



Ararat Rural City

# Privacy Policy



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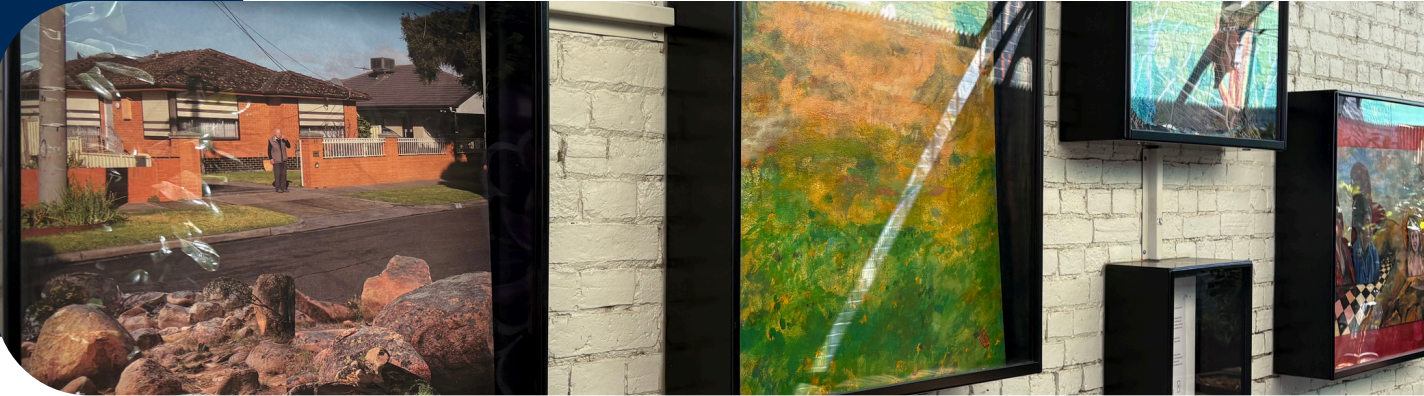


Ararat Rural City

# Acknowledgement of Traditional Owners

Ararat Rural City Council acknowledges the Traditional Owners of the land on which we live and work, the Eastern Maar, Barengi Gadjin (the Wotjobaluk, Jaadwa, Jadawadjali, Wergaia, and Jupagulk peoples of the Wotjobaluk Nations), and Wadawurrung peoples, and recognise their connection to the land and waterways. We pay our respects to their elders, past, present and emerging, and to all Aboriginal and Torres Strait Islander people.





## 2. Purpose

Ararat Rural City Council (Council) considers the protection of an individual's privacy to be an integral part of its commitment to accountability and integrity. The purpose of this Policy is to outline Council's framework for the responsible and fair handling of personal and health information.

Specifically, this Policy aims to:

- Promote public confidence by explaining how Council collects, holds, uses, and discloses personal and health information.
- Help employees understand their obligations to prevent the unnecessary collection or unlawful use of information.
- Ensure Council balances its Public Transparency Principles under Section 58 of the Local Government Act 2020 with the protection of confidential information.
- Outline the processes for individuals to request access to, or correction of, their information, primarily through the Freedom of Information Act 1982.
- Provide a clear pathway for individuals to lodge a complaint regarding suspected breaches of privacy.
- Ensure Council manages privacy and information in accordance with relevant legislation, notably the Privacy and Data Protection Act 2014, Health Records Act 2001, Charter of Human Rights and Responsibilities Act 2006, Freedom of Information Act 1982 and Public Records Act 1973.
  - Specifically, this Policy ensures Council's compliance with the Information Privacy Principles (IPPs) set out in the Privacy and Data Protection Act 2014 and the Health Privacy Principles (HPPs) set out in the Health Records Act 2001.



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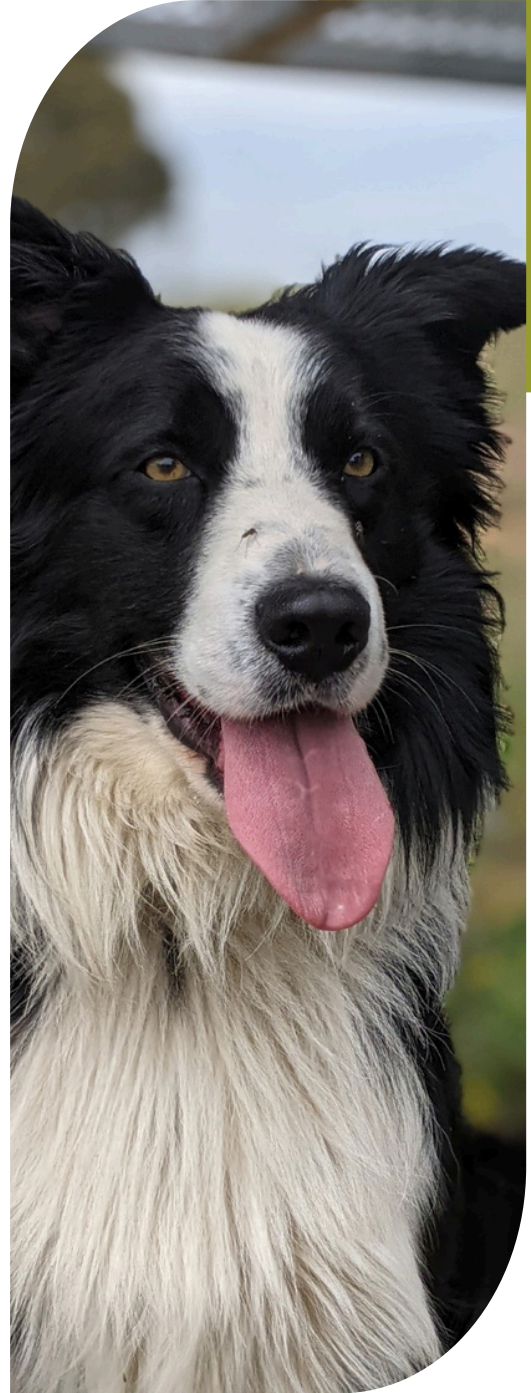




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## 3. Scope

This Policy applies to all Councillors, employees, volunteers, and contractors of Ararat Rural City Council. It covers all personal and health information held by Council, including information collected directly from individuals or sourced from third parties, regardless of the format (written, electronic, or visual such as CCTV).





# 4. Definitions

Term	Definition
Council	Ararat Rural City Council
Confidential Information	Any information, record, or data held by Council that is subject to legal non-disclosure requirements under Victorian statute. This term encompasses the prescribed meaning by Section 3 of the Local Government Act 2020 which covers matters of commercial, legal, and safety sensitivity.
Health Information	Defined by the Health Records Act 2001 as personal information or an opinion collected by Council regarding: <ul style="list-style-type: none"><li>• Health Status: An individual's physical, mental, or psychological health or disability (past, present, or future).</li><li>• Service Provision: Information about health services provided, or to be provided, to an individual, including their expressed wishes for future care.</li><li>• Associated Data: Any personal information collected in the course of providing a health service (such as maternal and child health or aged care services).</li><li>• Genetic &amp; Organ Data: Genetic information that may predict future health outcomes, or information related to organ and tissue donation.</li><li>• Exclusions: This definition excludes any information specifically prescribed as exempt under the Act.</li></ul>
HPPs	Health Privacy Principles, as described in the Health Records Act 2001.
IPPs	Information Privacy Principles as described the Privacy and Data Protection Act 2014.
NDB Scheme	Notifiable Data Breaches Scheme
Personal Information	Defined by Privacy and Data Protection Act 2014 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'.
Primary Purpose	The original reason information was collected.
Secondary Purpose	A purpose other than the primary purpose information was collected.

Term	Definition
Sensitive information	<p>Sensitive is a subset of personal information, it is defined in the Privacy and Data Protection Act 2014 as information or an opinion about an individual's:</p> <ul style="list-style-type: none"> <li>(a) racial or ethnic origin; or</li> <li>(b) political opinions; or</li> <li>(c) membership of a political association; or</li> <li>(d) religious beliefs or affiliations; or</li> <li>(e) philosophical beliefs; or</li> <li>(f) membership of a professional or trade association; or</li> <li>(g) membership of a trade union; or</li> <li>(h) sexual preferences or practices; or</li> <li>(i) criminal record</li> </ul> <p>that is also personal information</p>
Unique Identifier	<p>A unique identifier (IPP) and an identifier (HPP) is a number, letter, or symbol assigned to an individual to assist with identification. In this document both will be referred to as 'unique identifier'.</p>



# 5. Policy

Council believes that the responsible handling of personal information is a cornerstone of democratic governance and transparent service delivery. We are strongly committed to protecting an individual’s right to privacy.

To ensure this, Council maintains full compliance with the Privacy and Data Protection Act 2014 and the Health Records Act 2001. We manage all personal and health information in strict accordance with the 10 Information Privacy Principles (IPPs) and 11 Health Privacy Principles (HPPs), ensuring that data is collected, handled, and stored with the highest level of integrity. As such this Policy is structured as per the IPP’s and HPP’s as described below.

IPP	HPP
Principle 1 - Collection	Principle 1 - Collection
Principle 2 – Use and Disclosure	Principle 2 – Use and Disclosure
Principle 3 – Data Quality	Principle 3 – Data Quality
Principle 4 – Data Security	Principle 4 – Data Security and Data Retention
Principle 5 – Openness	Principle 5 – Openness
Principle 6 – Access and Correction	Principle 6 – Access and Correction
Principle 7 - Unique Identifiers	Principle 7 - Identifiers
Principle 8 - Anonymity	The original reason information was collected.
Principle 9 – Transborder Data Flows	A purpose other than the primary purpose information was collected.
Principle 10 – Sensitive Information	Principle 10 – Transfer or closure of the practice of a health service provider
	Principle 11 – Making information available to another health service provider

## 5.1 Collection (IPP & HPP 1)



Council will only collect personal information that is necessary for its functions and activities or required to under legislation. This includes, but is not limited to service delivery, civic administration, public safety (such as operating CCTV in public places) and community engagement. When creating a project that requires data collection Council will use a Privacy Impact Assessment (PIA) (link available in 'Other References' section - OAIC nd). The PIA ensures that only information that is necessary to the project is collected, and that the management of the information is properly considered prior to the acquisition of data.

### 5.1.1 Methods of Collection

Council will collect information only by lawful and fair means and not in an unreasonably intrusive way. Information may be collected either directly from the individual, via official forms (digital or paper), correspondence (email/letter), or during face-to-face or telephone interactions, or indirectly from third parties, such as statutory authorities, legal representatives, or contracted service providers, but only where the individual has consented or where direct collection is not reasonable or practicable.

Council will not collect sensitive information or health information unless:

- The individual has provided explicit consent; or
- The collection is required or authorized by law (under the Health Records Act 2001); or
- The collection is necessary to prevent or lessen a serious and imminent threat to the life or health of any individual.

Council recognizes the vulnerability of children and will generally seek the consent of an authorised representative (such as a parent or guardian) before collecting personal information of a child under the age of 18. Council may however, exercise discretion where:

- Obtaining parental consent would hinder the delivery of essential services; or
- The young person is deemed to have sufficient maturity to understand the nature of the collection and provide their own informed consent.



## 5.1.2 Privacy Statement

Where practical a statement outlining Council's position on the handling of personal and health information will be used at all points of collection and all outgoing correspondence that may require personal information. This applies to hardcopy and electronic communication. This statement could be provided in a form similar to the following:

*"Ararat Rural City Council is committed to protecting your privacy. The Personal and/or Health Information collected by Ararat Rural City Council is used for [insert municipal purposes]. The Personal and or Health Information will be used solely by Council for these purposes or directly related purposes. Council may disclose this information to other organisations if required by legislation. The applicant understands that Personal and/or Health Information provided is for the above purpose and that he or she may apply to the Council for access to and/or amendment of the information. Requests for access and/or correction should be made to the Privacy Officer, Ararat Rural City Council, PO Box 246, Ararat Vic 3377. Phone: 5355 0261. Email: council@ararat.vic.gov.au"*

## 5.2 Use and Disclosure (IPP & HPP 1)

Council will only use or disclose information for the primary purpose for which it was collected, unless a permitted exception applies for a secondary purpose as outlined below:

- the secondary purpose is related to the primary purpose of collection, or
- an individual would reasonably expect disclosure of the information for a secondary purpose; or
- an individual has consented to the use or disclosure; or
- the use of the information is required for research, analysis of statistics, in the public interest, other than for publication in a form that identifies any individual (if it is impracticable for Council to seek an individual's consent for disclosure); or
- Council reasonably believes that the use or disclosure is necessary to lesson or prevent:
  - a serious or imminent threat to an individual life, health, safety or welfare, or that of the public; or
  - a serious threat to public health, public safety or public welfare; or
- Council has reason to suspect that unlawful activity has been, is being or may be engaged in, and uses or discloses personal information as a necessary part of its investigation of the matter or in reporting its concerns to relevant persons or authorities; or
- The use and disclosure is required by Law Enforcement Agencies including ASIO and ASIS; and make a written record of the use or disclosure.

Family violence information sharing: Council may collect, use and disclose personal and/or health information where it is permitted or required to do so to assess or manage family violence risk, or to promote the safety of a person, in accordance with applicable Victorian family violence legislation (including the Family Violence Protection Act 2008 (Vic)) and any associated information sharing schemes. In these circumstances, Council will only share information that is relevant and necessary for the purpose, and will make and retain an appropriate written record of the collection, use or disclosure.

In all instances where information is used or disclosed for a secondary purpose Council will make a formal written record of the use or disclosure and store this record within Council's official Document Management System.

Internal use of information by Council staff and Councillors consists of activities such as:

- Searching electronic or physical records to provide customer service.
- Using personal data to make administrative decisions or process payments.
- Integrating data into Council's centralized databases to ensure service continuity.

Council may disclose information to external organisations such as contracted service providers and statutory authorities and agencies, to fulfill its functions.

## 5.3 Data Quality (IPP & HPP Principle 3)

Council will take reasonable steps to ensure that personal and health information is relevant and to the extent necessary, accurate, complete and up to date for the purpose for which it is to be used.



## 5.4 Data Security and Data Retention (IPP & HPP 4)

Council is committed to safeguarding the personal and health information it holds, utilising a combination of technology, policy, and physical security to protect data from unauthorized activity.

Council will take all reasonable steps to ensure that personal and health information—regardless of the format (electronic or paper)—is protected from:

- Unauthorised access and alteration
- Improper use
- Unlawful or accidental destruction or loss

Council will not hold personal or health information for longer than is necessary and manages the retention and disposal of records in accordance with the Public Records Act 1973, Health Records Act 2001 and Public Records of Victoria (PROV) Standards and Retention and Disposal Authorities (PROV, 2024).

Specifically, in accordance with HPP 4.2 of the Health Records Act 2001, Council will not delete health information unless at least 7 years have passed since the last service was provided (or until the individual attains 25 years of age for records collected during childhood).

Council aligns its security practices with the Victorian Protective Data Security Framework (VPDSF) ((OVIC, 2024 ) and the Victorian Protective Data Security Standards (VPDSS)(OVIC, 2026). Council endeavors to exceed its requirements under Part 4 of the Privacy and Data Protection Act 2014 when implementing the 12 standards established by the VPDSS on the protection of public sector information.

If Council becomes aware of a data breach or that an individual's information has been inappropriately handled, it will, in line with the Office of the Australian Information Commissioners (OAIC) advice (OAIC, 2025):

- Contain the data breach to prevent any further compromise of personal information.
- Assess the data breach by gathering the facts and evaluating the risks, including potential harm to affected individuals and, where possible, taking action to remediate any risk of harm.
- Notify individuals and the Commissioner if required. If the breach is an 'eligible data breach' under the NDB scheme, it may be mandatory for the entity to notify.
- Review the incident and consider what actions can be taken to prevent future breaches.

## 5.5 Openness (IPP & HPP 5)

Council's Privacy Policy is available to the public on the Council website. The policy details the Council's management of personal and health information.

On request by an individual, Council will take reasonable steps to inform that person, in general terms of what information it holds on the individual, for what purpose this information is held and how the information is collected, held, used and disclosed.

## 5.6 Access and Correction (IPP & HPP 6)

Individuals whose information has been collected may contact Council for access to that information. Access will be provided except in the circumstances outlined in the Privacy and Data Protection Act 2014, Health Records Act 2001 or the Freedom of Information Act 1982 applies. For personal information this will be assessed according to the information sharing flowchart (OVIC, 2020) Appendix A of this document.

If it is established that information held by Council is inaccurate, incomplete, misleading, or not up to date, Council will take reasonable steps to correct the information.

Council will provide written reasons for refusal of access to, or refusal to correct health information.

If a request for access is denied, Council will provide written reasons for the refusal. The process for requesting access to personal & health information held by Council will be handled in accordance with the Freedom of Information Act 1982 and addressed to the:

**Freedom of Information Officer,  
Ararat Rural City Council,  
PO Box 246, Ararat 3377.  
foi@ararat.vic.gov.au**

Ararat Rural City Council remains committed to protecting individual privacy and ensures that any personal or health information is managed in accordance with the relevant Acts.

## **5.7 Unique Identifiers (IPP & HPP 7)**

Council will only assign its own unique identifier to an individual if the assignment is reasonably necessary to carry out its functions and activities effectively.

Council will not adopt as its own unique identifier any unique identifier that has been assigned to an individual by another government agency or organisation.

Council will not use or disclose a unique identifier assigned to an individual by another government agency unless the consent of the individual has been obtained, or if the use or disclosure is required or authorized by law.

In accordance with the Health Records Act 2001, Council will not require an individual to provide a unique identifier in order to obtain a service unless that provision is required by law or is directly connected to the purpose for which the unique identifier was originally assigned.

## **5.8 Anonymity (IPP & HPP 8)**

Council must, whenever it is lawful and practicable, give individuals the option of not identifying themselves when supplying information or entering into transactions with Council.

Anonymity may limit Council's ability to process a complaint or another matter; Council reserves the right to take no action on any matter where an individual has chosen not to supply relevant personal information so that Council can adequately perform its functions.

Where an individual chooses to remain anonymous, Council will still adhere to the privacy principles for any information that is collected. If identification is required by law for a specific transaction or function, Council will inform the individual of the necessity to provide their details and the consequences of not doing so.

## 5.9 Transborder Data Flows (IPP & HPP 9)

Council may transfer personal and/or health information about an individual to someone (other than the organisation or the individual) who is outside Victoria only when the data transfer conforms with the Privacy and Data Protection Act 2014 and/or the Health Records Act 2001.

This transfer of information may occur in limited circumstances, such as:

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 similar to the IPPs; or

- The individual consents to the transfer; or
- The transfer is necessary for the performance of a contract between the individual and Council; or
- The transfer is for the benefit of the individual; or
- It is impracticable to obtain the consent of the individual to that transfer, and the individual would be likely to give consent; or
- The information transferred will not be held, used or disclosed by the recipient of the information inconsistently with the IPPs.



## 5.10 Sensitive Information (IPP & HPP 10)

Council will not collect sensitive information unless:

- The individual has provided explicit consent; or
- The collection is required or authorised by law; or
- The collection is necessary for the establishment, exercise, or defence of a legal or equitable claim; or
- The collection is necessary to prevent serious or lessen a serious and imminent threat to the life or health of any individual, where the individual whom the information concerns:
  - Is physically or legally incapable of giving consent to the collection; or
  - Physically cannot communicate consent to the collection

Council may also collect sensitive information if it is necessary for research or the compilation of statistics relevant to government-funded targeted welfare or educational services, provided there is no reasonably practicable alternative, and it is impracticable to seek the individual's consent.



## 5.11 Transfer or closure of the practice of a health provider (HPP 10)

If Council discontinues the delivery of a health service it will manage all health information in accordance with the Health Records Act 2001. Notice of the closure to past service users will be provided directly and by way of a notice in the local newspaper.

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

Council will make health information relating to an individual available to another health service provider if requested to do so by the individual. this will be done in accordance with the Health Records Act 2001, Council will. Council reserves its right to charge a fee for this service in accordance with the Health Records Regulations 2012.





# External Contractors and Outsourced Services

Where an external contractor deals with personal information on behalf of the Council, they will be required to comply with the relevant legislation, notably the Privacy and Data Protection Act 2014 or the Health Records Act 2001.

Council acknowledges it remains liable for a contractor's interference with privacy unless an enforceable contract is in place.



## 6. Complaints

If any persons feel aggrieved by Council's handling of personal information or health records about themselves, they may make a complaint to:

**Privacy Officer**

**Ararat Rural City Council**

**PO Box 246, Ararat Vic 3377**

**Phone: 5355 0200.**

**Email: [council@ararat.vic.gov.au](mailto:council@ararat.vic.gov.au)**

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 privacy complaint to Office of the Victorian Information Commissioner or the Health Complaints Commissioner using the appropriate forms downloaded from their websites: Commissioners may decline to hear the complaint if it has not first been made to Council).

**Office of the Commission of Information  
Commissioner (OVIC)**

See more at:

<https://ovic.vic.gov.au/privacy/for-the-public/privacy-complaints/>

Telephone: 1300 006 842

Email: [enquiries@ovic.vic.gov.au](mailto:enquiries@ovic.vic.gov.au)

Or post to: PO Box 24274, Melbourne Vic  
3001

**Health Complaints Commissioner**

See more at:

<https://hcc.vic.gov.au/make-complaint>

Telephone: 1300 582 113



## 7. Review

This policy must be reviewed at least once during each 4-year term of the Council, or as dictated by changes in state or federal legislation.

## 8. Administrative Updates

It is recognised that, from time to time, circumstances may change leading to the need for minor administrative changes to this document. Where an update does not materially alter this document, such a change may be made administratively. Examples include a change to the name of a Council department, a change to the name of a Federal or State department, and a minor update to legislation which does not have a material impact. However, any change or update which materially alters this document must be by resolution of Council.



## 9. Human Rights Statement

It is considered that this policy is compatible with the relevant human rights identified in the Charter of Human Rights and Responsibilities Act 2006.

Council has reviewed this policy and determined that it does not impact negatively on any rights identified in the Charter. The responsible and fair handling of personal and health information is a key component of protecting an individual's right to privacy, which is a fundamental human right.

## 10. Gender Equality

It is considered that this policy is compatible with the relevant gender equality principles identified in the Gender Equality Act 2020.

# 11. References and Related Documents

## Legislation: Federal

Privacy Act 1988 (Cth).

## Legislation: State

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

Family Violence Protection Act 2008 (Vic).

Freedom of Information Act 1982 (Vic).

Gender Equality Act 2020 (Vic).

Health Records Act 2001 (Vic).

Health Records Regulations 2012 (Vic).

Local Government Act 2020 (Vic).

Privacy and Data Protection Act 2014 (Vic)

Public Records Act 1973 (Vic).

## Standards and Guidelines

OVIC (Office of the Victorian Information Commissioner) (2024). Victorian protective data security framework v2.1. Victoria State Government. [www.ovic.vic.gov.au](http://www.ovic.vic.gov.au), accessed 5 January 2026.

OVIC (Office of the Victorian Information Commissioner) (2026). Victorian Protective Data Security Standards v2.0. Victoria State Government. [www.ovic.vic.gov.au](http://www.ovic.vic.gov.au), accessed 5 January 2026.

## Council Related Policies & Procedures

Public Transparency Policy 2025.

## Other References

OAIC (Office of the Australian Information Commissioner) (2025). Part 3: Responding to data breaches – four key steps. [online]. Australian Government. Available at: [www.oaic.gov.au/privacy/privacy-guidance-for-organisations-and-government-agencies/preventing-preparing-for-and-responding-to-data-breaches/data-breach-preparation-and-response/part-3-responding-to-data-breaches-four-key-steps](http://www.oaic.gov.au/privacy/privacy-guidance-for-organisations-and-government-agencies/preventing-preparing-for-and-responding-to-data-breaches/data-breach-preparation-and-response/part-3-responding-to-data-breaches-four-key-steps). Accessed 6 January 2026.

OVIC (Office of the Victorian Information Commissioner) (2020). Privacy Considerations for Local Government. [online]. Victoria State Government. Available at: [www.ovic.vic.gov.au/privacy/resources-for-organisations/local-government-and-privacy/](http://www.ovic.vic.gov.au/privacy/resources-for-organisations/local-government-and-privacy/). Accessed 5 January 2026.

OVIC (Office of the Victorian Information Commissioner) (nd). Privacy Impact Assessment Tool. [online]. Victoria State Government. Available at: [www.oaic.gov.au/privacy/privacy-guidance-for-organisations-and-government-agencies/privacy-impact-assessments/privacy-impact-assessment-tool](http://www.oaic.gov.au/privacy/privacy-guidance-for-organisations-and-government-agencies/privacy-impact-assessments/privacy-impact-assessment-tool). Accessed 5 January 2026. [[Privacy impact assessment tool](#) | [OAIC](#)]

PROV (Public Record Office Victoria) (2024). Retention and disposal authorities (RDAs). [online]. Victoria State Government. Available at: [www.prov.vic.gov.au/recordkeeping-government/how-long-should-records-be-kept/retention-and-disposal-authorities-rdas](http://www.prov.vic.gov.au/recordkeeping-government/how-long-should-records-be-kept/retention-and-disposal-authorities-rdas). Accessed 5 January 2026.

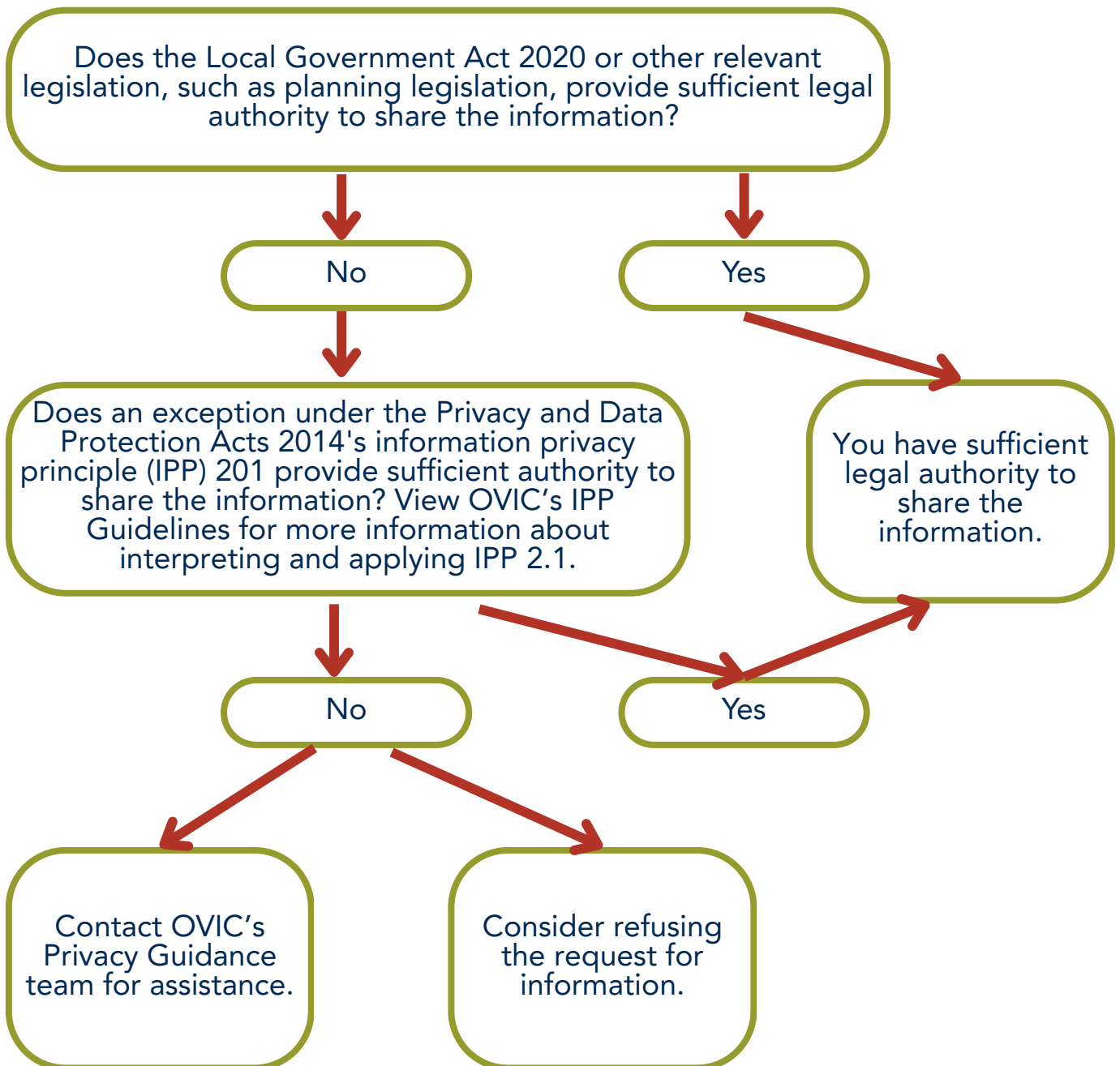


# Appendices



# Appendix A

## Information Sharing Flowchart





Ararat Rural City





# Contact Us

Ararat Rural City Council

59 Vincent Street,  
Ararat, Victoria, Australia 3377

Ph: (03) 5355 0200

Email: [council@ararat.vic.gov.au](mailto:council@ararat.vic.gov.au)

