

PRIVACY

Strategic policies/procedures provide a framework for consistent application and interpretation of matters by Wimmera CMA. Strategic Policies / Procedures are not intended to be applied inflexibly in all circumstances individual circumstances may require a modified application.

Background

This policy replaces the previous operational policy for Privacy.

It was developed for the CMA network by GHCMA as part of the CMA centralised compliance project. The basis for this policy has been developed in conjunction with consultants at Votar Partners Pty Ltd.

Purpose

The purpose of this policy is to outline how Wimmera CMA collects, uses, discloses, stores, secures and disposes of Personal Information, in accordance with the Victorian Information Privacy Principles (IPPs), the Privacy and Data Protection Act 2014 (Vic) (the PDP Act) and, where applicable, the Privacy Act 1988 (Cth) and the Health Privacy Principles (the HPPs) which are similar to the IPPs in the PDP Act.


This policy also establishes:

- Standards for the release of personal information relating to Board Members, executives, employees, contractors and members of Board Committees of the Wimmera CMA;

A form for approval of release of personal information for web sites, annual reports, media releases, business cards, etc.

Policy Statement

At Wimmera CMA, we are proud to be committed to the highest standards of public service in overseeing land and water resources in the Wimmera region of Victoria. This is our function. In doing this we are also committed to preserve and uphold the privacy of individuals with whom we interact.

Approved by Management Team	
CEO Signature	Meeting Date:
	10/04/2024

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Application of Policy

This policy applies to all Board members, members of Board Committees, employees of and contractors to Wimmera CMA.

Wimmera CMA is strongly committed to protecting the privacy of individuals.

Wimmera CMA will only ever collect, use, disclose, store, secure and dispose personal information about employees and other individuals in accordance with the *Privacy and Data Protection Act 2014 (Vic)* and the *Health Records Act 2001 (Vic)*, which regulate the collection, use and disclosure of personal information.

Background of Privacy Policy

Personal Information

Information or an opinion, whether true or not, and whether recorded in a material form or not, about an identified individual, or an individual who is reasonably identifiable.

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.

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The following types of information we may collect which 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
- Address
- Tax File 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
- A performance appraisal report on an employee

Sensitive Information

This includes Information relating to a person’s racial ethnic origin, political opinions, religion, trade union or other professional or trade association membership, sexual preferences or criminal record, that is also personal information; and health information about an individual.

Uses of Personal Information

In the course of managing land and water resources Wimmera CMA also performs specific functions that may involve personal information.]

Oversight of information privacy

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

The Chief Executive Officer (CEO) has appointed a Privacy and Data Protection Officer who is responsible for overseeing privacy compliance within the Authority, responding to requests for access to and correction of information and managing any complaints about Wimmera CMA’s handling of personal information.

The Privacy and Data Protection Officer’s details are as follows:

Nicole Netherway
Business Manager
Wimmera CMA
24 Darlot Street
HORSHAM VIC 3400
+61 3 53821544
nicole.netherway@[wcma.vic.gov.au](mailto:nicole.netherway@wcma.vic.gov.au)

For more information about your privacy rights see <https://ovic.vic.gov.au>

Commented [NN1]: Is this reference correct?

Commented [AS2R1]: This would cover off on documents such as the Environmental Tenders and Board member claims and payments etc.. Details include the names, ABN No.'s and banking details of the applicant

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General principles of collection

Wimmera CMA will 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.

Where practical Wimmera CMA will make processes available to interact with the CMA anonymously or with a pseudonym.

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. Wimmera CMA does not normally collect such information. Wimmera 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. Where such information is collected it will be dealt with in accordance with the *Health Records Act 2014* (Vic).

General principles of use and disclosure

Wimmera CMA will explain how information is to be used at the time that it is collected.

Personal information will only be disclosed as required or permitted by law.

If Wimmera 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 will be required by Wimmera CMA to use the information only for the specific purposes for which it is supplied to them.

Transborder flows

Wimmera CMA will ensure that if it sends personal information outside Victoria, it remains subject to privacy protections. Wimmera CMA will first have confirmed that the recipient is subject to (and accepts that it is subject to) an Australian state, territory, or Commonwealth privacy law; or is subject to contract that imposes protections equivalent to the IPPs; or that particular provisions under the Victorian IPPs apply. This is particularly important when considering the use of cloud providers who are hosted overseas.

Standards for release of personal information relating to CMA leaders

Board members, Board committee members, and employees will be requested on appointment to consent in writing to the limited release of personal information.

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

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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

General principles of access

Both the *Freedom of Information Act 1982* and privacy legislation enable individuals to access personal information held by the Authority. Wimmera CMA has a culture of openness and transparency and will 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*.

Where access is denied, Wimmera CMA will 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 (FOI)

Wimmera CMA may charge an individual prescribed fees (e.g. Application and access fees as determined by government regulations – refer www.foi.vic.gov.au) for providing access to personal information under this Act. Persons applying for access to personal information will be informed in advance of the applicable fee/s.

Data quality

Wimmera CMA takes 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.



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

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

Security

Wimmera CMA has in place security controls to protect the Personal Information we hold from misuse, loss, unauthorised access, modification or disclosure through physical and electronic access controls, monitoring and technical controls.,

Only those employees who need to know the relevant information in order to do their work have access to the personal information we hold. CMA employees are required, under their contract of employment, to keep personal information confidential.

De-identification

Where possible, we de-identify data when meeting our internal and external reporting obligations.

Disposal

We securely destroy your Personal Information when we are legally permitted, in accordance with the *Public Records Act 1973* and applicable [Retention & Disposal Authorities](#) issued by Public Record Office Victoria.

Training

Wimmera CMA requires all staff to undergo regular privacy awareness training as part of their annual work plan review. This can be part of our online training program or face to face.

The CMA's website

Wimmera 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 Wimmera 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. Wimmera 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.

Data Breach

In the event that Wimmera CMA experience a data breach; whereby personal information held by Wimmera CMA is accessed or disclosed in a way that it should not have been. (lost, stolen, given to the wrong person) the Privacy and Data Protection Officer - being the Business Manager or CEO, must be immediately advised. They should then immediately undertake the following actions in accordance with the process below;

Commented [NN3]: Do we use cookies? What information do we collect?

Commented [KW4]: What you have here is correct. Specifically we can see number of users, number of times a page is viewed, gender, age, what they access on our website, and how long they stay on a page.

We also have youtube videos showing on our website. YouTube uses cookies for personalising the users video suggestions and ads. We do not collect or see this cookie information, but it's collected through our website. So I don't think it technically counts.

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1. Contain the incident
2. Assess the risk of harm
3. Notify the impacted parties of the breach
4. Reviewing the incident to prevent future incidents of a similar nature occurring

At any point in time, where the response is not clear, or the potential harm is identified as significant, the incident should be reported to OVIC and advice sought as to the appropriate action.

Complaints or Questions About Privacy

Complaints or questions about privacy should be referred to the CMA's Privacy and Data Protection Officer.

Individuals also may complain to the [Office of the Victorian Information Commissioner](#) (OVIC).

Wimmera CMA will cooperate with OVIC Privacy Commissioner or Health Services Commissioner in any investigation, mediation or conciliation.

Other Relevant Documents:

Records Management Policy
Public Interest Disclosure Policy
Directors' & Employees' Code of Conduct
Privacy & Data Protection Act 2014 (Vic)
Health Records Act 2001 (Vic)
Public Records Act 1973 (Vic)
Freedom of Information Act 1982
Charter of Human Rights 2006
Privacy Amendment (Private Sector) Act 2000

Office of the Victorian Information Commissioner <http://www.ovic.vic.gov.au>

End.



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Attachment 1 - Information Release Authorisation

The completion and signing of this form indicate the information that you consent to be released by Wimmera CMA in the course of your employment.

If at any time this changes, this needs to be advised in writing.

I, (name) _____ authorise Wimmera CMA to provide the following information for use in accordance with the PRIVACY POLICY.

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 / COMMITTEE MEMBERSHIP:

Signed:

.....

Witnessed:

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Date:

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