



PRIVACY AND DATA PROTECTION POLICY

This policy and any subsequent amendments are issued pursuant to the Mallee Catchment Management Authority Board Charter of Corporate Governance.

Metadata

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Distribution / Communication	<input checked="" type="checkbox"/> MCMA website	<input type="checkbox"/> Our-Space	<input type="checkbox"/> Electronic version	<input type="checkbox"/> Other

1. Purpose

The aim of this policy is to provide both employees and the public with a clear statement outlining how Mallee CMA collects, uses, discloses, stores, secures and disposes of Personal Information, in accordance with the Victorian Information Privacy Principles, the *Privacy and Data Protection Act 2014* (PDP Act) and, where applicable, the *Privacy Act 1988* 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 Directors, employees, contractors and members of Advisory Groups and Board Committees of Mallee CMA
- A form for approval of release of personal information for web sites, annual reports, media releases, business cards, etc.

2. Application

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

Mallee CMA is strongly committed to protecting the privacy of individuals and will only ever collect, use, disclose, store, secure and dispose personal information about employees and other individuals in in accordance with the *Privacy and Data Protection Act 2014* and the *Health Records Act 2001*, which regulate the collection, use and disclosure of personal information.

3. Roles and Responsibilities

Who	Activity
Mallee CMA	<p>In the course of conducting normal business activities, Mallee CMA collects, records, maintains and uses personal information in relation to its employees and other stakeholders.</p> <p>At or before the time (or, if not practicable, as soon as practicable after) Mallee CMA collects personal information from the individual, Mallee CMA will take reasonable steps to ensure that the individual is aware of:</p> <ul style="list-style-type: none"> • the identity of Mallee CMA and contact details • why the information is required and what the intended use of the information is • what law, if any, allows them to ask for the information • who else, if any, will have access to the information • what will happen if the information is not provided; and • how the information can be viewed by the individual and corrected it if it is wrong or needs updating. <p>Personal information will be collected by lawful and fair means. Mallee CMA will not collect unnecessary personal information or collect medical information without prior consent.</p> <p>Mallee CMA will protect personal information from misuse, loss, unauthorised access, modification, or disclosure.</p> <p>Other than as permitted by law, Mallee CMA will not disclose or use personal information for any purpose other than that for which the information is collected.</p>
Privacy and Data Protection Officer (CFO)	Overseeing privacy compliance within Mallee CMA, responding to requests for access to and correction of information and managing any complaints about the CMA’s handling of personal information.
Individual	<p>Provide accurate personal information.</p> <p>Update personal information as required.</p>

4. Business Rules

Activity	Rules																		
Collection	<p>Mallee CMA will only collect personal information that is:</p> <ul style="list-style-type: none"> • 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. <p>Where practical Mallee CMA will make processes available to interact with Mallee CMA anonymously or with a pseudonym.</p> <p>In the event that monitoring cameras are deployed on public land signage will be erected at entry points to the location and land managers will be notified.</p> <p>CEO or CFO may approve the recording of a Mallee CMA organised video / tele-conference, in this event notification will be provided to participants prior to the start of the meeting.</p> <p>If it is reasonable and practicable to do so, Mallee CMA will collect personal information about an individual only from that individual.</p> <p>If Mallee CMA collects personal information about an individual from a third party, it will take reasonable steps to ensure that the individual is, or has been made, aware of the above matters except to the extent that making the individual aware of the matters would pose a serious threat to the life or health of any individual.</p>																		
Use and Disclosure	<p>Mallee 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.</p> <p>If Mallee 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 Mallee CMA, they will be required by Mallee CMA to use the information only for the specific purposes for which it is supplied to them.</p> <p>Directors, Advisory Group or Board Committee members and employees will be requested on appointment to consent in writing to the limited release of personal information.</p> <p>The standard consent form FORM 046-379 – Information Release Authorisation Form is 'Attachment 1' to this policy.</p> <p>Unless exceptional circumstances apply, it is Mallee CMA's policy to release the following information:</p> <table border="1" data-bbox="408 1397 1471 1807"> <thead> <tr> <th data-bbox="408 1397 970 1442">Web site information / Annual Report</th> <th data-bbox="970 1397 1471 1442">Media Release</th> </tr> </thead> <tbody> <tr> <td data-bbox="408 1442 970 1487">Photo</td> <td data-bbox="970 1442 1471 1487">Photo</td> </tr> <tr> <td data-bbox="408 1487 970 1532">Name</td> <td data-bbox="970 1487 1471 1532">Name</td> </tr> <tr> <td data-bbox="408 1532 970 1576">Role with the Authority</td> <td data-bbox="970 1532 1471 1576">Role</td> </tr> <tr> <td data-bbox="408 1576 970 1621">Regional location</td> <td data-bbox="970 1576 1471 1621">Contact number for enquiries</td> </tr> <tr> <td data-bbox="408 1621 970 1666">Professional affiliations</td> <td data-bbox="970 1621 1471 1666">Business card information – employees</td> </tr> <tr> <td data-bbox="408 1666 970 1711">Skills relevant to Board membership (Board only)</td> <td data-bbox="970 1666 1471 1711">Name</td> </tr> <tr> <td data-bbox="408 1711 970 1756"></td> <td data-bbox="970 1711 1471 1756">Role (position)</td> </tr> <tr> <td data-bbox="408 1756 970 1807"></td> <td data-bbox="970 1756 1471 1807">Contact details</td> </tr> </tbody> </table>	Web site information / Annual Report	Media Release	Photo	Photo	Name	Name	Role with the Authority	Role	Regional location	Contact number for enquiries	Professional affiliations	Business card information – employees	Skills relevant to Board membership (Board only)	Name		Role (position)		Contact details
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Data Quality	<p>Mallee CMA takes all reasonable steps to ensure that the personal information it collects, uses, or discloses is accurate, complete, and up to date.</p> <p>Both the <i>Freedom of Information Act 1982</i> and privacy legislation provide for correction of personal information that is incorrect.</p> <p>If an individual establishes that personal information held by the CMA is not accurate, complete, and up to date, Mallee CMA will take reasonable steps to correct the information. If the individual and Mallee CMA disagree about whether the information is accurate, complete, and up to date, and the individual asks Mallee CMA to associate with the information a statement claiming that the information is not accurate, complete, or up to date, Mallee CMA will take reasonable steps to do so.</p> <p>Requests for correction of personal information held by Mallee CMA should be made under provisions of the <i>Freedom of Information Act 1982</i>.</p>
Data Security	<p>Mallee 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.</p> <p>Only those employees who need to know the relevant information in order to do their work have access to the personal information we hold. Mallee CMA employees are required, under their contract of employment, to keep personal information confidential.</p>
Access and Correction	<p>Both the <i>Freedom of Information Act 1982</i> and privacy legislation enable individuals to access personal information held by the Authority. Mallee 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 within 45 days unless a specific legislative exception applies.</p> <p>Requests for access to personal information should be made under the provisions of the <i>Freedom of Information Act 1982</i>.</p> <p>Where access is denied, Mallee 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.</p> <p>FEES: Mallee CMA may charge an individual a prescribed fee (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.</p> <p>If Mallee CMA holds personal information about an individual and the individual is able to establish that the information is not accurate, complete, and up to date, Mallee CMA will take reasonable steps to correct the information so that it is accurate, complete, and up to date.</p> <p>If the individual and Mallee CMA disagree about whether the information is accurate, complete, and up-to-date, and the individual asks Mallee CMA to associate with the information a statement claiming that the information is not accurate, complete, or up to date, Mallee CMA will do so within seven days.</p>
De-Identification	<p>Where possible, we de-identify data when meeting our internal and external reporting obligations.</p>
Anonymity	<p>Wherever it is lawful and practicable, individuals have the option of not identifying themselves when entering into transactions with Mallee CMA.</p>
Disposal	<p>We securely destroy your Personal Information when we are legally permitted, in accordance with the <i>Public Records Act 1973</i> and applicable Retention & Disposal Authorities issued by Public Record Office Victoria.</p>

Trans-border Data Flows	Mallee CMA will ensure that if it sends personal information outside Victoria, it remains subject to privacy protections. Mallee 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.
Sensitive Information	The information privacy principles establish higher levels of protection for sensitive information , Mallee CMA does not normally collect such information. Mallee 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 Mallee CMA activities. Where such information is collected it will be dealt with in accordance with the <i>Health Records Act 2014</i> .
Training	Mallee CMA staff undergo regular privacy awareness training.
Website	Mallee 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 Mallee 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 Mallee CMA's website for recordkeeping purposes. Most web browsers are set to accept cookies. Mallee 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.

5. Definitions

Term	Meaning															
Personal information	<p>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.</p> <p>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.</p> <p>We may collect the following types of information which may be personally identifying, either alone or in combination:</p> <table border="1"> <tr> <td>Name / Title / Gender</td> <td>Tax File Number</td> <td>Health diagnosis</td> </tr> <tr> <td>Date of birth</td> <td>Photograph</td> <td>Ethnicity</td> </tr> <tr> <td>E-mail address</td> <td>Driver's licence number</td> <td>Employee security pass #</td> </tr> <tr> <td>Telephone or fax numbers</td> <td>Address</td> <td>Employee logon ID</td> </tr> <tr> <td>Banking details, such as branch location, account number and funds available</td> <td>Customer service operator's notes about a client and their query</td> <td>A performance appraisal report on an employee</td> </tr> </table>	Name / Title / Gender	Tax File Number	Health diagnosis	Date of birth	Photograph	Ethnicity	E-mail address	Driver's licence number	Employee security pass #	Telephone or fax numbers	Address	Employee logon ID	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
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Unique identifiers	A number assigned by an organisation to an individual to identify uniquely the individual for the purposes of the organisation's operations. However, an individual's name or Australian Business Number (ABN) is not an identifier.															
Sensitive Information	Information about a person's racial or ethnic origin, political opinions, religious or philosophical beliefs, professional or trade association memberships, union membership, sexual preferences or practices, or criminal record, that is also personal information; and health information about an individual.															

6. Accessing personal information and/or making a complaint

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

Individuals may also complain to the [Office of the Victorian Information Commissioner \(OVIC\)](#). Mallee CMA will cooperate with OVIC Privacy Commissioner or Health Services Commissioner in any investigation, mediation, or conciliation.

The Privacy and Data Protection Officer's details are:

Chief Finance Officer
Mallee Catchment Management Authority
PO Box 5017
Mildura VIC 3502
Email: foi@malleecma.com.au
Telephone: (03) 5001 8600

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

7. Related Documents

Internal

[GPOL 004 - Public Interest Disclosures Policy & Procedure](#)

[GPOL 045 - Code of Conduct Policy](#)

[OPOL 085 - Record Management Policy](#)

[FORM 046-086 - Application for Access to Personal Information](#)

[FORM 046-191 - Privacy Complaint Form](#)

[FORM 046-379 - Information Release Authorisation Form](#)

External

Privacy and Data Protection Act 2014

Privacy Act 1988 (Cth)

Health Records Act 2001


Surveillance Devices Act 1999

Public Records Act 1973

Freedom of Information Act 1982

Charter of Human Rights and Responsibilities Act 2006.

Attachment 1

 <p>mallee catchment management authority</p>	<h1>INFORMATION RELEASE AUTHORISATION FORM</h1>
Document Reference No: FORM 046-379	

This form is to be completed by Directors, Advisory Group or Board Committee members and employees on appointment to consent in writing to the limited release of personal information. Please read the Privacy and Data Protection Policy for how the Mallee CMA collects, uses, discloses, stores, secures, and disposes of Personal Information.

Terms and Conditions of Consent

By agreeing to Mallee CMA using photos/audio visual recordings in which you appear and in sharing affiliations and skills, you will consent to their use without any personal compensation or remuneration. You will forgo any rights to the photographs/audio visual recordings including moral rights and copyright.

Mallee CMA agrees not to use any photos/audio visual recordings or affiliations and skills information in a manner that may be deemed adverse or defamatory to the person signing this form, and it will not use the photos/audio visual recordings or information for any commercial gain. Mallee CMA further agrees not to provide these photos/audio visual recordings and affiliations and skills to a third party for their use without express permission from you. The photos/audio visual recordings will remain the property of Mallee CMA and any personal details regarding the photos/audio visual recordings will be kept confidential and will not be used for any purpose other than related to these photos/audio visual recordings.

I, authorise the Mallee CMA to provide the following information for use in accordance with the Privacy and Data Protection Policy.

Photo and Audio-Visual Consent

Yes No

Affiliations

Skills relevant to board/ advisory group/ committee membership:

Consent

I agree to the terms and conditions above

Name

Date

Signature

Mallee CMA Administrator

Name

Date

Scanned and save at:

File Action: *Save to HR Personnel files and relevant project and/or photo library file*