

Policy Impact
Assessment Tool
Privacy and Data
Protection Policy 2023
- 11581

CONSIDERATION OF PRINCIPLES OUTLINED BY THE LOCAL GOVERNMENT ACT 2020

Principle	Comment
Governance and Strategic Principles (section 9)	
Council decisions are to be made and actions taken in accordance with the relevant law	The Privacy and Data Protection Policy ensures compliance with the <i>Privacy and Data Protection Act 2014</i> and its regulations.
Priority is to be given to achieving the best outcomes for the municipal community, including future generations	Setting out how Privacy and Data Protection will be dealt with, along with the measures to be taken to ensure the protection of personal information ensures the safety and welfare of all parties, is an integral part of creating a safe and enabling culture and achieves the best outcomes for our community.
The economic, social and environmental sustainability of the municipal district, including mitigation and planning for climate change risks, is to be promoted	It is considered there are no notable implications at the time of preparing this document.
The municipal community is to be engaged in strategic planning and strategic decision making	There are no substantial impacts arising from this policy on these matters.
Innovation and continuous improvement is to be pursued	Independent review of any Privacy and Data Protection breaches by external probity and integrity agencies such as OVIC is one means through which continuous improvement in our procedures, policies, governance structures and service provision can be achieved.
Collaboration with other Councils and Governments and statutory bodies is to be sought	Collaboration with external State integrity agencies is key to the successful implementation of this policy and its procedures.
The ongoing financial viability of the Council is to be ensured	Council views the protection of an individual's privacy as an integral part of its commitment towards accountability and integrity in all its activities and programs. This policy outlines Council's commitment to protecting an individual's right to privacy and management of personal information as required by the <i>Privacy and Data Protection Act 2014 (Vic)</i> .
Principle	Comment
Governance and Strategic Principles (section 9)	
Regional, state and national plans and policies are to be taken into account in strategic planning and decision making	State governance frameworks and integrity bodies play a major role in the implementation of the policy.
The transparency of Council decisions, actions and information is to be ensured	This policy support's Council's philosophy of continuous improvement and responding to community concerns. It should be noted that confidentiality is key to the successful implementation of this policy and its procedures in

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	terms of Council's role, which is effectively a referral agency to State integrity agencies (unless otherwise directed that it is a Council issue).
Community Engagement Principles (section 56)	
A community engagement process must have a clearly defined objective and scope	It is considered there are no notable implications at the time of preparing this document.
Participants in community engagement must have access to objective, relevant and timely information to inform their participation	It is imperative that complaints are given the highest priority given the nature of Privacy and Data Protection breaches. The process for dealing with breaches as outlined by the Privacy and Data Protection Act are outlined in the policy.
Participants in community engagement must be representative of the persons and groups affected by the matter that is the subject of the community engagement	The Policy enables members of our community to enquire or raise concerns about Officer, Councillor and Contractor conduct in terms of the handling of their personal information.
Participants in community engagement are entitled to reasonable support to enable meaningful and informed engagement;	The Policy outlines the mechanisms available regarding enquiries and complaint processes in place to support Privacy and Data Protection
Participants in community engagement are informed of the ways in which the community engagement process will influence Council decision making	The Policy clearly outlines how to lodge a Privacy and Data Protection enquiry or report a breach and the process to be followed in dealing with such matters expeditiously and confidentially.
Principle	Comment
Public Transparency Principles (section 58)	
Council decision making processes must be transparent except when the Council is dealing with information that is confidential by virtue of this Act or any other Act	The Policy outlines the processes for implementing the Privacy and Data Protection Act 2014 and clarifies Council's role in the process.
Council information must be publicly available unless— (i) the information is confidential by virtue of this Act or any other Act; or (ii) public availability of the information would be contrary to the public interest	There are no substantial impacts arising from this policy.
Council information must be understandable and accessible to members of the municipal community	Every effort is made to provide information using plain English and the policy enables verbal complaints to be lodged with the Director People and Governance, or state agency OVIC.
Principle	Comment
Public Transparency Principles (section 58)	
Public awareness of the availability of Council information must be facilitated	The Policy is available on Council's website.

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Strategic Planning Principles (section 89)	
A Council must undertake the preparation of its Council Plan and other strategic plans in accordance with the strategic planning principles	It is considered there are no notable implications at the time of preparing this document.
An integrated approach to planning, monitoring and performance reporting is to be adopted	It is considered there are no notable implications at the time of preparing this document.
Strategic planning must address the Community Vision	It is considered there are no notable implications at the time of preparing this document.
Strategic planning must take into account the resources needed for effective implementation	It is considered there are no notable implications at the time of preparing this document.
Strategic planning must identify and address the risks to effective implementation	It is considered there are no notable implications at the time of preparing this document.
Strategic planning must provide for ongoing monitoring of progress and regular reviews to identify and address changing circumstances.	It is considered there are no notable implications at the time of preparing this document.
Service Performance Principles (section 106)	
Services should be provided in an equitable manner and be responsive to the diverse needs of the municipal community	The ability to raise concerns about misconduct is a key purpose of this policy, which supports equitable and responsive services for our community.
Services should be accessible to the members of the municipal community for whom the services are intended	The ability to raise concerns about misconduct is a key purpose of this policy, which supports equitable and responsive services for our community.
Quality and costs standards for services set by the Council should provide good value to the municipal community	The ability to raise concerns about misconduct is a key purpose of this policy, which supports good value for the expenditure of public money and is a key check and balance in our fraud and corruption framework.
A Council should seek to continuously improve service delivery to the municipal community in response to performance monitoring	The Policy facilitates important feedback on our governance mechanisms.
Principle	Comment
Service Performance Principles (section 106)	
Service delivery must include a fair and effective process for considering and responding to complaints about service provision	The Policy sets out a range of means through which access to personal information may be made by whom and when.

CONSIDERATION OF CHARTER OF HUMAN RIGHTS AND RESPONSIBILITIES ACT 2006 IMPACTS

Council can limit human rights when those limitations can be justified. This means that Council can continue to make decisions on behalf of the community about how best to balance rights, ensure community safety, and use limited funding for competing public interest challenges.

Are there any human rights implications arising from this policy or directive in relation to the 20 substantive rights? Note: some rights have been excluded that do not apply to local government (e.g., deprivation of liberty)	Analysis
Recognition and equality before the law (section 8)	The Policy aims to make the process of making an enquiry or complaint about privacy breaches as simple and accessible as possible should there be alleged conduct that impacts on this right. There are processes within the policy to ensure swift action is taken should there be any concern or evidence around breaches.
Right to life (section 9)	The Policy aims to make the process of making an enquiry or complaint about disclosure breaches as simple and accessible as possible should there be alleged conduct that impacts on this right.
Protection from torture and cruel, inhuman or degrading treatment (section 10)	The Policy aims to make the process of making an enquiry or complaint about disclosure breaches as simple and accessible as possible should there be alleged conduct that impacts on this right.
Freedom from forced work (section 11)	The Policy aims to make the process of making an enquiry or complaint about disclosure breaches as simple and accessible as possible should there be alleged conduct that impacts on this right.
Freedom of movement (section 12)	The Policy aims to make the process of making an enquiry or complaint about disclosure breaches as simple and accessible as possible should there be alleged conduct that impacts on this right.
Privacy and reputation (section 13)	The Policy aims to make the process of making an enquiry or complaint about disclosure breaches as simple and accessible as possible should there be alleged conduct that impacts on this right. There are processes within the policy to ensure swift action is taken should there be any concern or evidence around breaches.
Freedom of thought, conscience, religion and belief (section14)	The Policy aims to make the process of making an enquiry to complaint about disclosure breaches as simple and accessible as possible should there be alleged conduct that impacts on this right.

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Freedom of expression (section 15)	The Policy aims to make the process of making an enquiry or complaint about disclosure breaches as simple and accessible as possible should there be alleged conduct that impacts on this right.
Peaceful assembly and freedom of association (section 16)	The Policy aims to make the process of making an enquiry or complaint about disclosure breaches as simple and accessible as possible should there be alleged conduct that impacts on this right.
Protection of families and children (section 17)	The Policy aims to make the process of making an enquiry or complaint about disclosure breaches as simple and accessible as possible should there be alleged conduct that impacts on this right. There are processes within the policy to ensure swift action is taken should there be any concern or evidence around breaches.
Right to take part in public life (section 18)	The Policy aims to make the process of making an enquiry or complaint about disclosure breach as simple and accessible as possible should there be alleged conduct that impacts on this right. There are processes within the policy to ensure swift action is taken should there be any concern or evidence around breaches.
Cultural rights (section 19)	The Policy aims to make the process of making an enquiry or complaint about disclosure breaches as simple and accessible as possible should there be alleged conduct that impacts on this right.
Property rights (section 20)	The Policy aims to make the process of making an enquiry or complaint about disclosure breaches as simple and accessible as possible should there be alleged conduct that impacts on this right.
Liberty and security of person (section 21)	The Policy aims to make the process of making an enquiry or complaint about disclosure breaches as simple and accessible as possible should there be alleged conduct that impacts on this right. There are processes within the policy to ensure swift action is taken should there be any concern or evidence around breaches.
Fair hearing (section 24)	The Policy aims to make the process of making an enquiry or complaint about disclosure breaches as simple and accessible as possible should there be alleged conduct that impacts on this right. There are processes within the policy to ensure swift action is taken should there be any concern or evidence around breaches.
Rights in criminal proceedings (section 25)	The Policy aims to make the process of making an enquiry or complaint about disclosure breaches as simple and accessible as possible should there be alleged conduct that impacts on this right.

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Overall, does the policy, local law or decision raise human rights issues?	It is not considered that there are any adverse impacts on human rights, rather the ability to raise concerns through OVIC supports the implementation of the Charter.
Are there any human rights implications arising from this policy or directive in relation to the 20 substantive rights? Note: some rights have been excluded that do not apply to local government (e.g., deprivation of liberty)	Analysis
Overall, does the policy, local law or directive restrict or interfere with the scope of the human right/s identified? If yes, are the limitations or restrictions reasonably and demonstrably justified under Section 7 of the Human Rights Charter?	There are considered to be no adverse impacts.
Are there any less restrictive means reasonably available to achieve the purpose that the limitation seeks to achieve?	The lodgement and treatment of a Privacy and Data Protection disclosure breach is heavily regulated by the Privacy and Data Protection Act 2014.

GENDER EQUITY IMPACT ASSESSMENT

Gender impact assessments (GIAs) are designed to help organisations think critically about how policies, programs and services will meet the different needs of women, men and gender diverse people. The purpose GIAs is to create better and fairer outcomes, and make sure all people have equal access to opportunities and resources.

Your gender can affect your needs and experiences. This means that policies, programs and services can affect people of different genders in different ways. If we don't think about how their work affects different people, they might unintentionally reinforce inequalities.

A gender impact assessment must:

- assess the effects that the policy, program or service may have on people of different genders
- explain how the policy, program or service will be changed to better support Victorians of all genders and promote gender equality
- where practical, apply an intersectional approach to consider how gender inequality can be compounded by disadvantage or discrimination that a person may experience on the basis of other factors such as age, disability or ethnicity.

Step 1 – Defining the issues and challenge your assumptions	
What is the issue the policy or directive is aiming to address (think about why it is needed)?	The policy is required to meet our obligations under the <i>Privacy and Data Protection Act 2014</i> .
Are the people who are targeted and impacted by the policy or directive included in the decision-making?	This policy aims to ensure that people impacted by the conduct of staff, councillors or contractors in its decision making have a vehicle through which they can raise the concerns about misconduct and disclosure of personal information.
Do you think that people of different genders access this policy or directive at the same rate?	It is considered that the policy ensures equal access to enquires and complaints about disclosure breaches.
Do the different social roles and responsibilities that people take on affect the way people access and use this policy or directive?	Council aims to provide equal access to enquiry and complaints mechanisms and there all efforts will be made to support this.
Do you think that everyone who accesses this policy or directive has the same needs from it?	It is considered that people will have the same needs in terms of making a enquiry or complaint for privacy disclosure breach, however the means through which they may do so needs to be varied to cater for all circumstances.
Do the different social roles and responsibilities that people take on affect the way people access and use this policy or directive?	Council aims to provide equal access to enquiries and privacy breach disclosure mechanisms through the provision of support by way of a contact officer. The policy aims to overcome any barriers that may be posed by different social roles or responsibilities.

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What additional needs might there be for people with disabilities, or from different cultural identities, ages, gender identities, sexual orientations or religions?	Council aims to provide equal access to enquiries and privacy breach disclosure mechanisms through the provision of support by way of a contact officer. The policy aims to overcome any barriers that may be posed by different social roles or responsibilities
Step 2 – Understanding the policy context	
What information is available to understand who is likely to be affected by the policy or directive?	Council aims to provide equal access to enquiries and privacy breach disclosure mechanisms including the use of an interpreter, talking with people rather than relying on a written complaint, and by way of contact officer.
Do you already have this information?	Yes
How will you find the further information you need? Think about internal data, research, consultation.	By researching recommendations from State integrity agencies and other councils' policies to achieve best practice.
What did the research and evidence tell you? List key points and references/evidence	That there must be a variety of ways in which enquiries and privacy breach disclosure complaints can be lodged to facilitate equal access by all groups in society.
Have you consulted with affected stakeholders on this aspect? State if it was formal or informal consultation. What were the key issues/outcomes/views?	No consultation has been undertaken as part of the policy's review.
What information is available to understand the lived experiences of the diverse groups who will be affected?	Reviewing data around privacy and data breaches and matters that were deemed not to meet the disclosure tests under the legislation that have been lodged since the adoption of the policy.
Do you already have this information?	Yes
How will you find the further information you need? Think about internal data, research, consultation.	N/A
What did the research and evidence tell you? List key points and references/evidence	There is no significant impact on the policy review in relation to the lived experiences of diverse groups within our community.
Have you consulted with affected stakeholders on this aspect? State if it was formal or informal consultation. What were the key issues/outcomes/views?	A significant amount of information has been reviewed in the development of this policy; however, no community consultation has been undertaken due to the procedural and legislative nature of the policy.
How is this policy or directive likely to have different impacts for different people?	As stated above, the policy has been designed to overcome any different impacts on groups of people.

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Do you already have this information?	Yes
How will you find the further information you need? Think about internal data, research, consultation.	N/A
What did the research and evidence tell you? List key points and references/evidence	There is no significant impact on the policy review in relation to the different people within our community.
Have you consulted with affected stakeholders on this aspect? State if it was formal or informal consultation. What were the key issues/outcomes/views?	A significant amount of information has been reviewed in the development of this policy; however, no community consultation has been undertaken due to the procedural and legislative nature of the policy.
Step 3 – Options analysis	
What are the policy options? For each option describe the proposed policy solution. Provide a brief description of the proposed strategies, activities or service design elements and how they will meet the needs and create benefit for the target audience.	The policy review has not identified any issues of concern that need addressing since the original policy was adopted, therefore it is considered that there are no other policy options that require consideration. The policy meets legislative requirements and no issues have arisen in the application of the policy.
What are the potential policy options and what gendered impact might they have?	It is considered that the policy review is gender neutral in its impacts.
What are the gendered costs and risks? <ul style="list-style-type: none"> Who is likely to be negatively impacted by this? How are the most vulnerable groups likely to be impacted? Will this reduce a certain group's access to economic resources or opportunities? If so, are they already disadvantaged? Does it reinforce harmful gender stereotypes, for example, further promoting men in a male dominated industry? 	It is considered that the policy review is gender neutral in its impacts and does not give rise to costs or risks. The ability to lodge a complete for privacy and data breach disclosure to state agency OVIC reduces any costs or risks.
What are the gendered benefits? <ul style="list-style-type: none"> Will some people benefit more because they have greater access, or does this policy, program or service do everything it can to ensure resources are distributed and used equally? Will it contribute to transforming gender norms in a positive way? E.g., will it contribute to a more balanced distribution of unpaid care labour and family responsibilities between women and men? Will it make women and children safer in public or private spaces? 	It is considered that the policy review is gender neutral in its impacts.

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<p>Will some people benefit more because they have greater access, or does this policy, program or service do everything it can to make sure resources are distributed and used equally?</p>	<p>It is considered that the policy review is gender neutral in its impacts.</p>
<p>Will it contribute to transforming gender norms in a positive way?</p>	<p>It is considered that the policy review is gender neutral in its impacts, but the disclosure process is varied to cater for differing situations and needs.</p>
<p>Does your policy, program or service potentially have negative unintended consequences for certain groups of people?</p>	<p>It is considered that the policy review is gender neutral in its impacts and that lengthy consideration has been given to protecting personal information.</p>
<p>Overall, do the benefits outweigh the costs or vice versa?</p>	<p>It is considered that the policy review is gender neutral in its impacts.</p>
<p>Step 4 Recommendations</p>	
<p>Provide the rationale for the proposed recommendation and include any mitigation strategies that could be used to avoid any harmful unintended outcome.</p>	<p>It is considered that the policy review is gender neutral in its impacts and several mitigation strategies are in place to protect the confidentiality, welfare, safety and personal information.</p>
<p>Include here the rationale for your recommendation as well as any mitigation strategies needed. In line with the Gender Equality Act, explain:</p> <ul style="list-style-type: none"> • how your recommendation meets the needs of persons of different genders • how it addresses gender inequality • how it promotes gender equality. 	<p>The variety of means through which enquiries and complaints about personal privacy breach disclosures may be made follows best practice and is designed to suit all groups within our community. Ease of access to the complaints process, including being able to make enquiry or complaint about personal information are some of the mechanisms in which gender equity is achieved.</p>

CLIMATE CHANGE ADAPTATION/MITIGATION AND SUSTAINABILITY CONSIDERATIONS

The Local Government Act 2020 requires council to consider climate change mitigation and adaptation measures in all its key decision making, which includes policy development.

Council has finalised its Climate Change Action Plan after declaring a Climate Emergency in 2021.

The Victorian Climate Change Adaptation Plan 2017-2020 sets out Council's responsibilities under the Act [Victorias-Climate-Change-Adaptation-Plan-2017-2020.pdf \(climatechange.vic.gov.au\)](#). The following factors should inform your analysis statement:

- Provide leadership and good governance, represent the needs and values of local communities, and foster community cohesion
- Manage climate change risks to council community services and assets, with support from the State Government
- Identify the needs and priorities of the municipality and communicate these to State Government where needed
- Develop and deliver locally-appropriate adaptation responses
- Build the resilience of local assets and services
- Plan for emergency management at the municipal level, provide relief and recovery services, and support emergency response operations
- Help the State Government understand localised impacts and responses
- Work with the community to help people understand and get involved in climate change adaptation
- Help connect the State Government with the community.

Sustainable Strathbogie 2030 Strategy

It is considered there are no notable climate change or sustainability implications at the time of preparing this document aside from the ability to minimise hard copies of documents from being produced through access to Council information online and in soft copy, reducing paper consumption, printing costs and the need for people to travel to a customer service centre to access information.

Chapter 6 Climate Resilient Shire	Comment
Increasing heat	It is considered there are no notable implications at the time of preparing this document.
Changing rainfall patterns, drought conditions, and extreme meteorological conditions	It is considered there are no notable implications at the time of preparing this document.
Increased bushfire conditions and declining volunteer numbers	It is considered there are no notable implications at the time of preparing this document.
Increased social impacts	It is considered there are no notable implications at the time of preparing this document.
Chapter 7 A low carbon shire	Comment
Net Zero by 2025	It is considered there are no notable implications at the time of preparing this document.
Energy Efficiency	It is considered there are no notable implications at the time of preparing this document.
Energy Storage	It is considered there are no notable implications at the time of preparing this document.
Renewable Energy	It is considered there are no notable implications at the time of preparing this document.
Community Renewable Energy	It is considered there are no notable implications at the time of preparing this document.
Chapter 8 A water sensitive shire	Comment
Conserving valuable potable water	It is considered there are no notable implications at the time of preparing this document.

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Stormwater management	It is considered there are no notable implications at the time of preparing this document.
Adaptive and recycled water resources	It is considered there are no notable implications at the time of preparing this document.
Keeping our shire green, cool and resilient	It is considered there are no notable implications at the time of preparing this document.
Chapter 9 A zero waste shire	Comment
Environmental impacts of landfill	It is considered there are no notable implications at the time of preparing this document.
Limited landfill capacity	It is considered there are no notable implications at the time of preparing this document.
Increased illegal dumping	It is considered there are no notable implications at the time of preparing this document.
Economic benefits from resource recovery	It is considered there are no notable implications at the time of preparing this document.
Chapter 10 An ecologically rich shire	Comment
Deforestation	It is considered there are no notable implications at the time of preparing this document.
Rural green infrastructure	It is considered there are no notable implications at the time of preparing this document.
Increasing our urban canopy	It is considered there are no notable implications at the time of preparing this document.
Rural roadsides	It is considered there are no notable implications at the time of preparing this document.
Rivers & Wetlands	It is considered there are no notable implications at the time of preparing this document.
Benefitting from our native forests	It is considered there are no notable implications at the time of preparing this document.
Chapter 11 An active and connected shire	Comment

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Security of fuel supply	It is considered there are no notable implications at the time of preparing this document.
Transition to new fuel economy	It is considered there are no notable implications at the time of preparing this document.
Enabling access to the outdoors	It is considered there are no notable implications at the time of preparing this document.