

2118 Information Privacy

Governance Policy

PURPOSE

- 1) The *Information Privacy Act 2009* (IP Act) sets out Councils obligations with regards to personal information.
- 2) The IP Act provides for the fair collection and handling of personal information and provides rights for individuals of access and amendment of their personal information.

SCOPE

- 3) This policy applies to all Councillors, employees and contractors working for Council regardless of whether they are permanent, temporary, full-time, part-time or casual. For the purposes of this policy, the term contractor includes temporary labour services (agency staff) and sub-contractors.

DEFINITIONS

Term	Definition
Access	Means providing an individual with personal information about themselves that is held by council. This may include allowing that individual to inspect personal information or to obtain a copy of the personal information.
Collection	Means gathering, acquiring or obtaining personal information from any source and by any means, including information that Council has obtained by accident or has not requested.
Confidential information	Is information generally not known by, or available upon request to, the public which: <ul style="list-style-type: none">• identifies and relates to a particular individual; or• carries a risk that – if released or improperly used – would cause harm to the Council or a member of the community or give an unfair advantage to someone.
Document	Means anything that is a document of the Council under the <i>Acts Interpretation Act 1954</i> .
Disclosure	Mean the release of personal information to persons or organisations outside of Council. This does not include giving individuals personal information about themselves.
Personal information	As defined in the <i>Information Privacy Act 2009</i> : information or an opinion (including information or an opinion forming part of a database), whether true or not, and whether recorded in a material form or not, about an individual whose identity is apparent, or can reasonably be ascertained, from the information or opinion. Personal information is any information that may lead to the identity of a person. For information to be personal information, two criteria must be satisfied: <ul style="list-style-type: none">• it must be about a living individual, and• the individual's identity must be apparent or reasonably ascertainable from the information. There are some obvious examples of personal information such as a person's name and address, but it can also include information about a person's health, criminal or financial records and email addresses. Information does not have to be true in order to be personal information and it does not need to be written down or recorded in another material form, such as a photograph or audio.
Privacy breach	Means when personal information is not handled, whether by accident or otherwise, in accordance with the privacy principles.
Routine personal work information	Relates solely to the work duties of a public-sector employee and is found in almost all documents held by Council. When disclosing routine personal work information for a legitimate function of Council, the infringement of a public-sector

Term	Definition
	<p>employee's right to privacy would, generally, be minimal or non-existent as the disclosure would be a matter of expectation in the legitimate course of their employment.</p> <p>Routine personal work information includes:</p> <ul style="list-style-type: none"> • a work email address or work phone number • authorship of a work document, for example, where the person's name is listed as one of the authors of a report • a professional opinion given wholly in a professional capacity • a position classification, for example, "planning officer" • a work responsibility, for example, that the officer is the contact person in response to a complaint or query from a member of the public; • information about qualifications held where they are required for the officer's position, for example, where a Senior Engineer holds an engineering degree.

POLICY

The *Information Privacy Act 2009* (IP Act) details how council must handle personal information. The IP Act provides rights for individuals to request a copy of their personal information and to request documents to be amended if they are inaccurate or out-dated unless it is contrary to the public interest to do so.

Based on the requirements of the IP Act, this policy establishes Council commitment for the collection and management of personal information in a responsible and transparent manner.

OBJECTIVES

4) IPP 1 - Collection of Personal Information - Lawful and Fair

All personal information collected by Council will be used only for the purpose of conducting Council business and for the provision of services to the community.

5) IPP 2 - Collection of Personal Information – Requested from an Individual

When council requests personal information or information of a type that would include the personal information of an individual, it will take all reasonable steps to ensure that the individual is generally aware of the purpose for the collection (ie collection notice).

6) IPP3 - Collection of Personal Information – Relevance

Council will take all reasonable steps to ensure that personal information requested is relevant to the purpose for which it is collected, is complete and up to date.

7) IPP 4 - Storage and Security of Personal Information

All reasonable steps will be taken to protect the personal information Council holds from unauthorised access, use, modification, disclosure, loss or any other misuse.

8) IPP 5 - Providing Information about Documents Containing Personal Information

Council will take all reasonable steps to ensure that a person can find out whether the Council has control of any documents containing their personal information, the type of personal information, the main purpose for which their personal information is used and how they can obtain access to a document containing their personal information.

9) IPP 6 - Access to Documents Containing Personal Information

An individual may request in writing, access to their own personal information under the IP Act. Council will provide access to requested information unless the council is authorised or required by law to refuse to give the access to the document or the document is expressly excluded from access.

10) IPP 7 - Amendment of Documents Containing Personal Information

Council will amend documents containing personal information if requested by an individual if the documents are shown to be inaccurate, incomplete or out of date.

11) IPP 8 - Checking of Accuracy of Personal Information

Before use Council will take all reasonable steps to ensure that the personal information it collects, uses or discloses is accurate, complete and up to date.

12) **IPP 9 - Use of Personal Information only for Relevant Purpose**

Council will only use personal information that is directly relevant to fulfilling the particular purpose for which it was collected.

13) **IPP 10 - Limits on Use of Personal Information**

Personal information collected by council for a particular purpose will not be used for another purpose unless:

- a. all reasonable steps are taken to obtain the written consent of the individual to use their personal information for another purpose; or
- b. Council is satisfied that the use is necessary to lessen or prevent a serious threat to the life, health, safety or welfare of an individual, or to public health, safety or welfare; or
- c. use of personal information for another purpose is authorised or required under law; or
- d. Council is satisfied that use of the personal information for another purpose is necessary for:
 - i. the prevention, detection, investigation, prosecution or punishment of criminal offences or breaches of laws imposing penalties or sanctions;
 - ii. the enforcement of laws relating to the confiscation of the proceeds of crime;
 - iii. the protection of the public revenue;
 - iv. the prevention, detection, investigation or remedying of seriously improper conduct;
 - v. the preparation for, or conduct of, proceedings before any court or tribunal, or implementation of the orders of a court or tribunal.
- e. the other purpose is directly related to the purpose for which the information was obtained; or
- f. the use of the personal information is necessary for research or the compilation or analysis of statistics in the public interest; does not identify any particular individual who is the subject of the personal information; and it is not practicable to obtain the agreement of each individual who is the subject of the personal information.

14) **IPP 11 - Limits on Disclosure**

Council will not disclose personal information to a person, body or agency (other than the individual concerned) unless:-

- a. the individual concerned is reasonably likely to have been aware, or made aware, that information of that kind is usually passed to that person, body or agency; or
- b. the individual concerned has consented to the disclosure; or
- c. Council believes on reasonable grounds that the disclosure is necessary to prevent or lessen a serious and imminent threat to the life, health, safety or welfare of an individual, or to public health, safety or welfare; or
- d. the disclosure is required or authorised by or under law, or
- e. the disclosure is reasonably necessary for the enforcement of the criminal law or of a law imposing a pecuniary penalty, or for the protection of the public revenue.

PRINCIPLES

- 15) The responsible management of personal information and confidential information is a key aspect of good governance. Council is committed to upholding the confidentiality requirements of the *Local Government Act 2009* and the Information Privacy Principles (IPPs) contained in the *Information Privacy Act 2009*.

POLICY STATEMENT

- 16) Councillors, Council staff, volunteers and contractors will take all steps necessary in the collection, use, disclosure, storage, security and handling of personal information in compliance with all relevant legislation, including the Information Privacy Principles, the transfer of personal information overseas, and the bound contracted service provider obligations.

ROLES AND RESPONSIBILITIES

- 17) Councillors and Council employees must immediately report all suspected or actual breaches of confidentiality or the IPPs to the Chief Executive Officer.

APPLICABLE LEGISLATION AND REGULATION

Information Privacy Act 2009
Right to Information Act 2009
Invasion of Privacy Act 1971
Local Government Act 2009
Local Government Regulation 2012

RELATED DOCUMENTS

NIL

RESPONSIBLE OFFICER

Chief Executive Officer

APPROVAL DATE

28 April 2021

REVIEW DATE

April 2025 (Standard four year term)

REVISION HISTORY

Version	Meeting	Approval Date	History
1	General	11/05/2010	Adopted
2	Policy & Planning	02/04/2013	Revised
3	Policy & Planning	01/03/2017	Revised
4	General	28/04/2021	Revised