

CITY OF MELBOURNE PRIVACY POLICY STATEMENT

Purpose

The City of Melbourne views the protection of your privacy as an integral part of its commitment towards complete accountability and integrity in all its activities and programs.

This statement outlines Council's policies relating to the management of personal information as required by the Victorian Information Privacy Act 2000.

Scope

This policy applies to all Councillors, officers and contractors of the City of Melbourne.

This policy covers all personal information held by the City of Melbourne. This includes information we have collected through any of Council's public access interfaces.

It includes information we have collected from you as well as information about you collected from third parties.

It includes information collected regardless of format eg. correspondence and forms (paper and electronic), in person, over the telephone or via Council web sites.

Definitions

Personal Information – means information or an opinion (including information or an opinion forming part of a database), 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 about an individual who has been dead for more than 30 years.

Information Privacy Principles (IPPs) – A set of principles that regulates the handling of personal information.

Public Registers – documents that Councils are required make publicly available pursuant to State Government legislation. These registers

- Are open to inspection by members of the public
- Contain information required or permitted by legislation
- May contain personal information

A list of these is provided at the end of this document.

Sensitive Information – personal information or an opinion about an individual's:

- Race or ethnic origin; or
- Political opinions; or
- Membership of a political association; or
- Religious beliefs or affiliations; or
- Philosophical beliefs; or
- Membership of a professional trade association; or
- Membership of a trade union; or
- Sexual preferences or practice; or
- Criminal record.

Information Privacy Principles

COLLECTION OF PERSONAL INFORMATION - (Information Privacy Principle 1)

Council will only collect personal information supplied by you when it is necessary to do so.

This information typically includes but is not limited to the following,

- Name
- Address (postal and e-mail),
- Telephone number (work, home & mobile),
- Date of birth,
- Occupation,
- Medicare number,
- Credit card and bank account numbers,
- Motor vehicle registration number

The information will be used for purposes including but not limited to the following,

1. To contact you where it is necessary in order to provide services requested by you eg, obtaining a resident parking permit via our public interfaces.
2. To contact you where it is necessary to resolve issues relating to City of Melbourne services or functions which you have brought to our attention eg, where you have reported a matter you require to be resolved by Council such as a fallen tree branch via our public interfaces.
3. It may be used to contact you prior to a meeting of Council's Public Submissions Committee meeting date to confirm your attendance and advise you of any changes to the meeting details where you have made a submission for consideration.
4. To supply you with material concerning Council initiatives and programs where you have supplied personal information to Council for this purpose eg, where you have opted to be included on a mailing list for a Council publication via our public interfaces. We will not include you on such mailing lists unless you have consented beforehand.
5. To facilitate the collection of Council fees and charges, eg, we will use your name and address details to forward rate notices.
6. To enable payment for Council provided goods and services, eg, we collect your credit card and bank account details when you make payment for good and services.
7. To enable Council to undertake its law enforcement functions eg, Council collects information about you from various Road Traffic Authorities to process Parking Infringement Notices.
Council will only collect information about you from third parties where it authorised to do so

DISCLOSURE OF PERSONAL INFORMATION - (Information Privacy Principle 2)

Council will take all necessary measures to prevent unauthorised access to or disclosure of your personal information.

Council discloses personal information to external organisations including Council's contracted service providers who perform various services for and on behalf of the Council.

These contractors have agreed to be bound by the provisions of the Victorian Information Privacy Act 2000. Information provided to these contractors is limited to the information required by them to provide services to you on behalf of Council.

Council also discloses personal information to other agencies in the course of the investigation and , defence of legal claims against Council. This includes Council's solicitors, consultants, and investigators.

Please note that Council will not disclose any personal information provided by you as part of a complaint to the any parties who are the subject of your complaint without your prior consent or if ot required by law.

Council may also use personal information contained in complaints which you make to Council as part of any prosecution undertaken as part its law enforcement functions.

If you have opted to complain to Council, please note that Council may be obliged under legislation to investigate your complaint and if necessary, may initiate legal proceedings as a result of its investigation to prosecute possible offenders.

A complaint made to Council that a nuisance exists under the *Health Act 1958* is such an example. One of Council's functions under the *Health Act 1958* is to prevent and control environmental health dangers, diseases and health problems of particularly vulnerable population groups by developing and enforcing up-to-date public health standards and intervening if the health of people within the municipal district is affected.

If Council initiates a prosecution as a result of any investigation relevant to your complaint, it may be compelled to disclose your details and the nature of your complaint to the defendant under the rules governing pre-hearing disclosure.

Where authorised, Council may also disclose personal information to,

- Debt collection agencies,
- Government agencies including the Department of Human Services, the Victorian Workcover Authority, and Road Traffic Authority.
- Law Enforcement agencies including the Courts and the Victoria Police eg. to comply with a subpoena

Personal information in applications for employment with Council will be supplied to agencies such as the Victoria Police where authorised by Law eg, as part of a background check.

Background checks will only be carried out on applicants for selected positions prior to employment with Council. Such checks will only be carried out with your prior written authorisation and the results will not be disclosed to third parties unless authorised by law.

Personal information provided by you 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.

Personal information may also be contained in Public Registers which must be made available by Council for viewing by the public. Council does not provide copies of these registers but information may be copied from them.

We will ensure that your personal information is not disclosed to other institutions and authorities outside Council except if required or authorised by law.

Requests for access to documents containing personal information are managed under the Freedom of Information Act and should be addressed to the Coordinator Statutory Information and Projects, Governance Services Branch, City of Melbourne, PO Box 1603, Melbourne 3001.

DATA QUALITY (Information Privacy Principle 3)

Council will endeavour to ensure that personal information it holds is accurate, complete and up to date. You may amend any personal information you have supplied to Council. Details on how to do so are below under Information Privacy Principle 6.

DATA SECURITY (Information Privacy Principle 4)

Council will take all necessary steps to ensure that personal information is stored safely and securely. This will ensure that personal information held by Council will be protected from misuse, loss, and unauthorised modification and disclosure. This applies regardless of the format in which the information is held.

Any personal information which you provide to Council which is no longer necessary for Council's purposes will be disposed of using secure destruction.

OPENNESS (Information Privacy Principle 5)

This document and Council's web based privacy statement details Council's management of personal information.

These documents are available upon request by contacting the Council's Privacy Officer on 9658 9658 or via e-mail at privacy@melbourne.vic.gov.au.

They are also available on Council's web site at www.melbourne.vic.gov.au

ACCESS AND CORRECTION OF PERSONAL INFORMATION (Information Privacy Principle 6)

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

Requests must be made in writing stating as precisely as possible what information is required and should be addressed as follows,

Coordinator Statutory Information and Projects,
Governance Services Branch,
City of Melbourne,
PO Box 1603,
MELBOURNE VIC 3001.

Staff should ensure that all such enquires from the public are directed to the Council's Privacy Officer on 9658 9173.

UNIQUE IDENTIFIERS (Information Privacy Principle 7)

Council will not assign unique identifiers to individuals unless the assignment of the identifier is necessary to perform any Council functions.

ANONYMITY (Information Privacy Principle 8)

Where lawful and practicable, Council will offer you the option of remaining anonymous when supplying personal information as part of a transaction with Council.

However as anonymity may limit Council's ability to process a complaint or other matter, Council reserves the right to take no action on any matter if you choose not to supply relevant personal information to Council.

TRANS-BORDER DATA FLOWS (Information Privacy Principle 9)

Council will transfer personal information about you to an individual or organisation to a region outside Victoria only if authorised by law or with the consent of the individual.

SENSITIVE INFORMATION UNIQUE IDENTIFIERS (Information Privacy Principle 10)

Council will not collect sensitive information about you except in circumstances prescribed in the Victorian Information Privacy Act or in circumstances where the information is both directly pertinent and necessary to one of its functions.

COMPLAINTS OR ENQUIRES CONCERNING PRIVACY

Complaints may be directed to Council's Privacy Officer. These will be acknowledged within 2 days and will be resolved as soon as practicable.

The complaint must be received within 6 months from the time the complainant first became aware of the misconduct and details of the complaint will be kept confidential at all times.

Contact details are as follows,

By Mail

The Privacy Officer
City of Melbourne
Governance Services Branch
PO Box 1603
MELBOURNE VIC 3001

Telephone 9658 9173 or 9658 9658
Facsimile 9658 9446

E-mail

Via e-mail to privacy@melbourne.vic.gov.au.

PUBLIC REGISTERS

The following public registers are among those currently maintained by the City of Melbourne. The italicised registers are those which may include personal information you have supplied to the City of Melbourne.

1. Details of current allowances fixed for the Mayor, Lord Mayor (if any) and Councillors under section 74 or 74A of the Local Government Act 1989 (**'The Act'**);
2. Details of senior officers' total salary packages for the current financial year and the previous year including the gross salary, the amount of the Council or employer contribution to superannuation, the value of any motor vehicle provided by the Council and the total value of any other benefits and allowances provided by the Council;
3. Details of overseas or interstate travel (with the exception of interstate travel by land for less than 3 days) undertaken in an official capacity by Councillors or any member of Council staff in the previous 12 months, including the names of the Councillors or members of Council staff and the date, destination, purpose and total cost of the overseas or interstate travel;
4. Names of Council officers who were required to submit a return of interest during the financial year and the dates the returns were submitted;
5. Names of sitting Councillors who submitted returns of interest during the financial year and the dates the returns were submitted;
6. *Submissions received from the public in accordance with section 223 of the Act during the previous 12 months.*
7. Agreements to establish regional libraries under section 196 of the Act;
8. Details of all property, finance and operating leases involving land, buildings, plant, computer equipment or vehicles entered into by the Council as lessor or lessee, including the name of the other party to the lease and the terms and the value of the lease;
9. *A list of donations and grants made by the Council during the financial year, including the names of persons or bodies which have received a donation or grant and the amount of each donation or grant;*
10. A list of the names of the organisations of which the Council was a member during the financial year and details of all membership fees and other amounts and services provided during that year to each organisation by the Council;
11. A list of contracts valued at \$100 000 or more which the Council entered into during the financial year without first engaging in a competitive process and which are not contracts referred to in section 186(5) of the Act.
12. *A register of registered dogs and cats (including ownership details) in the municipality must be maintained by Council pursuant to the Domestic (Feral and Nuisance) Animals Act 1994.*
13. Council's Building Certification and Inspection Branch Control are required to keep 3 registers namely,
 - *A register of building permits kept pursuant to Section 31 of the Building Act 1993*

- *A register of occupancy permits and temporary approvals received by Council kept pursuant to Section 74 of the Building Act 1993.*
 - *A register of emergency orders, building notices and binding orders given to Council under part 8 of the Building Act. This is kept pursuant to Section 126 of the Building Act 1993.*
14. *Council's Statutory Planning Branch is required to keep a register of all applications for Planning permits and all decisions and determinations relating to permits. Details of planning applications received by Council are also available at the Council web site at www.melbourne.vic.gov.au*