



Information Privacy and Health Records Policy

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| Date Authorised by Chief Executive Officer: | 03.09.2025 |
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| Review Date (4 years from authorised date): | 3 September 2029 |
| Responsible Department | Business Transformation |

This policy has been authorised.

Cathy Henderson
Chief Executive Officer

1. Introduction

This Policy provides guidance to ensure that Council lawfully and appropriately manages the handling of personal information and health records in accordance with the Privacy and Data Protection Act 2014 (the PDP Act) and the Health Records Act 2001.

This Policy demonstrates Council's commitment to maintaining the responsible and transparent handling of personal information and promoting education and awareness of these practices across the broader organisation.

Ten Information Privacy Principles (IPPs) underpin the PDP Act and IPP 5 specifies that local governments are required to have a written policy outlining how they manage personal information and that it must be provided to anyone who requests it.

2. Context

This Policy applies to personal (and health) information used, collected, presented, or accessed at or through their involvement with Council. This may include, but is not limited to, any information which has been disclosed to a Council officer, Councillor or agent through their role or function with Council.

2.1 Alignment

This Policy confirms Council's commitment in the execution of its statutory obligations, responsibilities and duties relating to information privacy in accordance with the Privacy and Data Protection Act 2014 and the Health Records Act 2001.

Section 13(1)(c) of the PDP Act applies the Act to Councils in Victoria. Schedule 1 to the Act outlines ten Information Privacy principles that apply to Council:

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

These above listed IPPs are outlined in Attachment 1.

This Policy is developed in alignment with and in support of Council's Records and Information Management Policy 2023 and provides guidance relating to the management of an individual's personal and health information through Council in the context of the PDP Act privacy principles. This encompasses Council's role as both a Local Government authority and as an employer.

This Policy applies to all Councillors, Council officers and agents/contractors of Merri-bek City Council and applies when these persons are acting in the capacity for which they have been engaged or elected to Council and in representing the organisation in an official or unofficial capacity

2.2 Organisational Context

This Policy includes personal (and health) information used, collected, presented, or accessed at or through their involvement with Council. This may include, but is not limited to, any information which has been disclosed to a Council officer or member through their role or function with Council.

Legislative Context

Child Wellbeing and Safety Act 2005 (Child Safe Standards Compliance and Enforcement) Act

Equal Opportunity Act 2010 (Vic)

Family Violence Protection Act 2008 (Vic)

Freedom of Information Act 1982 (Vic)

Health Records Act 2001 (Vic)

Local Government Act 2020 (Vic)

Planning and Environment Act 1987 (Vic)

Privacy Act 1988 (C'wealth)

Privacy and Data Protection Act 2014 (Vic)

Public Records Act 1973 (Vic)

Victorian Charter of Human Rights and Responsibilities Act 2006 (Vic)

2.3 Research and other drivers

Council recognises that in meeting its statutory obligations, it must balance public interest in the free flow of information with an individual's right to privacy and the protection of personal information, health, and sensitive information.

The collection of sensitive information must comply with the requirements of the Local Government Act and may only be accessed by Council officers who require the information to perform their official duties or where access is required by law.

The scope of the information collected by Council is provided in Attachment 3 of this Policy.

3. Objectives

The protection of personal and health information is a key aspect of good governance practice, accountability, and integrity in all of Council's services and legislative functions.

This Policy aims to:

- a) Establish a regime for the responsible collection, storage, handling, sharing and disclosure of personal and health information;
- b) Provide individuals with rights of access to information about themselves held by Council; and
- c) Provide individuals with the right to request corrections to their personal information held by Council.

4. 4. Policy details

4.1 Statement of Commitment

Merri-bek City Council is committed to protecting the privacy of personal and health information it collects and uses by complying with its obligations under the *Privacy and Data Protection Act 2014* and the *Health Records Act 2001* (the *Privacy and Health Records Acts*). Council has a Policy that outlines the requirements for the collection, management, and handling of personal and health Information.

This Policy and its obligations, responsibilities and duties, along with applicable and relevant legislation apply to Councillors, Council staff (employees), agents (consultants, agency staff, those on work experience, volunteers, and contracted service providers and are a mandatory requirement in any new or existing contract.

4.2 Where Council collects personal and health information

Council collects personal information for a range of purposes, including but not limited to the following:

- To contact individuals where necessary in order to provide requested services—for example, when applying for a residential parking permit via Council's public interfaces.
- To invite individuals to provide feedback on their experience with Council services, such as through customer satisfaction surveys.
- To enable Council or its contracted service providers to resolve matters relating to Council services or functions that have been raised—for instance, contacting a resident in response to a report of a fallen tree branch.
- To confirm attendance or communicate changes to Council or Committee meeting details, where a submission has been made for consideration.
- To distribute information about Council initiatives and programs, where personal information has been provided for this purpose—for example, subscribing to a Council publication mailing list.
- To facilitate the collection of Council fees and charges, such as issuing rate notices using the individual's name and address.
- To enable payment for goods and services provided by Council.
- To support Council's law enforcement functions—for example, by collecting information from Road Traffic Authorities to process parking infringement notices.
- For training and quality assurance purposes, such as recording phone conversations with the customer contact centre where the individual has provided consent.
- Identification may be necessary when lodging a complaint with Council to prevent malicious or non-genuine complaints or to ensure a service can be delivered. If a person chooses to remain anonymous, they will be advised of the impact of that decision on service delivery.

4.3 Privacy Collection Notices

Whenever possible, a 'privacy collection notice' will be provided at points of collection, including online forms, hard copy forms and telephone calls made to Council's primary customer contact phone lines.

A privacy collection notice will be tailored to the purpose of information collection and may be in the form of a written notice on a form the individual is completing, a notice included in an automated and recorded telephone message, text on a webpage or a notice included in brochures, posters and counter signage, and include:

- (a) The identity of Council and how to contact us;
- (b) The fact that the individual is able to access the information;
- (c) The purpose for which the information is collected;
- (d) To whom (or the types of individuals or organisations to which) Council usually discloses information of that kind;
- (e) Any law that requires the information to be collected; and
- (f) The main consequences (if any) for the individual if all or part of the information is not provided.

4.4 Council's website

Council's website can be visited anonymously. Personal data is only collected when:

- Completing online forms (e.g., for payments, service requests, or applications)
- Contacting Council through the website
- Providing feedback via online surveys and forms

Council's website contains links to third party websites and services. Information collected by third party websites is managed in accordance with the third party's privacy policies.

Council maintains social media accounts on Facebook, X, Instagram, LinkedIn, and YouTube. Council may collect information posted on social media for the purpose of engaging with and understanding the views of the community. Where individuals prefer not to communicate with Council via social media, alternative access points are available.

Council uses applications to conduct online surveys and forms. This data may be stored on servers located in another country. If individuals do not wish to complete a Council survey online, they may request a hard copy form by completing Council's "contact us" form or by contacting the relevant assigned Council officer.

The Council website, Active Merri-bek website, Conversations Merri-bek website and Online Library Catalogue use cookies to help Council understand how people interact with Council and to improve the user experience. The cookies do not collect identifying data and our websites can be used if cookies are disabled. For statistical and system administration purposes, in addition to standard web server logs, Council websites use Google Analytics to collect non-personal information, including:

- the Internet Protocol (IP) address assigned to the user's device
- the domain name used to access the internet (e.g. 'your-university.edu.au' or 'your-department.gov.au')

- the date and time of the visit
- the pages accessed and downloaded
- the address of the previous website visited
- the type of browser used (e.g. Firefox or Internet Explorer)

This information is used solely to update and improve Council's website. To the extent that this data could potentially identify an individual, Council will not attempt to do so unless it's necessary to investigate a breach of law or regulation.

When a user chooses to log in to a Council website using a social networking service (SNS) account such as Facebook or X, Council collects and stores the unique user ID provided by that service. This user ID is used solely to identify the individual and enable access to specific website features. Council does not access or collect any additional information from the user's SNS profile, and the user ID is kept confidential.

4.5 Incoming External Phone Call Recording

Council provides recorded advice to incoming external calls dialled into the Customer Service Centre, detailing that the phone call will be recorded.

All incoming external calls to Council's customer service centre are recorded to the point of transfer to another business unit, upon which, the recording is ceased. Where the technology becomes available and installed within Council's phone system, the phone recording of all incoming externally received calls may continue beyond the Customer Service Centre and extend the recording of phone calls to continue during and once transferred to the business unit and/or Council officer.

Where a business unit makes the decision to record incoming phone calls received directly or transferred from the Customer Service Centre, prior authorisation from the Unit Manager of the respective business unit is required to be obtained (and details provided to the Unit Manager ICT Infrastructure and Services) with ownership of the phone recording service.

- (a) Where calls are transferred from the Customer Service Centre to logged in Council staff agents of an individual business unit, the unit may opt to have the call recording continue, subject to authorisation requirements outlined in the above paragraph.
- (b) Where business units elect to record customer phone calls which are directed to agents or Council officers via Council's automatically routed calls system to selected business units, the authorisation requirements outlined in the above paragraph (above item (a)) will apply.

The process of Council recording phone calls will be subject to an annual internal audit that aims to ensure that phone call recordings are only occurring and used pursuant to this Policy, the referred procedure and the Privacy and Data Protection Act 2014.

All principles, processes and practices involving the recording of incoming calls and management of those calls to Council have been developed in support and consideration of the Council's obligations, responsibilities, and duties pursuant to the Privacy and Data Protection Act 2014 and applicable Information Privacy Principles (IPPs).

4.6 Use of Personal or Health Information

Council uses personal or health information for the primary purpose for which it was collected or for a related secondary purpose that would be reasonably expected by the individual, including to survey people about the services received.

On occasion, a person's consent may be sought by Council to use their personal information for improving services and communications from arising from Council.

Where Council is required to make a decision on a planning scheme amendment (pursuant to clause 22 Planning and Environment Act 1987), Council will assign or adopt a unique identifier to each individual submission and summarise the content of the submission in accordance with the public availability requirements.

Council will only assign unique identifiers to individuals if it is necessary to carry out functions efficiently and will not use unique identifiers created by other organisations (for example, Medicare).

Council will make an individual's Health Information available to another health service provider where requested to do so by the individual, their agent, or where required by law or for other prescribed exemptions. Council may responsibly and freely access and distribute information obtained through publicly available information such as generally available publications, websites, or publicly accessible directories. Council systems such as Scout, NAV, Grapevine, iChris, Litmos, MagiQ, MoreMaps and other internal Council systems are not considered to be publicly available.

There are situations where Council can use or disclose health information without consent, if Council believes that the use or disclosure is necessary to lessen or prevent a serious and imminent threat to an individual's life, health, safety or welfare or public health, public safety, or public welfare.

Personal information may be disclosed to Council's legal advisors, insurance claims agents and providers, for the purposes of complaints or insurance claims investigation and resolution.

Council may transfer personal information about an individual (other than Council or the individual) outside Victoria if Council reasonably believes the recipient of the information is subject to a law, binding scheme or contract which effectively upholds principles for fair handling of the information that are substantially similar to the Information Privacy Principles in Victoria or:

- a) The individual provides consent;
- b) The transfer is only for the benefit of the individual, and it is impractical to obtain consent and if consent was able to be sought, it would likely be obtained.

The transfer of personal information outside of Victoria will only occur where that data transfer is consistent with the reasons outlined in the PDP Act.

Where disclosure is for law enforcement, a record will be made of the disclosure.

A decision to disclose personal information in the public interest requires a briefing from Council's Privacy Officer to the Chief Executive Officer on the matter, outlining:

- a) the reasons the disclosure is in the public interest; and
- b) demonstration that all alternative avenues have been assessed.

Consultation with the Office of the Victorian Information Commissioner to consider:

- a) the necessity for the public interest disclosure
- b) any alternative options that would not breach the privacy principles; and

- c) the terms of the public interest disclosure, if it proceeds; the information to be included; and a comparison with previous determinations under the Privacy Act.

4.7 Disclosure

Council only discloses information where the individual consents, for law enforcement purposes, where required by law or for other prescribed exemptions, including but not limited to, requests from Courts, Federal or State Government and Victoria Police, agencies including the Ombudsman, Department of Families, Fairness and Housing, Department of Health, the Victorian Workcover Authority and Department of Transport and Planning and where it is necessary to lessen or prevent a serious and imminent threat to an individual's life, health, safety or welfare or a serious threat to public health, safety or welfare.

Personal information may be disclosed to external contracted service providers that undertake works or service on Council's behalf where it is necessary for the contractor to carry out a task that requires this information. Where an external contractor deals with personal information or health information on behalf of Council, this information is limited and they will be required to comply with the Privacy Act or Health Records Act, as applicable.

Personal information in applications for employment with Council or Working with Children Checks will be provided to agencies such as Victoria Police, as part of a background check. Such checks will only be carried out with the individual's written authorisation and the results will not be disclosed to third parties unless authorised by law.

Council has procedures in place specific to privacy implications involved with planning permit applications and planning scheme amendments. These procedures ensure that the planning process is a transparent and easily accessible system while maintaining privacy and confidentiality within the bounds of the Planning & Environment Act 1987 and the Privacy and Data Protection Act 2014. Council's website has information related to privacy, consent and disclosures related to the planning permit and planning scheme amendment processes. Residents are also provided with this information if we send them notice of a planning permit application or exhibition of a planning scheme amendment.

4.8 Council ensuring information is accurate, up to date and secure

Council takes reasonable steps to ensure personal information is accurate, complete, up-to-date, and relevant.

Council takes reasonable steps to protect personal information held from misuse, loss, unauthorised access, modification, or disclosure.

Council will destroy or permanently de-identify (if possible) information no longer required as per the Retention and Disposal Authorities standards issued by the Public Records Office Victoria in accordance with legislation, including the Public Records Act 1973.

Council records will be stored in accordance with the Records and Information Management Policy.

Council employs a range of procedural, physical, software and hardware safeguards, together with access controls, secure methods of communication and a disaster recovery plan to protect information from a breach of privacy, misuse and loss or unauthorised access or disclosure.

All Council employees receive training to enhance their awareness about their obligations regarding the collection and management of personal information in the workplace. All new staff members are required to complete an induction program when they commence employment. As part of the

induction, they must agree to abide by Council's Code of Conduct and complete an online module focussing on information privacy. Refresher training is provided to staff and Council also offers work area specific privacy training to teams on request.

A copy of this Policy is available to all staff via Council's intranet and is also available on Council's website.

4.9 Accessing or correcting information held by Council

An individual may ask for access to their personal or health information, subject to a verification of identity process.

If an individual establishes that the information is not accurate, complete, and up-to-date, Council will take reasonable steps to correct the information.

4.10 Administration

The Unit Manager Governance is Council's Privacy Officer, supported by the Legal Services Officers and Manager Governance and Strategy.

The Privacy Officer has the responsibility to assist Council to comply with its obligations regarding the collection, use and disclosure of personal information in accordance with the PDP Act and is authorised to provide advice and receive complaints and requests for access and correction of stored information. The Privacy Officer may seek legal advice if required.

The Privacy Officer is responsible for:

- Preparing and periodically updating the Policy and guidelines for approval by the Chief Executive Officer;
- Ensuring that staff have awareness of their obligations and responsibilities embedded in the Information Privacy and Health Records Policy; and

Liaising with the senior management team to ensure compliance.

- Organising regular privacy training across the organisation for all Council staff and seeking services to undertake Privacy Impact Assessments prior to commencing new initiatives or services.

4.11 Breaches

Upon becoming aware that there has been a potential or realised breach of the Information Privacy and Health Records Policy or the Records and Information Management Policy, Council staff must notify their direct supervisor without delay and immediately take steps to contain the breach. The relevant direct supervisor must then notify their Manager and Council's Privacy Officer immediately.

A breach containment and preliminary assessment is then completed by the Privacy Officer which includes an evaluation of the risks associated with the breach, notification to other relevant areas of Council (for example Integrity Risk and Resilience Unit and Communications) and subsequent notification of the breach to the individual without delay.

At this time, implementation of a process to mitigate risk and the possibility of such a breach occurring again is completed.

The Privacy Officer will also determine whether the breach will be reported to the Office of the Victorian Information Commissioner and where required, will provide that report.

A Privacy Impact Assessment may also be undertaken to confirm that the issues identified have

been addressed and that appropriate changes have been implemented to ensure compliance with privacy obligations.

At the discretion of the Privacy Officer, breaches of provisions contained in this Policy may necessitate an internal investigation that may give rise to disciplinary action.

4.12 Making a Privacy Complaint or Enquiry to Council

The Privacy Officer will also be the Health Records Officer and will manage enquiries and complaints regarding Council's application of this Policy or the Information Privacy Principles.

Enquiries or Complaints will be directed to Council's Privacy Officer:

Privacy Officer Merri-bek City Council

90 Bell Street

COBURG VIC 3058

Phone: (03) 9240 1111

E-mail: privacyofficer@merri-bek.vic.gov.au

Written requests will be responded to within 10 working days of receipt.

However, where a person has received no response or a response which they consider to be inadequate, a submission may be prepared and provided to the Office of the Victorian Information Commissioner or the Health Services Commissioner for resolution. It should be noted that the respective Commissioner may decline to hear the complaint if you have not first made a complaint to Council.

4.13 OVIC Contact Information

Phone:

1300 006 842 (1300 00 OVIC)

Available Monday to Friday, 9:30 am – 4:30 pm

International: +61 3 8662 3400

Email:

enquiries@ovic.vic.gov.au

Post:

PO Box 24274

Melbourne VIC 3001

5. Roles and responsibilities

The following table provides an allocation of roles and responsibilities allocated across Council to appropriately manage all aspects of information privacy and health records management:

| Party/Parties | Roles and responsibilities | Timelines |
|---|---|-----------|
| All staff | Implementation and awareness of the Information Privacy and Health Records Policy as individuals and across respective teams creating a strong privacy culture. | Ongoing |
| Branch Managers | A procedural framework for key services and functions that incorporates guidance on the management of personal and health information in accordance with the Information Privacy and Health Records Policy and the Acts. | Ongoing |
| Manager Governance & Strategy | Responsible for corporate management of information Privacy, strengthen and model a privacy culture by driving awareness, training, and management of information privacy across Council and response to complaints. | Ongoing |
| Unit Manager Governance (Privacy Officer) | This role is the designated Council Privacy Officer to provide advice, guidance and education and awareness of Policy (including in-house training), investigate and respond to complaints as required. Promotion of a strong privacy culture. Conduct annual assessment of compliance with Policy. | Ongoing |
| Legal Services Officers | Provide advice, guidance on the Policy and support in the review of this Policy. Provide education, training and awareness of this Policy and assist with investigations if required. | Ongoing |
| Manager Information Technology | Management of the Records and Information Management Policy and associated standards, procedures, and IT controls. | Ongoing |

6. Monitoring, Evaluating and review

A minor review of the *Information Privacy and Health Records Policy* will be conducted annually to consider significant legislative changes or to improve the effectiveness of the Policy. Updates will be made as necessary. A comprehensive review of the Policy will be undertaken every four years.

7. Definitions

| Term | Definition |
|------------------------------|--|
| Agent | Agent is an individual or organisation employed by Council to perform a service that involves handling personal information. An agency relationship will mean that Council will usually be held responsible for how their agents (like their employees) handle personal information. |
| Confidentiality | A concept that relates to, but is different to, privacy. An obligation of confidence is generally owned by the recipient of information to the provider of the information. (Compared to privacy which is the right to the subject of information, no matter who provided it or who received it). |
| Contracted service Providers | All third parties engaged directly by Council to provide goods or services directly to Council or third parties at Councils discretion. |
| Consent | Means express or implied consent. |
| Council staff agent | Means Council staff logged into phone/communication systems who take calls either directly or on-transfer from the customer service team. |
| De-identified | Personal information that no longer relates to an identifiable individual or an individual who can be reasonably identified. |
| Health Information | <p>Information or an opinion about:</p> <ul style="list-style-type: none"> the physical, mental or psychological health of an individual; a disability of an individual; an individual's expressed wishes about the future provision of health services to them; a health service provided, or to be provided, to an individual that is also personal information; or <p>Other personal information, including personal information:</p> <ul style="list-style-type: none"> collected to provide, make referral or in providing, a health service about an individual collected in connection with the donation, or intended donation, by the individual of his or her body parts, organs or body substances or that is genetic information about an individual in a form which is, or could be, predictive of the health (at any time) of the individual, or of any of his or her descendants. |
| Health Service | <p>An activity performed in relation to an individual that is intended or claimed (expressly or otherwise) by the individual or the organisation performing it:</p> <ul style="list-style-type: none"> to assess, maintain or improve the individual's health; to diagnose the individual's illness, injury or disability; to treat the individual's illness, injury or disability or suspected illness, injury or disability; a disability service, palliative care service or aged care service; |

| | |
|-----------------------|---|
| | <ul style="list-style-type: none"> the dispensing of a prescribed drug or medicinal preparation by a pharmacist; or a service, or class of service, provided in conjunction with an activity or service referred to in the above dot points that are prescribed as a health service. <p>But does not include a health service, or class of health service, which is exempt for the purpose of the Health Records Act.</p> |
| Personal Information | Information or an opinion (including information or an opinion forming part of a database, work related information or images) that is recorded in any form and whether true or not, about an individual whose identity is apparent, or can be reasonably ascertained, from the information or opinion, but does not include information of a kind to which the <i>Health Records Act 2001</i> applies. |
| Sensitive Information | Information about a person's racial or ethnic origin, political opinions, philosophical or religious beliefs, sexual preferences, criminal record or membership of a trade union, profession, political or trade associations that is also personal information. |
| Unique identifiers | An identifier (usually a number) assigned by Council to an individual to identify that individual for the purposes of the operations of Council but does not include an identifier that consists only of the individual's name. |

8. Associated Documents

This Policy supports other organisational policies and statements including:

- CCTV Surveillance Policy
- Community Engagement Policy
- Cyber Security Policy
- Gender Equality Statement of Commitment
- Generative AI Guidelines
- Human Rights Policy
- Public Transparency Policy
- Social Media Policy
- Records and Information Management Policy

9. References

Information Privacy & Health Records Policy

Attachment 1 - Information Privacy Principles

IPP 1: Collection

An organisation must only collect personal information that is necessary for the performance of its functions. An organisation must advise individuals of the purpose for the collection of personal information, that they are entitled to access their personal information, and how to do this.

IPP 2: Use and disclosure

An organisation can only use and disclose personal information in accordance with the primary purpose it was collected for or for a related secondary purpose that a person would reasonably expect. In the case of sensitive information (see IPP 10, below), it must be directly related to the primary purpose of collection. Generally, where the use or disclosure would not be reasonably expected, the law allows the use and disclosure authorised or required by another law, or for public interest purposes such as individual or public safety, research purposes, to assist in law enforcement activities or to investigate suspected unlawful activity. Otherwise use and disclosure for a secondary purpose can only be by consent.

IPP 3: Data quality

Organisations must take reasonable steps to ensure individuals' personal information is accurate, complete and up-to-date.

IPP 4: Data security

Organisations must take reasonable steps to protect individuals' personal information from misuse, loss, unauthorised access, modification, or disclosure. Personal information is to be permanently de-identified or destroyed when it is no longer needed for any purpose. Note that organisations subject to the *Public Records Act 1973* (Vic) must comply with the provisions of that Act regarding the disposal of public records.

IPP 5: Openness

Organisations must produce a document that clearly expresses their policies on the management of personal information; this document is usually called a "privacy policy". An organisation must provide their privacy policy to anyone who requests it.

IPP 6: Access and correction

Individuals have a right to seek access to their personal information and to make corrections, subject to limited exceptions (e.g. if access would threaten the life or health of an individual). Access and correction rights are mainly handled by the *Freedom of Information Act 1982* (Vic) (see (Office of the Victorian Information Commissioner - (<https://ovic.vic.gov.au/freedom-of-information/what-is-freedom-of-information/>)).

IPP 7: Unique identifiers

Organisations cannot adopt or share unique identifiers (i.e. a number or other code associated with

an individual's name, such as a driver's licence number) except in certain circumstances, such as where the adoption of a unique identifier is necessary for that organisation to carry out one of its functions, or by consent.

IPP 8: Anonymity

If it is lawful and feasible, organisations must give individuals the option of not identifying themselves (i.e. remaining anonymous) when they engage with the organisation.

IPP 9: Transborder data flows

An organisation may not transfer personal information outside Victoria unless the recipient of the information is subject to privacy standards that are similar to the PDP Act, or in other limited circumstances. The privacy rights an individual has in Victoria remain, despite the information being transferred to another jurisdiction.

IPP 10: Sensitive information

An organisation can only collect sensitive information in restricted circumstances, or by consent. "Sensitive information" is defined in schedule 1 of the PDP Act and includes information about an individual's race or ethnicity, political views, religious and philosophical beliefs, sexual preferences, membership of a trade union, or a political or professional association, or information about a criminal record.

Source: Office of the Victorian Information Commissioner

Attachment 2 - Privacy Principles

Excerpt from the Local Government Act 2020

- Overarching Governance Principle (a) - Council decisions are to be made and actions taken in accordance with the relevant law.
- Overarching Governance Principle (i) - The transparency of Council decisions, actions and information is to be ensured.
- Public Transparency Principle (a) - Council decision making processes must be transparent except when the Council is dealing with information that is confidential by virtue of any Act.
- Public Transparency Principle (b) - Council information must be publicly available unless the information is confidential, or public availability of the information would be contrary to the public interest.
- Public Transparency Principle (c) - Council information must be understandable and accessible to members of the municipal community.
- Public Transparency Principle (d) - public awareness of the availability of Council information must be facilitated.
- Service Performance Principle (e) - Service delivery must include a fair and effective process for considering and responding to complaints about service provision.
- Service Performance Principle (d) - a Council should seek to continuously improve service delivery to the municipal community in response to performance monitoring;
- Service Performance Principle (e) - service delivery must include a fair and effective process for considering and responding to complaints about service provision

Attachment 3 - Personal and health information collected by Council

- Title
- First name
- Surname
- Address
- Age
- Sex
- Marital Status / Domestic Partner Status
- Signature
- Health Records
- Photographs and videos
- Motor vehicle registration number, where you have opted in, audio recordings of your phone conversations with the customer contact centre.

Whilst Council collects payment card details for various matters (e.g. rates notice, Infringement/ fines, Invoices or accounts, permit fees, animal registration renewal fees, these details are not stored by Council (Council upholds Payment Card Industry Security Standards-PCI DSS).

- a) An exception to the aforementioned (i.e. where Council does retain payment card details) may occur in the instances of
 - Direct Debit Information for Rates; and
 - Direct Debit Information for Payment Plan Arrangements.
- b) In these instances, the collection statement on the relevant notice (e.g. rates notice) confirms the use of collection, purpose of storage and disclosure restrictions etc pursuant to the applicable provisions of this Policy.

Personal and/or health information is collected for functions and services provided by Council including, but not limited to:

- Library membership
- Venue hire
- Sports ground hire
- Community engagement
- Engagement on Council's Social media platforms
- Pet registration and animal management
- Rates
- Debt Collection
- Financial planning, budgets, valuations, rates, and credit control. Attendance at Council meeting
- Enquiries/Complaints
- Infringement notices

- Arts & Culture programs
- Maternal and Child Health and Immunisations
- Family Day Care
- School Holiday Program
- Aged Services
- Council events, meetings (including photographic images or video footage)
- Marketing, Research and Communications activities (including photographic images or video footage)
- Enforcement activities, Planning, Building, Health, and Local Laws (including photographic images or video footage)
- Permit applications including environmental health, local law, building and planning and land transfers and subdivisions.
- Food safety and regulation of food premises
- Insurance claims
- IT infrastructure
- Business and trade development Complaint investigations
- Regulation of parking and traffic
- Services for children, youth, aged people, and people with disabilities
- Social planning and housing