

INFORMATION PRIVACY AND HEALTH RECORDS POLICY

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Strategic Objective:	5.3 Provide responsible and transparent governance, services and infrastructure which responds to and supports community needs
Date of Adoption:	15 March 2016
Date for Review:	March 2021
Responsible Officer:	Manager Corporate Services
Department:	Corporate Services

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1 INTRODUCTION

1.1 This policy outlines how Council will ensure compliance with the Privacy and Data Protection Act 2014 and the Health Records Act 2001.

2 POLICY STATEMENT

2.1 Council believes that the responsible handling of personal information is a key aspect of democratic governance, and is strongly committed to protecting an individual's right to privacy. Accordingly, it is committed to full compliance with its obligations under the Privacy and Data Protection Act 2014 and the Health Records Act 2001. In particular, Council will comply with the Information Privacy Principles (IPPs) and Health Privacy Principles (HPPs) contained in the Acts. This Information Privacy and Health Records Policy explains some of these Principles and how they will apply to the community.

3 POLICY IMPLEMENTATION

3.1 Personal Information

3.1.1 This Policy applies to personal information and health information held by Council.

3.1.1.1 **Personal information** means information or an opinion about an individual whose identity is apparent, or can reasonably be ascertained, from the information or opinion, other than certain health or generally available information.

For example, Council holds personal information on its ratepayers (e.g. names and addresses) in order to carry out its functions (e.g. planning, valuation and property services). It may also request personal information in order to provide education, welfare and other community services (e.g. childcare services). In some instances, personal information may be contained on a public register (register of building permits, food premises and animal registration details).

3.1.1.2 **Health information** is defined as information or an opinion about:

- the physical, mental or psychological health of an individual; or
- a disability of an individual; or
- an individual's expressed wishes about the future provision of health services to him or her; or
- a health service provided, or to be provided, to an individual
- that is also personal information; or
- other personal information collected to provide, or in providing, a health service; or
- other personal information that is genetic information provided about an individual in a form, which is or could be

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predictive of the health (at any time) of the individual or of any of his or her descendants.

3.2 Sensitive Information

3.2.1 Council may also hold sensitive information. Sensitive information includes, but is not limited to, information or an opinion about an individual's racial or ethnic origin, political opinions, trade union membership, philosophical or religious beliefs, sexual preferences or criminal record.

3.3 Collection

3.3.1 Council will only collect personal information that is necessary for its functions and activities. In some instances, it has a legal obligation to collect personal information. Council will only collect sensitive information where an individual has consented or as permitted under the Act.

3.3.2 If it is reasonable and practicable to do so, Council will collect personal information and health information about individuals directly from those individuals. When doing so, it will inform those persons of the matters set out in the Acts, including the purpose/s for which the information is collected, and will use lawful and fair means. If Council collects personal information about any individual from someone else, it will take reasonable steps to make that individual aware of these matters.

3.4 Use and Disclosure

3.4.1 Council will only use personal information and health information internally, or disclose it outside Council, for the purpose for which it was collected or in accordance with the Act.

3.5 Data Quality

3.5.1 Council will take reasonable steps to ensure the personal information and health information it holds is accurate, complete, up to date and relevant to the functions it performs.

3.6 Data Security

3.6.1 Council will endeavour to maintain a secure system for storing personal information and health information. Technological and operational policies and procedures are in place to protect personal information from misuse and loss and from unauthorised modification or disclosure. Council will dispose of personal information and health information when it is no longer necessary to fulfil the purposes for which the information was collected or as required by law.

3.7 Openness

3.7.1 Council will provide a copy of this policy to any person who requests it.

3.8 Access and Correction

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3.8.1 Should any persons wish to access personal information or health information about themselves, they may contact Council's Privacy Officer or Council's Health Records Officer respectively (telephone 9205 2200). Access will be provided except in the circumstances outlined in the respective Act; for example, where the information relates to legal proceedings or where the *Freedom of Information Act* 1982 applies.

3.8.2 If any persons believe that personal information or health information relating to them is inaccurate, incomplete or out of date, they may request Council to correct the information. Every request will be dealt with in accordance with the respective Act.

3.9 Identifiers

3.9.1 Council will only assign a number to identify a person if the assignment is reasonably necessary to carry out its functions effectively.

3.10 Anonymity

3.10.1 Where lawful and practicable, Council will give persons the option of not identifying themselves when supplying information or entering into transactions with it.

3.11 External Contractors

3.11.1 Whilst Council staff usually handle personal information, Council may outsource some of its functions to third parties. This may require the contractor to collect, use or disclose certain personal information (e.g. garbage collection) or health information. It is Council's intention to require contractors to comply with the Acts in all respects.

3.12 Making Information Available to another Health Service Provider

3.12.1 When Council acts as a health service provider, Council will make health information relating to an individual available to another health service provider if requested to do so by the individual.

3.13 Complaints

3.13.1 If any persons feel aggrieved by Council's handling of personal information or health records about themselves, they may make a complaint to Council's Privacy Officer or Health Records Officer (telephone 9205 2200). Every complaint will be investigated as soon as possible (but no later than five (5) business days) and the complainant will be provided with a written response. Alternatively, any person may make a complaint to the Commissioner for Privacy and Data Protection or Health Services Commissioner (although either Commissioner may decline to hear the complaint if it has not first been made to Council).

3.14 Changes

3.14.1 Council may amend this Information Privacy and Health Records Policy from time to time.

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3.15 Further Information

3.15.1 If any persons have queries about this Privacy Policy, they may contact Council's Privacy Officer or Council's Health Records Officer (telephone 9205 2200).

4 RELATED DOCUMENTS

4.1 Privacy and Data Protection Act 2014

4.2 Health Records Act 2001

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