



# Privacy Policy

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<b>Responsible Officer:</b>	Chief Information Officer
<b>Strategic Plan Reference:</b>	2.4 The organisation has a corporate culture that delivers quality customer service, encourages innovation and has high standards of accountability

### 1. POLICY STATEMENTS

- 1.1 Council is committed to upholding the right to privacy of all individuals who have dealings with the Council in accordance with the Privacy Principles of this Policy
- 1.2 Council is committed to ensuring that the personal information Council holds is accurate, complete and protected in accordance with Personal Information Protection Principles. Where practicable, the accuracy of personal information held will be confirmed before it is used by the Council.

### 2. DEFINITIONS

- 2.1 **“Council”** means Kingborough Council
- 2.2 **“Personal information”** means any information or opinion in any recorded format about an individual whose identity is apparent or is reasonably ascertainable from the information or opinion; and who is alive or has not been dead for more than 25 years.
- 2.3 **“Personal information custodian”** means a public authority (Council)
- 2.4 **“Sensitive information”** includes any information about a person’s racial or ethnic origin, political opinion, membership of a political association, religious beliefs or affiliation, philosophical beliefs, membership of a professional trade association, membership of a trade union, sexual preference or practice, criminal record or health information.
- 2.5 **“Serious harm”** includes identity theft which can affect an individual’s finances and credit report, financial loss through fraud, a likely risk of physical harm, serious psychological harm, serious harm to an individual’s reputation.

### 3. OBJECTIVE

- 3.1 The *Personal Information Protection (PIP) Act 2004* requires that Council must set out in a document its policies on the management of personal information, and that the document is to be made available to any person who requests it.
- 3.2 This policy explains the PIP Act Privacy Principles and how they apply to dealings with Council.

### 4. SCOPE

- 4.1 This policy applies to Councillors, officers and agents of Council, and covers all personal information held by Council, including:
  - Information Council has collected directly from individuals, as well as information collected from third parties,
  - All information collected regardless of format and media, e.g. correspondence, forms (paper and electronic), in person, over the telephone or via Council websites.
- 4.2 The Chief Executive Officer will determine procedures as necessary for implementation of this Policy in accordance with the requirements of the PIP Act and any other Act and will appoint and delegate functions to Officers as required
- 4.3 The *Personal Information Protection Act 2004* and associated Privacy Information Protection Principles prevail over this policy if there is a conflict between them.

### 5. PROCEDURE (Personal Information Protection Principles)

#### 5.1 Collection

- 5.1.1 Council will only collect personal information when it is necessary for its functions or activities.

- 5.1.2 Council will collect personal information directly from an individual wherever it is reasonable and practicable to do so.
- 5.1.3 Council will collect personal information only by lawful and fair means and not in an unreasonably intrusive way.
- 5.1.4 In some instances, Council will be required by law to collect personal information.
- 5.1.5 Council will only collect sensitive information where an individual has consented or as permitted under the Act.
- 5.1.6 Before, during, or as soon as practicable after collection of personal information, Council will take reasonable steps to ensure that the individual is aware of:
  - 5.1.6.1 Council's identity and how to contact it;
  - 5.1.6.2 Their right to access the information;
  - 5.1.6.3 The purpose for which the information is collected;
  - 5.1.6.4 The intended recipients of the information;
  - 5.1.6.5 Any law that requires the information to be collected;
  - 5.1.6.6 The main consequences (if any) if all or part of the information is not provided.
- 5.1.7 If Council collects personal information about an individual from a third party, it will take reasonable steps to make sure that the person is aware of the matters referred to above, unless doing so would pose a serious threat to the life, safety, health or welfare of any individual, or would prejudice the carrying out of an investigation.

## 5.2 Use and Disclosure

- 5.2.1 Council will only use personal information within the Council, or disclose it outside the Council:
  - 5.2.1.1 for the purpose for which it was collected, or
  - 5.2.1.2 in accordance with this Act or as provided for in any other legislative provision, or
  - 5.2.1.3 where consent has been provided, or
  - 5.2.1.4 where it could be reasonably expected that consent would be provided.
  - 5.2.1.5 When in doubt, contact the Officer nominated on any correspondence or the Right to Information Officer prior to use or disclosure outside the Council.
- 5.2.2 Council may use the information for purposes including, but not limited to, the following:
  - 5.2.2.1 To make contact in order to provide services requested by that person, e.g. obtaining a permit
  - 5.2.2.2 To make contact in order to resolve issues relating to Council services or functions, that the person has brought to our attention, e.g. where they have reported a matter (service request/failure) to be resolved by Council.
  - 5.2.2.3 To contact an individual before a Council Meeting to confirm their attendance and to advise them of any changes to the meeting details where they have made an application to speak or ask a question.
  - 5.2.2.4 To supply an individual with material concerning Council initiatives and programs.
  - 5.2.2.5 To contact an individual in relation to their property.
  - 5.2.2.6 To facilitate the collection of Council fees and charges, e.g. we will use a person's name and address details to forward rate notices.

- 5.2.2.7 To enable payment for Council-provided goods and services, e.g. we may collect an individual's credit card and bank account details when they make a payment for goods and services.
- 5.2.2.8 To enable Council to undertake its law enforcement functions, e.g. Council collects information about an individual from various Road Traffic Authorities to process Parking Infringement Notices.
- 5.2.2.9 To update an individual's name and address details and verify information
- 5.2.2.10 To check occupancy for ratings purposes.
- 5.2.2.11 To contact an individual in case of an emergency.
- 5.2.3 In some circumstances, Council needs to disclose a person's information to other organisations. Examples of situations where disclosure may occur include:
  - 5.2.3.1 Personal Information collected in relation to an individual's property may be forwarded to the Valuer-General and the Australian Bureau of Statistics, the Director of Building Control and the Training Levy Board in accordance with various legislative requirements.
  - 5.2.3.2 Personal Information included on a subdivision or development application may be forwarded to other State Government agencies in accordance with legislative requirements and made available to the public.
  - 5.2.3.3 Pensioner Applications for Rates Remission may be forwarded to Centrelink, the Department of Treasury, the Department of Veterans' Affairs and Housing Tasmania.
  - 5.2.3.4 Information relating to financial requests, for example a direct debit, may be forwarded to our bank.
  - 5.2.3.5 If a workplace incident or other incident or accident occurs, information may be forwarded to our Workers Compensation, public liability or professional indemnity insurers.
  - 5.2.3.6 If an individual does not pay their rates, Council may forward their information to the courts and a debt collector may be appointed.
  - 5.2.3.7 If infringement notices are not paid, Council may forward an individual's information to the courts, solicitor or the Monetary Penalties Enforcement Unit.
  - 5.2.3.8 Personal Information and Sensitive Information of a person utilising Council's immunisation services may be provided to Commonwealth or State Government Departments such as Medicare Australia.
  - 5.2.3.9 In order to properly assess an individual's development, building or subdivision application, Council may be required to seek the advice of other agencies. In doing so, will provide details of the application, including any personal information included on the application to that agency.

### 5.3 Data Quality

- 5.3.1 Council will take reasonable steps to make sure that the personal information it collects, uses or discloses is accurate, complete and up to date.
- 5.3.2 An individual may update the personal information supplied to Council. Details on how to do so are outlined under Principle 5.6.

### 5.4 Data Security

- 5.4.1 Council will ensure that all employees are aware of the provisions of the *Local Government Act 1993* S 339 in relation to the improper use of information.
- 5.4.2 Council will take all necessary steps to make sure that personal information is stored safely and securely. Technological and operational procedures are in place to protect personal information from misuse and loss.
- 5.4.3 Council will dispose of personal information where it is no longer necessary to fulfil the purposes for which it was collected, or as required by the *Archive Act 1983* or other legislation.

### 5.5 Openness

- 5.5.1 This policy will be available on Council's website and for inspection at Council's Customer Service Centre.
- 5.5.2 On request by an individual, Council will take reasonable steps to let the person know, generally, what sort of personal information it holds, collects, for what purposes, and how it collects, holds, uses and discloses that information.

### 5.6 Access and Correction

- 5.6.1 A person who considers their personal information to be incorrect, incomplete, out of date or misleading, can request that the information be amended. Any amendment will be processed in accordance with the provisions of the Act.
- 5.6.2 Access will be provided except in the circumstances outlined by the Act, for example, where the information relates to legal proceedings or where the *Right to Information Act 2009* applies.
- 5.6.3 Depending upon the nature of the request a fee may be charged for this service.
- 5.6.4 A person, who is not satisfied with the handling or outcome of a request for access to or correction of personal information, can lodge a complaint with the Ombudsman.

### 5.7 Unique Identifiers

- 5.7.1 A unique identifier is a reference that enables the identification of a particular person (e.g. driver's licence number).
- 5.7.2 Council will only assign unique identifiers if it is necessary to carry out any Council functions or responsibilities, or it is required by law.

### 5.8 Anonymity

- 5.8.1 Council will, where it is lawful and practicable, give individuals the option of remaining anonymous when entering into transactions with Council.
- 5.8.2 However, as anonymity may limit Council's ability to process a complaint or other matter, Council reserves the right to take no action on any matter if a person chooses not to supply sufficient personal information to Council.
- 5.8.3 Where possible, Council will treat complainants with anonymity with respect to enforcement matters. It may be necessary, however, to disclose identity to provide natural justice and procedural fairness to a person for which the complaint is about, for the necessity of enforcement or court processes or for compliance with other legislation including the *Right to Information Act 2009*.

### 5.9 Disclosure of Information Outside Tasmania

5.9.1 Council may disclose personal information of an individual to a region outside of Tasmania only if it is satisfied that the information is to be managed by the recipient in a way that is consistent with the Personal Information Protection Principles, or the individual consents to the disclosure, or the disclosure is authorised or required by any other law.

### 5.10 Sensitive Information

5.10.1 Council will only collect sensitive information when you have consented, or as permitted under the PIP Act or required by law.

5.10.2 Sensitive information will be appropriately secured and treated with the utmost confidentiality and only used for the purpose for which it was collected.

### 5.11 Personal Information Data Breach

5.11.1 Council must record a personal information data breach and notify affected individuals when:

5.11.1.1 there is unauthorised access to or unauthorised disclosure of personal information, or a loss of personal information, that Council holds

5.11.1.2 that is likely to result in serious harm to one or more individuals, and

5.11.1.3 Council hasn't been able to prevent the likely risk of serious harm with remedial action.

5.11.2 If Council suspects a personal information data breach may have occurred, it must quickly assess the incident to determine if it is likely to result in serious harm to any individual.

## 6. GUIDELINES

6.1 The Chief Executive Officer is responsible for ensuring that personal information is managed in accordance with this policy and the Personal Information Protection Principles as defined in the PIP Act.

6.2 If an individual has raised an alleged contravention by Council of this policy and remains dissatisfied with the response, a complaint can be made to the Ombudsman in accordance with s.18 of the PIP Act 2004 by contacting:

The Ombudsman  
NAB House, Level 6  
86 Collins Street  
Hobart

GPO Box 960  
Hobart Tas 7001

T 1800 001 170 (free call in Tasmania) Email: [ombudsman@ombudsman.tas.gov.au](mailto:ombudsman@ombudsman.tas.gov.au)

www: [www.ombudsman.tas.gov.au/home](http://www.ombudsman.tas.gov.au/home)

## 7. COMMUNICATION

7.1 All staff and Councillors and will be made aware of this Policy.

7.2 The Policy will be published on the Council web page.

## 8. LEGISLATION

8.1 *Local Government Act 1993*

8.2 *Personal Information Protection Act 2004*

8.3 *Right to Information Act 2009*

### **9. RELATED DOCUMENTS**

9.1 Policy 9.14: Code of conduct – Employees

9.2 Policy 1.8: Code of Conduct - Councillors

9.3 Policy 1.6: Customer service Charter

### **10. AUDIENCE**

10.1 Public document