

OFFICIAL

# Glenelg Hopkins



C M A

## PRIVACY POLICY

**Policy No:** BP.CR.3  
**Version No:** V.3.0

### Review Schedule

A&RCo to Endorse: YES  
Last Review: April 2016  
Review Cycle: 3 yearly  
Next Review Due: April 2019  
Responsible Officer: Business and Finance Program Manager

*Review Notes:*

**Related Policies:** BP.CR.7 Protected Disclosure Policy  
BP.HR.1 Directors' & Employees' Code of Conduct

**Related Procedures:** OG.CR.10 Records Management Policy  
OG.CR.11 Records Management Strategy  
OP.CR.12 Records Management Procedure  
OP.CR.6 Protected Disclosure Procedure

**Related Resources:** Office of the Victorian Privacy Commissioner <http://www.privacy.vic.gov.au>

### Policy Approval and Revision:

This Policy was first approved by the Directors of Glenelg Hopkins CMA:

Version 1: 19 December 2007 {Resolution No. 1052.00}  
Version 2: 18 May 2012 {Resolution No. 1534.00.00}  
Version 3: 21 April 2016 {Resolution No: 1929.00}  
Version 4:

.....  
CHAIRPERSON



POLICY NO: BP.CR.3  
POLICY NAME: PRIVACY POLICY

---

## Contents

Purpose .....	3
Application of Policy .....	3
Privacy Statement.....	3
Background .....	3
Personal Information .....	4
Policy.....	6

## Purpose

This policy defines the way the Glenelg Hopkins Catchment Management Authority (**the CMA**) protects the privacy of personal information as required by legislation and good practice and in compliance with the Information Privacy Act 2000 (VIC) and the Commonwealth Privacy Act 1988.

It also establishes:

- Standards for the release of personal information relating to Directors, employees and members of Advisory Groups and Board Committees of the CMA;
- A format for approval of release of information for web sites, annual reports, media releases, business cards, etc.

## Application of Policy

This policy applies to all Directors, employees and members of Advisory Groups and Board Committees of the CMA.

## Privacy Statement

The CMA has demonstrated a strong commitment to protecting the confidentiality and privacy of individuals in the past and continues this commitment whilst ensuring it complies with applicable privacy legislation.

The CMA collects and uses personal information about employees and other individuals in the course of undertaking its responsibilities.

Other than as required or permitted by law, the CMA shall not:

- Collect personal information; or
- Use or disclose personal information for purposes other than those for which it was collected.

The CMA shall comply with the *Information Privacy Act 2000 (VIC)* and the *Health Records Act 2001*, which have been introduced by the Victorian Government to regulate the collection, use and disclosure of personal information and in particular to support an appropriate balance between the free-flow of information for the public good and the protection of privacy of personal information. In addition, the *Privacy Act 1988 (Cth)* applies to many of the private sector organisations with which the Authority interacts and, therefore, may influence information exchange between the CMA and those organisation.

## Background

### Types of Privacy

Privacy is an internationally recognised human right that protects individuals from a range of interferences. In modern society, the term privacy may be used to describe a number of related concepts:

- Personal Privacy – which considers the integrity of an individual's body;
- Privacy of personal behaviour – which incorporates sensitive social issues such as sexual preference, political activities and religious practices;
- Privacy of personal communications – which revolves around the concept of confidential speech and telecommunications;

- Privacy of territory – which may be defined as the right to personal space and to the protection of one’s property from trespass;
- Information privacy or data privacy – which relates to the protection of personally identifying information. Information privacy seeks to place greater control relating to information use with the individual who is the subject of the information. It usually is expressed through privacy principles that are incorporated into legislation and regulate the collection, use, disclosure, transfer, access, correction and disposal of personally-identifying information.

## **Personal Information**

Personal information may consist of separate or linked factual data fields such as name, date of birth, driver’s licence number, etc., as well as evaluative commentary regarding an individual or transaction. It may be held on a paper file, database or in another medium, such as film, video or audio tape.

A person’s identity may be apparent even when their name is not included in the information depending upon the other data items included in the information and the context in which the information is collected, used or disclosed. The context of the provision of information and the connection or linking of data fields can change non-identifying data into personally-identifying information. For example, a person’s physical description linked with their profession and work location may be highly identifying.

The following types of information may be personally-identifying, either alone or in combination:

- Name;
- Photograph;
- Title;
- E-mail address;
- Telephone or fax numbers;
- Date of birth;
- Employee security pass number;
- Employee logon ID;
- Driver’s licence number;
- Health diagnosis;
- Gender;
- Ethnicity;
- Banking details, such as branch location, account number and funds available;
- Customer service operator’s notes about a client and their query; and/or
- A performance appraisal report on an employee

## **Informing the community about the CMA’s leaders**

There is a high level of community interest in the CMA and it is reasonable for the community to have access to information about people who lead, work or advise the CMA, so long as that provision of information does not disadvantage those individuals or impinge unfairly on their privacy. Ease of contact with CMA leaders and advisors assists the community to work with the CMA to achieve the CMA’s vision and goals.

## **Personnel Files**

Confidential personnel files are created for every employee upon commencement with the CMA. All personnel files shall be maintained in a safe and secure manner, and strict rules are in place in relation to confidentiality. Any breach of this confidentiality may result in disciplinary action.

An employee shall be entitled to view their personnel file however this shall be in the presence of their immediate Manager, Program Manager or CEO, and a designated employee with HR responsibilities. Notice of at least one working day must be provided by the employee requesting

access to their personnel file. An employee's immediate Manager, Program Manager or the CEO may access relevant personnel files **only** in the presence of a designated employee with HR responsibilities.

Requests from outside organisations or persons, including government authorities, for information of a personal nature will be denied unless the employee has consented in writing to the release of that information. Where the organisation requesting the information has statutory authority to access the personal information, then such requests must be complied with. If appropriate, the employee will be advised of the request.

Hard copy personnel files must not be removed from the secure HR files storage points and strict access provisions should be applied to all electronic personnel files.

Following termination of employment, personnel files shall be closed and archived in accordance with the Records Management Policy.

### Privacy Legislation

There are three main information privacy statutes that apply in Victoria:

- The *Privacy Act 1988 (Cth)* which protects the privacy of personal information held by federal and ACT government agencies; personal information held by large private sector organisations, all private health service providers and some small businesses; credit worthiness information held by credit reporting agencies and credit providers; and personal tax file numbers used by individuals and organisations. The *Privacy Act 1988* incorporates ten National Privacy Principles;
- The *Information Privacy Act 2000 (Vic)* which sets standards for the way Victorian government organisations, statutory bodies and local councils collect and handle personal information. The *Information Privacy Act (2000)* incorporates ten Information Privacy Principles;
- The *Health Records Act 2001 (Vic)* regulates both public and private sector organisations that handle personal health information. The Health Privacy Principles contained within the Act are similar in spirit and principle to the National Privacy Principles but are tailored to the specific requirements for protection of health information.

There are three main privacy regulators in the Victorian jurisdiction:

- The Office of the Federal Privacy Commissioner is an independent Office which has privacy oversight responsibilities under the *Privacy Act 1988 (Cth)*;
- The Victorian Health Services Commissioner oversees the regulation of privacy in relation to health services in Victoria; and
- Privacy Victoria is the Office of the Victorian Privacy Commissioner, an independent statutory office created by the Information Privacy Act (2000). The privacy Commissioner reports to the Victorian Parliament through the attorney General.

The *Information Privacy Act (2000)* is the main source of privacy regulation applicable to the Authority. The main regulator for the Authority is the Victorian Privacy Commissioner.

---

## **Policy**

### **Oversight of information privacy**

In the course of conducting normal business activities, the CMA collects, records, maintains and uses personal information in relation to its employees and other stakeholders.

The Chief Executive Officer (CEO) shall appoint an information officer who shall be responsible for overseeing privacy compliance within the Authority, responding to requests for access to and correction of information and managing any complaints about the CMA's handling of personal information.

### **General principles of collection**

The CMA shall only collect personal information that is:

- Necessary to undertake its programs, activities and functions; and/or
- Standard human resources information such as job application, pay, superannuation, leave and emergency contact details.

The information privacy principles establish higher levels of protection for 'sensitive' information, which includes information or an opinion about a person's racial or ethnic origin, political opinions, membership of a political association, religious beliefs or affiliations, philosophical beliefs, membership of a professional or trade association, membership of a trade union, sexual preferences or practices or criminal record, that is also personal information. The CMA does not normally collect such information. The CMA also does not normally collect health information other than in employee records, WorkCover records and for the purposes of catering for people with special needs who are participating in CMA activities.

### **General Principles of use and disclosure**

The CMA shall explain how information is to be used at the time that it is collected.

Personal information shall only be disclosed as required or permitted by law. The CMA shall not use or disclose personal information for commercial purposes.

If the CMA utilises contractors to fulfil some of its functions, and those contractors require access to personal information to enable them to fulfil their responsibilities to the CMA, they shall be required by the CMA to use the information only for the specific purposes for which it is supplied to them.

### **Standards for release of personal information relating to CMA leaders**

Directors, Advisory Group or Board Committee members and employees shall be requested on appointment to consent in writing to the release of personal information.

The standard Consent Form is 'Attachment 1' to this policy.

Unless exceptional circumstances apply, it is the CMA's policy to release the following information:

Web site information – Directors

- Photo;
- Name;
- Role with the Authority;
- Regional location;
- Professional affiliations;
- Skills relevant to Board membership.

Web site information – other representatives

- Photo;
- Name;
- Role with the Authority;
- Regional location;
- Professional affiliations.

Annual Report

- Photo;
- Name;
- Role.

Media Release

- Photo;
- Name;
- Role;
- Contact number for enquiries

Business Card information – directors and members of Advisory Groups

- Name;
- Role (position);
- Authority email address;
- Personal email address (optional);
- Phone number (optional)

Business card information - employees

- Name;
- Role (position);
- Email address;
- Work phone number.

The appointee shall have the option, in some circumstances, of making available additional information. On these occasions, the consent form shall be witnessed by the Chief executive Officer or Business & Finance Program Manager.

Formatting standards shall be determined from time to time by the CEO, with advice as necessary, and shall be applied strictly to all published personal information.

**General principles of access**

Both the *Freedom of Information Act 1982* and privacy legislation enable individuals to access personal information held by the Authority. The CMA has a culture of openness and transparency and shall provide an individual about whom it holds personal information with access to the information on request, unless a specific legislative exception applies.

Requests for access to personal information should be made under the provisions of the *Freedom of Information Act 1982*.<sup>1</sup>

Where access is denied for any reason permitted in the legislation, the CMA shall take reasonable steps to provide access by alternative means such as use of a mutually agreed intermediary; de-identification of either individuals or organisations in the information requested; selective access or reproduction of documents to withhold only that information to which access is denied.

**Fees for access to information**

The CMA may charge an individual prescribed fees (e.g. Application and access fees as determined by government regulations – refer [www.foi.vic.gov.au](http://www.foi.vic.gov.au)) for providing access to personal information

<sup>1</sup> See Office of the Victorian Privacy Commissioner: Access and correction rights and your personal information, available at [http://www.privacy.vic.gov.au/dir100/priveb.nsf/download/2E5992A9E407AB5ACA256EDA000F2379/\\$FILE/02\\_04%20-%20Access.pdf](http://www.privacy.vic.gov.au/dir100/priveb.nsf/download/2E5992A9E407AB5ACA256EDA000F2379/$FILE/02_04%20-%20Access.pdf)

under this Act. Persons applying for access to personal information shall be informed in advance of the applicable fee/s.

#### **Data quality**

The CMA shall take all reasonable steps to ensure that the personal information it collects, uses or discloses is accurate, complete and up to date.

Both the *Freedom of Information Act 1982* and privacy legislation provide for correction of personal information that is incorrect.

If an individual establishes that personal information held by the CMA is not accurate, complete and up to date, the CMA shall take reasonable steps to correct the information. If the individual and the CMA disagree about whether the information is accurate, complete and up to date, and the individual asks the CMA to associate with the information a statement claiming that the information is not accurate, complete or up to date, the CMA shall take reasonable steps to do so.

Requests for correction of personal information held by the CMA should be made under provisions of the *Freedom of Information Act 1982*.

#### **Data Security**

The CMA shall take all reasonable steps to protect the personal information it holds from misuse, loss or unauthorised access. Personal information kept on paper is stored in locked cabinets. Electronically stored information is protected by passwords, security levels and firewalls. Only those employees who need to know the relevant information in order to do their work shall have access to the personal information we hold. CMA employees are required to keep personal information confidential.

#### **The CMA's website**

The CMA collects some information on users of its website, which it uses for statistical purposes – to estimate number of users, what information they access, and to enable the CMA to improve navigational functions.

Cookies are pieces of information that a website transfers to the hard disk of a computer that is used to access the CMA's website for recordkeeping purposes. Most web browsers are set to accept cookies. The CMA may use cookies to collect user information as described above and to make the use of its web site services as convenient as possible.

Stakeholders who do not wish to receive any cookies may set their browsers to refuse them.

#### **Complaints or questions about privacy**

Complaints or questions about privacy should be referred to the CMA's Information Officer.

Individuals also may complain to the Office of the Victorian Privacy Commissioner, the Office of the Federal Privacy Commissioner or the Office of the Health Services Commissioner, depending on the circumstances of the complaint.

The CMA shall cooperate with the relevant Privacy Commissioner or Health Services Commissioner in any investigation, mediation or conciliation.

**End.**

---

**Attachment 1 - Information Release Authorisation**

I, authorise the Glenelg Hopkins Catchment Management Authority to provide the following information for use in accordance with the PERSONAL INFORMATION RELEASE POLICY.

NAME .....

PHOTO – Please arrange for digital photo to be taken by an Authority employee

REGIONAL LOCATION .....

AUTHORITY EMAIL ADDRESS.....

BUSINESS TELEPHONE.....

PERSONAL EMAIL ADDRESS.....

(Optional)

PERSONAL PHONE NUMBER.....

(Optional)

AFFILIATIONS.....

.....  
.....  
.....  
.....  
.....  
.....

SKILLS RELEVANT TO BOARD / ADVISORY GROUP / COMMITTEE MEMBERSHIP

.....  
.....  
.....  
.....  
.....  
.....  
.....  
.....

Signed:

.....

Witnessed:

.....

Date:

.....