief Executive Officer. All enquiries regarding this policy should be initially directed to the Executive Manager Governance and Risk.

6 Authorisation

Adopted by the Chief Executive Officer on 18 June 2024.