

Policy Register

Information Privacy Policy

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This policy is part of a suite of policies adopted by Council or the Executive Management Team (EMT).

New or replacement policies can be created and developed within Service Units but can only be added to Council's Policy Register by Governance Services following the approval of the policy by Council or the EMT.

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Contents

PURPOSE	2
POLICY STATEMENT	2
SCOPE OF POLICY	2
RESPONSIBILITY	2
DEFINITIONS	4
PRIVACY PRINCIPLES AND GUIDELINES	5
About Manningham Council	5
Collection of Personal Information (IPP 1)	6
Use and Disclosure of Personal Information (IPP 2).....	10
Data Quality (IPP 3)	12
Data Security (IPP 4)	12
Openness (IPP 5)	12
Access and Correction (IPP 6).....	13
Unique Identifiers (IPP 7)	14
Anonymity (IPP 8)	15
Trans-border Data Flow (IPP 9)	15
Sensitive Information (IPP 10)	16
PRIVACY COMPLAINTS	16
FURTHER INFORMATION	18
RELATED POLICIES	18
RELATED LEGISLATION	19
DOCUMENT HISTORY	19

PURPOSE

The purpose of this policy is to show Manningham Council's compliance with managing the personal information it holds in accordance with the Information Privacy Principles (IPPs) in the *Privacy and Data Protection Act 2014*. This document was created in compliance with IPP 5 (Openness), which requires a clearly expressed and accessible policy showing how we manage personal information we hold.

POLICY STATEMENT

Manningham Council views the responsible handling of personal information to be a key cornerstone for good corporate governance. We are committed to full compliance with our obligations with the ten (10) Information Privacy Principles contained in the *Privacy and Data Protection Act 2014*.

SCOPE OF POLICY

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

This policy applies to all personal information held by Manningham Council, including personal information sourced by Council from third parties.

RESPONSIBILITY

The Council's Privacy Officer is to review and make any necessary amendments to this Policy annually or otherwise in accordance with any changes to the legislation.

Everyone (all Manningham Council employees, contractors, and volunteers) is responsible for managing personal information in accordance with the Information Privacy Principles (IPP's) and this policy including:

- **Collection** – ensuring only necessary information is collected for the purpose for which it is required.
- **Use and disclosure** – data collected must only be used or disclosed for the purpose for which it was collected or authorised under legislation.
- **Data quality** – ensuring information is accurate, up to date and complete.
- **Data security** - protecting confidential information and the privacy of personal information from unauthorised access and release
- **Training** – Completing any privacy training as required by Council.

- **Privacy breaches** – Reporting any suspected privacy breaches to the Service Unit Manager and Privacy Officer

Councillors are responsible for managing personal information they acquire or obtain through Council in accordance with the IPPs outlined in this policy, as well as the requirements outlined under sections 8 and 11 of the Councillor Code of Conduct.

When ceasing employment, volunteer or elected responsibilities, information in their custody must be transferred to their supervisor, successor or Information Management.

Line Managers are responsible for:

- monitoring staff to ensure they understand and comply with this Policy and related information privacy procedures.
- fostering and supporting a culture that promotes good information privacy practices.
- assessing and monitoring compliance with this Policy; and reporting compliance breaches or incidents.

Manager Information Technology is the functional owner of this Policy.

Director of Shared Services is responsible for:

- the development and implementation of Council Information Privacy Framework, strategies, policies and procedures.

Freedom of Information/Privacy Officer is responsible for:

- the development and implementation of information privacy procedures and operations in accordance with this Policy.
- managing a program of quality assurance, compliance monitoring and performance reporting of all information privacy activities.
- investigating any reports of breaches to this Policy.

Chief Executive Officer is responsible for:

- ensuring Council has a formal program for management of personal information in accordance with the Privacy and Data Protection Act 2014 and guidelines issued by the Office of the Victorian Information Commissioner.

Executive Management Team is responsible for:

- the review and approval of the Information Privacy Policy.

Manager Procurement is responsible for:

- ensuring this Policy is adhered to by contractors through clauses within contracts for the records of outsourced service provision.

DEFINITIONS

Term	Definition
Personal Information	Information or an opinion (including information or an opinion forming part of a database), 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.
Sensitive Information	Information or an opinion about an individual's <ul style="list-style-type: none"> • racial or ethnic origin, • political opinions, • membership of a political association, religious belief or affiliations, philosophical beliefs, • membership of a professional or trade association, • membership of a trade union, • sexual orientation or practices, • criminal record. and that is also personal information.
Information Privacy Principles (IPPs)	A set of ten (10) principles contained in the <i>Privacy and Data Protection Act 2014</i> , which regulate how personal information is handled.
OVIC	Office of the Victorian Information Commissioner
Privacy Breach	Personal Information held by Council that is subject to unauthorised access, misuse, loss, modification or disclosure.
Notifiable Breach	Personal Information held by Council that is subject to privacy breach that is likely to result in serious harm.
Unique Identifier	A unique identifier is a number or code that is assigned by Council to someone's record to assist with identification of an individual (similar to a driver's license number)

Term	Definition
Line Manager	A generic term meaning the person to whom an employee directly reports to, who is an employee of MCC and who is of the level of Coordinator or above.

PRIVACY PRINCIPLES AND GUIDELINES

About Manningham Council

Manningham Council governs the municipality of Manningham by carrying out a variety of activities, functions and services to meet local community needs.

Our functions are prescribed in the Local Government Act 1989, stating that we must:

- Advocate and promote proposals which are in the best interests of the local community;
- Plan, provide and maintain community facilities, infrastructure and services;
- Strategically plan and regulate land use within the municipality;
- Raise revenue to enable us to perform our functions;
- Make and enforce local laws;
- Exercise, perform and discharge duties, functions and powers of councils under this Act and other Acts (e.g. Building Act 1993, Food Act 1984, Planning and Environment Act 1987, Public Health and Wellbeing Act 2008, etc.); and,
- Carry out any other functions relating to the peace, order and good governance of the municipality.

Council provides the following activities, functions and services including:

- Aged & Disability Support Services;
- Arts and Cultural programs;
- Capital Works and maintenance of Council assets and infrastructure (e.g. roads, footpaths, drainage, public spaces & community facilities);
- Community Health services;
- Children and Family services;

- Customer Service, Governance and Administration;
- Local Laws Enforcement & Regulation;
- Waste & Recycling Management;
- Management of parks, gardens, sportsgrounds and recreational spaces;
- Financial planning, budgets, valuations, rates and credit control;
- Environmental planning, stewardship and management programs;
- Statutory Planning and Building Regulation;
- Community Support and Development;
- IT infrastructure;
- Animal Management;
- Business and Trade development;
- Food Safety, including regulation of food premises;
- Media, marketing and communications; and,
- Strategic land use planning and heritage

Collection of Personal Information (IPP 1)

Manningham Council will only collect personal information that is necessary for carrying out of its functions or activities. Where reasonable and practicable, we will collect the information directly from you and will do so by fair and lawful means and not in an unreasonably intrusive manner.

How we may collect your personal information

We may collect your personal information in a variety of ways, including:

- When you make an enquiry, provide feedback or complete an application form (online or in hard copy);
- Your conversations with our representatives (in person or by phone);
- Accessing and interacting with our website, social media or via email; and,
- From other sources (referred from another entity or unsolicited).

If we collect personal information about an individual from someone else, we must take reasonable steps to ensure that the individual is provided with a collection notice unless notifying that individual would pose a serious threat to the life or health of any individual.

Types of personal information we may collect

Depending on the circumstances and nature of your interaction with Council, the personal information we typically collect includes, but is not limited to the following:

- Name;
- Address (residential, postal and/or email);
- Telephone number (work, home or mobile);
- Date of birth;
- Signature;
- Motor vehicle registration number; and/or,
- Photograph and/or video footage.

Why we collect your personal information

We may collect your personal information for various purposes including:

- To contact you to provide requested services (e.g. rubbish bin replacement);
- For Council or its contractor to resolve issues raised by you in relation to our services and functions (e.g. repair a reported damaged footpath);
- To improve our customer service, we may contact you for voluntary feedback;
- To send you material about Council programs and initiatives where you have supplied information to be informed of such matters (e.g. mailing list);
- To facilitate the collection of Council fees and charges (e.g. rates notices);
- To enable payment of Council provided goods and services;
- To process submitted applications (e.g. to obtain a Council permit);
- To enable Council to undertake its law enforcement functions;
- To aid community safety and protect community assets; and,

- To record and receive ideas, complaints, compliments and queries from the general public.

Audio and Visual Recordings

Manningham Council may take photographs, video or audio recordings both on Council premises and also in public places. These materials may be used for Council activities such as local law enforcement, publicity or recording and broadcasting of Council meetings and events.

With regards to recordings taken for publicity purposes, we will seek consent (if practicable) from individuals prior to taking and using the recordings. Where feasible, this consent will be obtained in writing using a specific consent form.

During public events or in public spaces, it may not be practicable to obtain individual consent forms. In such cases, Council may use other methods to inform individuals that recordings are being taken and how they will be used.

This may include public signage, announcements and flyers. Such methods will inform individuals that they may be recorded and provide them the opportunity to inform Council staff/photographer that they don't want their image or recording used for such a purpose.

Council Websites, Online Forums and Social Media

We use social networking services (e.g. Facebook, Twitter and YouTube), online forums (e.g. Your Say) and other websites to connect with the community and residents. These include responding to customer enquiries, promoting Council assets and services, and seeking community consultation and feedback.

Any public social media and website commentary on our social media accounts, online forums and websites are accessible to the public. Any public commentary may also be used by Council in its publications in relation to community consultation, feedback and enquiries.

To protect your own privacy and the privacy of others, please do not include any personal information including phone numbers and email addresses. Please do not share personal information about others. Any personal information collected by Manningham Council will be handled in line with this Privacy Policy and our Social Media Policy.

Please note that the third-party social media services and websites (e.g. Facebook, Twitter and YouTube) will also handle your personal information for its own purposes. We recommend that you review their privacy policies to understand how they will manage your personal information.

Online Payments

Manningham Council allows various online payments through its “eCouncil” service, using SecurePay to collect and process these payments.

These include:

- Rates;
- Infringements;
- Permit or Application invoices;
- Land Information Certificates;
- Pet Registrations; and,
- Building payments.

SecurePay is fully compliant with the Payment Card Industry Data Security Standard (PCI-DSS). The SecurePay data is held in Australia. If you do not wish to provide this information online, alternative payment methods are available. Please refer to the payment notice for further details or contact our customer service at (03) 9840 9333.

Manningham Council also uses Qikkids Childcare Management software to manage secure payment for its childcare services.

Collection Notices

Whenever we collect personal information, you should be given notice of how we intend to handle your personal information. The following is an illustrative example:

*“Manningham Council is committed to protecting your privacy. The personal information being collected on this form is for the purpose of **[insert main purpose(s)]** or any other directly related purpose. The personal information will also be disclosed to **[list usual third parties entities by name or type]** for the purpose of **[insert how entities will use information]**. It will not be disclosed to any other external third party without your consent, unless required or authorised by law. If the personal information is not collected **[Insert what happens – can they still access the service, Can they remain anonymous, etc.]**. You may access information you have provided to Council at any time and make corrections if you believe that information is incorrect. You may obtain a copy of Council’s Privacy Policy from any Council office or view it on our website at: <http://www.manningham.vic.gov.au/privacy>”*

Use and Disclosure of Personal Information (IPP 2)

Manningham Council will only use or disclose personal information in carrying out its functions and activities. Generally, this means that Council will not use or disclose personal information except for the primary purpose for which it was collected. We may use it for a secondary purpose if one of the following applies:

- Where we have your consent;
- For a related secondary purpose you would reasonably expect; or,
- To investigate or report unlawful activity; or,
- To lessen or prevent a serious threat to an individual or the public;
- As required or authorised by another law; or
- For a law enforcement agency's purpose; or
- For public interest research with no identifying information is published; or
- As requested by ASIO or ASIS.

The following are examples of how we may disclose your personal information.

Contracted Service Providers ('Contractors')

We outsource some of our functions to third-parties contractors to perform various services for and on behalf of Council.

We may disclose personal information we have collected to the contractor, where necessary, for them to carry out a specific job or task.

For example, we may provide your address to a contractor for the purposes of removing a fallen tree branch from your property. We only provide information limited to what is required for the contractor to provide services for or on behalf of Council.

Reasonable steps will be taken to ensure that those contractors comply with the IPPs. This will include the use of enforceable contracts so that contractors are required to comply with the IPPs.

Other third-party entities

We may disclose personal information to other third-party entities as authorised or permitted by the *Privacy and Data Protection Act 2014* or other legislation, including:

- Law Enforcement agencies to assist in a police investigation;

- Courts and Tribunals in responding to a subpoena;
- State and Commonwealth Government agencies as required under legislation;
- Government agencies to enable them to advise you of works they may impact you or your property (e.g. road construction/closures, underground drilling, property acquisition, etc.);
- Insurers and legal advisors to assist Council in responding to insurance claims and/or legal proceedings;
- Printer and mailing services to assist in mailing out Council correspondence;
- Ombudsman and other regulators to assist in their investigation of a complaint received by them about Council;
- Debt collection agencies to recover unpaid Council fees and fines; and,
- Other third-parties where Council believes disclosure is necessary to lessen or prevent a serious threat to an individual's life, health, safety or welfare, or a serious threat to public health, safety or welfare.

Employment with Manningham Council

Employment with Manningham Council requires pre-employment checks, including a Police Check and a Working with Children Check. Personal information provided by potential or existing employees will be disclosed to the relevant agency conducting these checks. The results of these checks will not be disclosed to third-parties unless authorised by law.

Council Meeting Submissions

As part of a public written submission to Council Meetings, the personal information provided (e.g. name, property address, etc.) may be included with the published agenda papers and meeting minutes, which are displayed online and are available in hardcopy format for an indefinite period.

Public Registers

Council's public register may contain personal information as required or permitted by law. These registers are publicly accessible under particular circumstance, for example by inspection.

Customer Feedback and Surveys

When interacting with Council, we may also invite you to provide feedback about your experiences interacting with Council and its services. We may use the personal information you provided to contact you for feedback or to complete a

survey. Council may engage a third-party contractor to conduct the surveys on our behalf.

Any feedback or surveys are voluntary and you do not have to participate. We use the feedback and survey results provided to evaluate and improve our services. Feedback and survey results may also be shared with the relevant team area within the Council to evaluate and improve their services.

Data Quality (IPP 3)

Manningham Council will take all reasonable steps to ensure that the personal information it collects, uses or discloses is accurate, complete and up-to-date.

For example, this may occur when Council periodically updates its records with any new personal information you provide during service or transaction.

You may also request that Council amend any personal information after you have supplied it.

Please also refer to IPP 6 – Access and Correction, for further information about how you can make formal requests to access or correct your personal information held by Council.

Data Security (IPP 4)

Manningham will take all reasonable steps to protect personal information it holds from misuse, loss, and unauthorised modification and disclosure. This applies regardless of the format in which the information is held.

We protect your information through a number of safeguards including:

- Policies and procedures;
- Staff training;
- Physical security and systems; and,
- ICT security and systems.

Personal information is destroyed or permanently de-identified when it is no longer required in accordance with the *Public Records Act 1973* and the relevant Retention and Disposal Authorities.

Openness (IPP 5)

This policy sets out how Council manages your personal information.

In addition to our Privacy Policy, we also a number of other methods to advise you on how we collect and manage personal information, including:

- Collection Notices on application forms;
- CCTV signage;
- Signage and other notifications at Council meetings and public events regarding audio/visual recordings or photography; and,
- Verbal notification during phone calls and other interactions at customer service.

If you require further information about our overall information privacy practices, you can contact Council on (03) 9840 9333 or manningham@manningham.vic.gov.au

Access and Correction (IPP 6)

You can request access to, or correction of your personal information held by Council.

As Council is subject to the *Freedom of Information Act 1982* ('FOI Act'), formal requests are managed through an application under this Act.

However, many requests can also be managed outside the FOI Act, be it through administrative processes or through other legislation.

Before lodging a formal request under the FOI Act, we recommend that you contact us first at (03) 9840 9333 or manningham@manningham.vic.gov.au to discuss your requirements.

FOI Access Requests:

You will need to submit a written request and send it to:

Post: Freedom of Information/Privacy Officer
Manningham City Council
PO Box 1
Doncaster VIC 3108
Email: FOI@manningham.vic.gov.au

An application fee of 2 fee units does apply (\$29.60 for 2020-2021) (and you must provide a sufficiently clear description of the documents containing your personal information that you are seeking to access. For the Please also provide your name and contact details so that we can provide you with a decision notice.

Please refer to the following link for more information about FOI access requests:
<https://www.manningham.vic.gov.au/legislation>

FOI Correction Requests:

You will need to submit a written request and send to:

Post: Freedom of Information/Privacy Officer
Manningham City Council
PO Box 1
Doncaster VIC 3108

Email: FOI@manningham.vic.gov.au

Please provide the following details for a correction request:

- Your name and contact details so that we can provide a decision letter.
- Specify the matters in respect of which the person making the request believes the personal information is inaccurate, incomplete, out of date or misleading
- Specify the amendments the person making the request wishes to be made.

No application fee is required for a correction request.

Where a person makes a request for correction, Manningham Council will take reasonable steps to notify the person of the decision of the request as soon as practicable, but within 30 days of the request being received.

Unique Identifiers (IPP 7)

A unique identifier is typically a number or a code that is assigned for the primary purpose of identifying an individual. Examples of a unique identifier may include:

- Customer Reference Number
- Driver's License Number

Manningham Council will only assign unique identifiers to individuals if it is necessary to enable us to carry out our functions efficiently.

Manningham Council will only adopt a unique identifier assigned by another organization if:

- It is necessary to carry out our functions efficiently;
- You have consented; or,
- We are adopting a unique identifier created by a contracted service provider who is performing their obligations to us under a contract.

Manningham Council will only use or disclose unique identifiers assigned by another organization for the following reasons:

- It is necessary to fulfill our obligations to that organization;
- With your consent;
- To prevent or lessen a serious risk of harm to life, health or safety;
- Required or authorized by law; or.
- For law enforcement purposes.

Anonymity (IPP 8)

Where lawful and practicable, Manningham Council will provide you with the option of remaining anonymous in a transaction with Council. For example, when making general enquiries (e.g. the location and opening hours for various Council services and locations) or browsing our website.

However, anonymity may limit or hinder Council's ability to respond to such transactions. For example, if a resident wanted to report a missed bin collection, Council would need their contact details including their name, address and phone number, so that we can contact them to resolve their request and arrange a pick up.

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

Trans-border Data Flow (IPP 9)

Manningham Council may transfer personal information about you to an individual or organisation outside Victoria only in limited circumstances:

- If you have consented; or,
- If disclosure is authorised by law; or,
- If the recipient of the information is subject to a law, binding scheme, or contract with privacy principles that are substantially similar to those in the *Privacy and Data Protection Act 2014*.

The adoption of new technologies and digital services has meant an increase of trans-border data flows between organisations. For example, many cloud service providers are located outside Victoria and Australia.

Where Manningham Council utilises cloud computing services outside Victoria, or engages a contractor who stores their data outside Victoria, we will take all reasonable steps to ensure that the service or contractor will manage the personal

information in accordance with the Victoria IPPs. This includes ensuring that the recipient of the information are subject to laws and/or binding contractual arrangements that provide similar protections afforded by the *Privacy and Data Protection Act 2014*.

Sensitive Information (IPP 10)

The definition of sensitive information can be found in the definitions section of this policy.

There are special restrictions on the collection of sensitive information. Manningham Council will only collect sensitive information about an individual under certain circumstances:

- When the individual has consented; or
- It is required or authorised under law; or
- Necessary to establish, exercise or defend a legal claim; or,
- To prevent or lessen a serious threat to the life or health of any person, and the individuals whose information it is incapable of giving consent (legally or physically).

Sensitive information about an individual may also be collected by Council if it is:

- Necessary for research or statistical analysis relevant to government funded targeted welfare or education services; or,
- Information relating to an individual's racial or ethnic origin and it is collected for the purpose of providing government funded targeted welfare or education services.

The above two circumstances may only occur if there is no reasonable alternative to collecting the information for that purpose and it is impracticable for Council to seek the individual's consent to the collection.

PRIVACY COMPLAINTS

If you have concerns over how Manningham Council has collected, handled or shared personal information it holds, you can make a privacy complaint.

You can submit a written complaint to:

Post: Freedom of Information/Privacy Officer
Manningham City Council
PO Box 1

Doncaster VIC 3108

Email: privacy@manningham.vic.gov.au

Online: www.manningham.vic.gov.au/talk-to-us

Alternatively, you can submit a verbal complaint by:

Phone: 03 9840 9333

Interpreter services: 03 9840 9355

In person: Monday to Friday from 8:00am to 5:00pm
Manningham Civic Centre
699 Doncaster Road
Doncaster Victoria
Australia 3108

For hearing or speech impaired services. You can use the National Relay Service (NRS) by calling 1800 555 677 or their website www.relayservice.com.au

When making a complaint, please provide the following information to enable use to investigate and provide a response to your complaint:

- Who you are and your contact details;
- The person whose privacy has been breached. There are cases where you can make a complaint on behalf of someone else who is the affected individual, for example where you are:
 - A parent or guardian of a child;
 - A person authorised by an individual to make a complaint on their behalf; or.
 - A person making a complaint on behalf of an individual who is incapable of making a complaint (e.g. due to injury, illness, disability or other impairment).
- The nature of the complaint and details of the alleged privacy breach, including:
 - What happened?
 - What information was involved?
 - Where it did it happen?
 - When did it happen?

- Who did it?
- What impact has this had on you or the affected individual?
- What outcome would you like to see from this complaint?

We will investigate the complaint and provide a written response as soon as practicable, by no later than 28 days of the complaint being received. If circumstances require a longer period to investigate a complaint, we will discuss this with you.

Alternatively, you can make a complaint directly to the Office of the Victorian Information Commissioner (OVIC). Please note that OVIC may refer you back to Council if you have not made a complaint to Council first

However, if you are not satisfied with Council's response to your complaint, you can escalate your complaint to the OVIC for further conciliation. Their contact details are:

Post: Office of the Victorian Information Commissioner
PO Box 24274
Melbourne VIC 3001
Email: enquiries@ovic.vic.gov.au

Further information about the OVIC is available at their website:
www.ovic.vic.gov.au

FURTHER INFORMATION

In the first instance, all enquiries regarding information privacy should be directed to Council's Freedom of Information/Privacy Officer on (03) 9840 9333 or via email at privacy@manningham.vic.gov.au

RELATED POLICIES

- [Privacy Impact Assessment Checklist](#)
- Access to Information Policy
- Councillor Code of Conduct
- Employee Code of Conduct
- Employee Records Policy
- Health Records Policy

- Information Management Policy
- IT Security Policy
- IT Cloud Services Policy
- Public Transparency Policy

RELATED LEGISLATION

- *Health Records Act 2001 (Vic.)*
- *Freedom of Information Act 1982 (Vic.)*
- *Local Government Act 1989 (Vic.)*
- *Local Government Act 2020 (Vic.)*
- *Public Records Act 1973 (Vic.)*
- *Victorian Civil and Administrative Tribunal Act 1998 (Vic.)*
- *Charter of Human Rights and Responsibilities Act 2006 (Vic.)*
- *Privacy Act 1988 (Cth.)*
- *Privacy and Data Protection Act 2014 (Vic.)*

DOCUMENT HISTORY

Policy Title:	Information Privacy Policy
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Resp. Officer Position:	Freedom of Information/Privacy Officer
Next Review Date:	TBD – 3 years from adoption
To be included on website?	Yes

Last Updated	Meeting type? - Council or EMT	Meeting Date	Item N°

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