

Information Privacy Policy

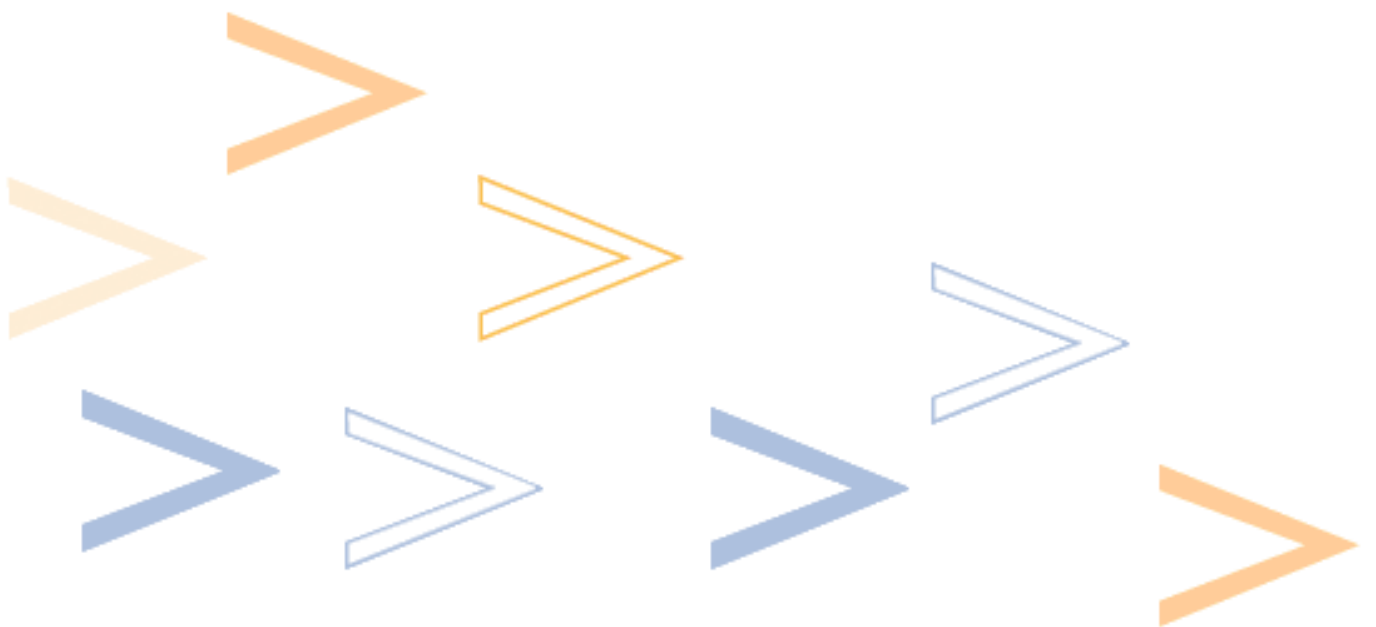


Table of Contents

| | |
|---|----|
| Introduction | 4 |
| Purpose | 4 |
| Summary | 4 |
| Definitions and key terms | 5 |
| What is personal information? | 5 |
| What is health information? | 5 |
| What are Information Privacy Principles (IPPs)? | 5 |
| What are Health Privacy Principles (HPPs)? | 5 |
| Collection of personal information (IPP 1 and HPP 1) | 5 |
| How MAV collects personal information | 5 |
| Types of information collected by MAV | 6 |
| Collecting personal information to carry out MAV functions or activities | 6 |
| Use and disclosure of personal information (IPP 2 and HPP 2)..... | 7 |
| General principles regarding use and disclosure | 7 |
| Other work units within MAV | 7 |
| Contracted service providers (CSPs) | 7 |
| Other entities - where authorised or required by law | 8 |
| Written submissions received by MAV | 8 |
| Data Quality (IPP 3 and HPP 3) | 8 |
| Data Security (IPP 4 and HPP 4) | 8 |
| Openness (IPP 5 and HPP 5)..... | 9 |
| Access and Correction (IPP 6 and HPP 6)..... | 9 |
| Unique Identifiers (IPP 7 and HPP 7)..... | 9 |
| Anonymity (IPP 8 and HPP 8) | 10 |
| Transferring information outside Victoria (IPP 9 and HPP 9)..... | 10 |
| Sensitive Information (IPP 10)..... | 10 |
| Transfer or closure of a Health Service conducted by MAV (HPP 10)..... | 11 |
| Making information available to another health service provider (HPP 11) | 11 |
| MAV websites | 11 |
| Links to other websites | 11 |
| Anonymous access to our sites | 11 |
| Collection and use of personal data | 11 |
| Collection and use of site visit data | 11 |
| Cookies..... | 11 |

| | |
|---|-----------|
| Clickstream data | 12 |
| Google Analytics | 12 |
| Information Regarding Your Social Networking Services (SNS)..... | 14 |
| Remarketing Services (Applies to What's On website)..... | 14 |
| Third Parties | 14 |
| Security of your personal data..... | 14 |
| Privacy Complaints | 14 |

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Introduction

The Municipal Association of Victoria (MAV) is committed to protecting the privacy of every individual's personal and health information that it obtains, collects and handles, including through its authorised agents and contractors.

MAV is required to comply with the *Privacy and Data Protection Act 2014* (PDPA) in managing personal information, and with the *Health Records Act 2001* (HRA) in managing health information. This policy is written in accordance with Information Privacy Principle 5, which requires an organisation to set out clearly expressed policies on how it manages personal information.

Purpose

This Information Privacy Policy (the Policy) explains how the MAV will collect, hold, use and disclose personal and health information of individuals, how individuals can gain access to their information, and correct inaccuracies, and how an individual may complain about possible breaches of privacy.

For the purpose of this policy, the term "personal information" is used to include both personal and health information.

Summary

- MAV collects and receives personal information provided by individuals in the course of performing its functions under the *Municipal Association Act 1907* (MA Act). In brief, those functions are to:
 - Promote local government and improve community awareness of the capacity of Victorian local government to act effectively and responsibly;
 - Promote appropriate powers, functions and responsibilities for local government with due regard to the individuals needs of its member Councils;
 - Act as the representative body of local government for the purpose of promoting effective inter-government cooperation;
 - Provide services to our member Councils including advocacy, governance, aggregated procurement and insurance (MAV Insurance and MAV WorkCover schemes)
- The personal information which comes into MAV's possession may be recorded or contained in hard copy documents, electronic documents, digital or other electronic forms of recordings including audio or video footage.
- MAV will handle the personal information it obtains or receives in accordance with the requirements of the PDPA and the HRA (as relevant), including to comply with the Information Privacy Principles (IPPs). This covers the way MAV will take reasonable steps to protect the personal information in its possession from misuse and loss, and from unauthorised access, modification, or disclosure, and to ensure as far as reasonable that the personal information is accurate and up to date.
- All information in the MAV's possession, including personal information, is subject to the *Public Records Act 1973* and the associated Public Record Office Victoria (PROV) Standards about document retention and destruction.
- MAV will only disclose and share personal information in its possession in accordance with the PDPA, the HRA, to the extent required and authorised in performing its functions and powers under the MA Act, and otherwise only as authorised or required by law.

Definitions and key terms

What is personal information?

Personal information is defined in the PDPA as “information or an opinion (including information or an opinion forming part of a database), that is 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, but does not include information of a kind to which the *Health Records Act 2001* applies.”

What is health information?

Health information is defined in the HRA as primarily comprising is information that can be linked to an identifiable individual (including a deceased person), which concerns that individual’s physical, mental or psychological health, disability or genetic make-up.

What are Information Privacy Principles (IPPs)?

The 10 Information Privacy Principles (IPPs) set out the minimum standards for how Victorian public sector bodies should manage personal information. The IPPs are contained in Schedule 1 of the PDPA. With limited exceptions, all Victorian Government organisations, local councils and government contracted service providers must comply with the IPPs. PDPA and PDPA.

What are Health Privacy Principles (HPPs)?

The Health Privacy Principles (HPPs) comprise eleven principles set out in the HRA and regulate how organisation’s collect and handle personal health information. These principles are similar to the IPPs and underpin the operation of the HRA.

Collection of personal information (IPP 1 and HPP 1)

How MAV collects personal information

We do this in a variety of ways, including:

- During conversations with you (face-to-face or on the phone)
- When you access and interact with our websites, social networking sites or send messages (email/SMS/MMS) to us
- When you make an enquiry, provide feedback or complete an application form (online or in hard copy)
- When we (or our authorised agents) are investigating a claim under MAV Insurance or MAV WorkCare
- From other sources (e.g., referred from another organisation, agency or unsolicited).

Types of information collected by MAV

Depending on the reason for collection, personal information collected typically includes, but is not limited, to the following:

- Name
- Address (residential, postal and/or e-mail)
- Telephone number (work, home or mobile)
- Date of birth
- Signature
- Motor vehicle registration number (where relevant)
- Financial information about an alleged offender of a commercial crime (where relevant)
- Photograph and/or video footage (where relevant).

Health information typically includes, but is not limited to, the following:

- Leave applications
- Employee information
- Visitor information (e.g. special needs requests)
- Photograph and/or video footage
- Medical reports and/or information of injured workers who file a WorkCover claim under the MAV WorkCare scheme
- Medical reports and/or information of potential claimant in relation to circumstances that may give rise to a claim against a Council or other participating entity such as regional library or water corporations, under the Liability Mutual Insurance Scheme (LMI Scheme)
- Medical reports and/or information of claimant who has brought a claim against a Council (or other participating entity) under the LMI Scheme.

Collecting personal information to carry out MAV functions or activities

MAV must collect personal information lawfully and fairly, and not in an unreasonably intrusive way. As far as is practicable, MAV will take reasonable steps to inform an individual prior to, or at the time of collecting their personal information:

- The purpose for which the information is being sought;
- What precise information is being collected;
- If any law requires that information to be collected, what that law is;
- How the individual can contact MAV about their personal information and about this policy generally;
- If there will be any consequences of not providing the information, what those consequences would be;
- How their personal information will be used, and if shared or disclosed, to whom and for what purpose.

The above information is usually provided by MAV in the form of a 'collection' notice, which may be electronic or in hard copy. At other times and depending on the purpose and form of collection, MAV may provide this information verbally. In relation to MAV WorkCare, the WorkCover Claim Form (published by WorkSafe Victoria) sets out the basis on which the claimant authorises MAV to collect and handle their personal information.

An individual will always, where possible, be informed of their rights to obtain further information about how MAV collects and handles their personal information whenever MAV collects such information from them, even

if it is by directing that individual to this privacy policy or a collection notice detailed on forms or available from our office, our representatives or online.

MAV will only collect personal information that is necessary for carrying out its functions or activities, and where reasonable and practicable, it will only collect personal information directly from the person to whom the information relates. However, it receives, in its usual course of business, personal information received from member Councils, authorised insurance agents, medical professionals, investigators and other WorkCover staff. In those instances, MAV does not usually notify the concerned individual that their personal information has been received by MAV.

MAV may, on occasion and pursuant to specific provisions in the *Workplace Injury Rehabilitation and Compensation Act 2013* (WIRC Act), intentionally collect personal information without the knowledge or consent of the concerned individual. MAV will only do so solely for the purpose of exercising legitimate and lawful functions pursuant to the WIRC Act.

Use and disclosure of personal information (IPP 2 and HPP 2)

General principles regarding use and disclosure

MAV will not use or disclose personal information other than for the primary purpose for which we collected it, unless one of the following apply:

- With the individual's consent;
- For a related secondary purpose that would reasonably be expected; or
- As authorised, required or permitted by the law, such as by a court order or by legislation.

When MAV discloses or shares information to another internal work unit or to an external third party, it will take all reasonable steps to protect the privacy of the individual concerned by only providing the information relevant or required for the receiving work unit or third party to perform its authorised or permitted functions, or by de-identifying the information prior to disclosure or sharing.

Such internal work units or third parties include the following:

Other work units within MAV

Where necessary, MAV may use personal information within the MAV to assist in actioning an enquiry or to appropriately progress or to address a service matter.

Contracted service providers (CSPs)

MAV outsources some of its functions to third party contracted service providers (CSPs) who perform various services for and on behalf of the MAV. MAV may disclose personal information it has collected about an individual to the contractor, where it is necessary for the contractor to carry out a specific job or task. For example, personal information will be disclosed by MAV to a contractor for the purpose of the contractor delivering a training program, to conduct surveys to collect information about satisfaction levels with the services provided, or for auditing purposes. Information provided to contractors is to be limited to the information required by them to provide the services to attendees on behalf of MAV (including responding to any complaint the attendee may have made).

MAV contractors agree to be bound by the provisions of the PDPA. All contracts with our CSPs include a provision ensuring that they are bound by the IPPs, and where relevant the HPPs, in the same way and to the same extent as MAV. To assist with compliance the contractor is alerted to our expectations and this privacy policy.

Other entities - where authorised or required by law

MAV also discloses personal information to other agencies in the course of an investigation and defence of legal claims against MAV, against a Council, another LMI Scheme participant, or under a WorkCover claim. This includes MAV's solicitors, consultants/service providers and investigators.

MAV may also disclose personal information to:

- Debt collection agencies (for example, where you have failed to pay your invoices);
- Government agencies including the Victorian Workcover Authority;
- Law enforcement agencies, including the courts and the Victoria Police, in instances where MAV is required to respond to a subpoena or provide information to assist a police investigation;
- Other individuals or organisations, such as Victoria Police, if MAV believes that the 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.

Written submissions received by MAV

Personal information provided as part of a public submission to MAV will be published in agenda papers and minutes of the meeting, which are available online and in hardcopy format for an indefinite period. Where a member of the public is involved in the online submission process, as a part of that process, they will be informed of the public nature of their involvement and be provided with the information set out above under "Collection".

Data Quality (IPP 3 and HPP 3)

MAV will take reasonable steps to ensure that the personal information it holds is accurate, complete and up to date. Where reasonably possible and practicable, MAV will check the accuracy of personal information with the individual to whom the information relates before using their information, particularly before using it in a way that affects the rights, entitlements or obligations of that individual. A person may request the MAV amends any person information they have provided see Access and Correction IPP6/HPP6.

Data Security (IPP 4 and HPP 4)

MAV will take all reasonable steps to ensure that the personal information it holds is stored safely and securely to protect it from misuse, loss, unauthorised access, modification or disclosure. These protections include:

- **People:** training our staff on privacy policies and procedures including the handling and security of personal information within MAV;
- **Process:** ensuring we have robust and updated privacy procedures and that privacy impact assessments are embedded into MAV activities and functions; and
- **Technology:** ensuring MAV information community technology (ICT) and physical requirements to protect and safeguard the information MAV holds is appropriately resourced and met.

These apply regardless of the format in which the personal and health information is held. All information (including personal information) held by MAV will be archived or destroyed in accordance with the *Public Records Act 1973* (Vic) and the relevant retention and disposal requirements issued by the Public Records Office of Victoria (PROV).

If MAV becomes aware that a breach of data security has occurred and that personal information of any individual may have been involved as part of that breach, it will take all reasonable steps to contact that individual, inform them of what has occurred, notify the Office of the Victorian Information Commissioner (OVIC) as required and take appropriate action to ensure the risks of such a breach occurring is minimised.

Openness (IPP 5 and HPP 5)

This document summarises how MAV handles personal information and health information in its possession. It may be downloaded from the MAV website or be provided in hard copy by contacting MAV on 9667 5555 or by email request to inquiries@mav.asn.au.

Access and Correction (IPP 6 and HPP 6)

Should an individual wish to access their personal information, the individual can contact the most relevant MAV work unit directly or MAV's Information Privacy Officer:

GPO Box 4326, Melbourne VIC 3280 | Email: reception@mav.asn.au | Tel: (03) 966 5555

Access will be provided except in the circumstances outlined in the PDPA/HRA, for example, where the information relates to legal proceedings or where the Freedom of Information Act 1982 applies*. If an individual believes that their personal information is inaccurate, incomplete or out of date, the individual may request the MAV to correct the information. The request will be dealt with in accordance with the Act.

*The MAV website contains [information](#) about the freedom of information process.

Unique Identifiers (IPP 7 and HPP 7)

A unique identifier is any sequence of numbers, letters and/or symbols assigned to a person to assist with identification (e.g., a driver's licence number or employee number).

MAV will only assign or use a unique identifier if it is necessary for the MAV to carry out its functions efficiently. It will not adopt the unique identifier of another organisation unless doing so is necessary for the MAV to perform its functions for that person.

Anonymity (IPP 8 and HPP 8)

Where it is lawful and practicable, MAV will give individuals the option of remaining anonymous when dealing with MAV.

Before a member of MAV staff collects personal information (or health information where relevant) they must first establish whether that particular information is required for them to perform their functions for MAV. For example, if a complaint about training material is being made to MAV, it may be possible for the complainant to remain anonymous, but if the complainant seeks a response about their complaint, then obtaining contact details of the complainant will be necessary.

Please bear in mind, anonymity may limit MAV's ability to process a complaint or other matter. Therefore, if a person chooses not to provide their personal information to MAV and that information is necessary for the MAV to perform its functions, then MAV may not be able to take further action.

Transferring information outside Victoria (IPP 9 and HPP 9)

The increase in use of technology, such as online internet platforms and cloud storage has meant that information transfer outside Victoria occurs more often (i.e. many cloud service providers are located outside Victoria and Australia).

MAV may transfer personal information or health information to an individual or organisation outside Victoria in limited circumstances, e.g:

- If the person has given consent for the transfer to occur;
- If disclosure is authorised by law; or
- If the recipient of the information is subject to a law or binding scheme similar to the PDPA or HRA, or to a contract with similar principles as the PDPA or HRA.

MAV will only transfer personal information outside of Victoria in accordance with the provisions outlined in the PDPA (or HRA for health information, if relevant). While MAV uses cloud computing services based outside Victoria, it has taken all reasonable steps to ensure that the information which it transfers will not be held, used or disclosed by the cloud host in a way that is inconsistent with the Victorian IPPs (and HPPs if relevant). Before engaging with cloud services, MAV ensures that the cloud hosts who would receive the information are subject to laws and/or binding contractual arrangements that provide similar protections to that afforded under the PDPA (or HRA if relevant).

Sensitive Information (IPP 10)

Sensitive information is defined by the PDPA as the following types of information, where it is also personal information:

- Criminal record
- Racial or ethnic origin;
- Political opinions or membership of a political association;
- Religious beliefs or affiliations, or philosophical beliefs;
- Membership of a professional or trade association, or of a trade union;
- Sexual preferences or practices.

MAV will not collect sensitive information except where the person whose information it is has consented, or it is required or authorised by law to do so; or in other circumstances prescribed in the PDPA.

Transfer or closure of a Health Service conducted by MAV (HPP 10)

Health information relating to a discontinued MAV health service will be managed in accordance with the HRA.

Making information available to another health service provider (HPP 11)

The MAV will provide a copy, or written summary, of health information in its possession where it is requested in writing by the individual, or by a health service provider authorised by the individual.

MAV websites

The MAV manages a number of different websites to carry out its activities. The following privacy statement applies when you interact with our websites.

Links to other websites

This privacy statement does not apply to other websites we may link to. We recommend you read the relevant privacy statement when you access another site.

Anonymous access to our sites

You can browse our websites anonymously, without disclosing your personal information.

Collection and use of personal data

The MAV's various websites only collect or record personal information you choose to provide through our [Contact Us](#) section, subscription to various newsletters, initiatives or program updates, or online applications etc.

Collection and use of site visit data

Cookies

Cookies are data files that are placed on a device when it is used to visit a website. For the most part they are sessional and just contain system-generated values to identify the user's session for statistical and system administration purposes only. Cookies are used on our sites, but they do not collect any personal information.

You can control the extent to which your device allows cookies to be set on it, by changing the settings on your browser software (i.e. Chrome, Firefox or Internet Explorer). For example, depending on which browser your device uses, you may be able to disable third party cookies. If you configure your settings to disable session and certain persistent cookies, you may find that the websites you visit have only limited functionality.

You can also control the extent to which you receive tailored advertising facilitated by cookies by changing your settings on the websites on which you receive tailored advertising. For example, you can disable tailored advertising on social media sites like Facebook by changing the settings on your account.

Please note that it may be necessary for you to 'opt out' separately from each device you use to access online content.

The website www.youonlinechoices.com.au also allows you to 'opt out' of some tailored advertising and provides further information about how tailored advertising works.

Opting out of cookies may not necessarily remove all advertising from pages you visit. Rather, it may mean that the ads you see will not reflect your interests.

Clickstream data

Clickstream data refers to visitor logs and statistics that provide useful information about users' online experience without identifying individuals. We collect the following clickstream data for statistical and system administration purposes:

- Your server (or IP) address
- The day and time you visited the site
- The pages you visited on our site
- The address of the last page you visited
- The operating system you are using
- Rough geographic location (down to the city)
- Internet service provider (e.g. Telstra)
- The type of browser and version you are using.

To the extent that this data could make you identifiable, we will not attempt to identify individuals from the clickstream data unless required by law or to investigate improper activity in relation to our websites.

Google Analytics

In addition to web server logs, our websites use Google Analytics, a web analytics service provided by Google Inc. (Google). Reports obtained from Google Analytics are used to help improve the efficiency and usability of our websites.

Google Analytics uses cookies to help analyse how users use our websites. The information generated by the cookie about this (including IP addresses) will be transmitted to and stored by Google on servers around the world.

Google Analytics Advertising Features used include:

- Ad Words
- Remarketing with Google Analytics
- Google Analytics Demographics and Interest Reporting.

Google will use this information for the purpose of evaluating the use of our websites, compiling reports on website activity for site operators and providing other services related to website activity and internet usage. Google may transfer this information to third parties where required to do so by law, or where such third parties process information on Google's behalf. Google will not associate user IP addresses with any other data held by Google.

You can 'opt out' of the collection of information via Google Analytics by downloading the Google Analytics Opt-Out Browser Add On, however please note that if you do this you may not be able to use the full functionality of the websites.

Information Regarding Your Social Networking Services (SNS)

If Facebook, Twitter, or other SNS account information is used to log in and/or authenticate with a MAV website, then MAV will collect and store a unique user ID provided by the SNS.

MAV website users can choose to log in and/or authenticate with a SNS, such as Facebook. To do so, users will provide account credentials (typically username and password) for their SNS. The SNS will then provide the MAV with a unique user ID which the MAV can use to identify an individual on its websites. The MAV will retain this user ID, keep it private and use it to identify the individual and enable their access to features on the websites. The MAV will not access or collect any information from the SNS profile.

MAV encourages people using SNS in this fashion to read the privacy policies and other statements of the SNS being used.

Remarketing Services (Applies to What's On website)

The MAV uses remarketing services (sometimes called interest-based advertising) to show relevant content on sites across the internet to previous visitors to our websites and newsletter subscribers. These services allow us to tailor our advertising and marketing content so that it is relevant and suits users' needs. This is done using browser cookies, pixels and related technologies that identify whether the computer or mobile device being used has previously interacted with particular web pages, web services or advertisements. Only non-personal information is collected. The MAV uses Google, Facebook and Exponential to collect this information on its behalf. Users can 'opt-out' at any time by visiting www.aboutads.info/choices

Third Parties

The personal information which provided for publication (in say an event listing) will appear on the MAV website/s. It may also be disclosed to a MAV contracted service provider who has been engaged to maintain these lists or to other relevant organisations.

Security of your personal data

While the MAV takes all steps to ensure personal information is kept secure, there are risks in transmitting information across the Internet. In addition to online contact, the MAV can be contacted by telephone on 9667 5555 or by mail at GPO Box 4326, MELBOURNE VIC 3001.

Privacy Complaints

If an individual is dissatisfied with MAV's management of their personal or health information, they may make a complaint to to the MAV's Privacy Officer:

By post: GPO Box 4326 Melbourne VIC 3001
By phone: (03) 9667 5555
By e-mail: reception@mav.asn.au

A formal privacy complaint may be made verbally or in writing. If it is not possible for the complainant to lodge their complaint in writing, or they do not wish to do so, a record of complaint will be made by the staff member who receives the verbal complaint and forwarded to the Information Privacy Officer.

The complaint must:

- include complainant contact details;
- give particulars of the act or practice complained, and
- relate to an alleged breach of one or more of IPPs or HPPs.

The complainant may also wish to include what impact this has had and the outcome they are seeking.

Complaints made after an extended time lapse after the incident may not be able to be investigated, due to the difficulty in obtaining reliable evidence.

A complaint will be investigated by the MAV in a timely, fair and reasoned way and a written response will be provided. All complaint details will be handled with discretion and confidentiality.

Alternatively, people can complain to:

The Office of Victorian Information Commissioner, regarding personal information online or via email: www.ovic.vic.gov.au or privacy@cpdp.vic.gov.au or telephone 1300 006 842 or the Health Complaints Commissioner regarding health information, telephone 1300 582 113 or via www.hcc.vic.gov.au.