

| PRIVACY POLICY | |
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| Administration Policy | |
| TRIM Reference | AR20/6091[v3] |
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1. POLICY STATEMENT

Council is committed to maintaining an environment that respects an individual's right to privacy.

2. PURPOSE

2.1 Purpose

To establish a Policy that outlines the requirements for the collection, use, storage and disclosure of personal information by all Council employees, volunteers, contractors and Elected Members.

2.2 Scope

This Policy sets out the principles of the Council in relation to its management of personal information. The Privacy Act 1988 does not apply to Council, however certain programs operated and managed by Council through Commonwealth funded grant agreements, are required to comply with the Privacy Principles which apply to Commonwealth agencies.

2.3 Definitions

Access means providing to an individual, information about themselves that is held by the Council. This may include allowing that individual to inspect personal information or to obtain a copy.

Collection means gathering, acquiring or obtaining personal information from any source and by any means, including information that the Council has come across by accident or has not asked for.

Disclosure means the release of information to individuals or organisations outside the Council. It does not include giving individuals information about themselves.

Personal Information means information or an opinion about an individual whose identity is apparent, but does **not** include information that is generally available in publications, facilities or websites, material kept in public records and archives, anything kept in a library, art gallery or museum.

Sensitive Information means information or an opinion about an individual's:

- racial or ethnic origin
- political opinions
- membership of a political association, a professional or trade association or union
- religious beliefs or affirmations
- philosophical beliefs
- sexual preferences or practices
- criminal record

- health information about an individual
- information that a reasonable person would consider to be private

2.4 Strategic Reference

5. Governance and Financial Sustainability

- 5.5 We meet or exceed legislative and accreditation requirements for all relevant programs.

3. PRINCIPLES

3.1 Collection of Personal Information

- 3.1.1** Council will only collect personal information for a lawful purpose directly related to a legislative function or power of the Council, where it is necessary for or directly related to Council's functions or activities, and explicit permission has been given by the person whose personal information is being collected.
- 3.1.2** The personal information that may be collected will depend on the particular purpose for which it is collected, and may include but is not limited to:
- a) Telephone numbers
 - b) Name and address (both postal and residential and e-mail addresses)
 - c) Age and/or date of birth
 - d) Property ownership and/or occupier details
 - e) Details of resident's/ratepayer's spouse or partner
 - f) Pet Ownership
 - g) Electoral Roll details
 - h) Payment History
 - i) Pensioner / Concession Information
 - j) Financial, rental or income details
 - k) Details of Employment
 - l) Insurance details
 - m) Death and Burial Information
- 3.1.3** All information will be collected in a fair and lawful manner and as required/permitted by legislative provisions. This may include directly from the client and/or their representative (if under 18 years of age or under legally recognised care assistance), and in respect of Aged Care residents, from health care providers, other persons/organisation and Aged Care Referral Services.
- 3.1.4** Council will take reasonable steps to inform the person whose personal information it collects of the purpose for which the information is being collected, whether it is authorised or required by law, and the use and disclosure of personal information of the kind collected.
- 3.1.5** Council will take reasonable steps to ensure that personal information collected, is relevant to the purpose of collection and is up to date and complete.
- 3.1.6** Council will take reasonable steps to ensure that the collection of personal information does not unreasonably intrude upon an individual's personal affairs.

- 3.1.7** Council may collect information concerning persons from a number of private and public sector agencies, which may include, but is not limited to State Government agencies, the Electoral Commission of South Australia, Office of the Valuer General, SA Water, Telstra, SA Power Networks and from individual persons.

3.2 Collection of Sensitive Information

- 3.2.1** Council will not collect sensitive information about an individual unless:
- a) The individual has consented;
 - b) The collection is required by law;
 - c) The collection is necessary to prevent or lessen a serious and imminent threat to the life or health of any person; or
 - d) The collection is necessary for the establishment, exercise or defence of a legal or equitable claim.
- 3.2.2** If Council collects sensitive information about an individual in accordance with the provisions of this Policy, Council will take reasonable steps to de-identify the information before Council discloses it.

3.3 Maintenance and Storage of Personal Information

- 3.3.1** Council may disclose some personal information to an offshore third-party cloud computing services provider. In this event, Council will take adequate and reasonable steps to assure appropriate data security.
- 3.3.2** Council will take reasonable steps to:
- a) Protect the personal information it holds from misuse and loss and from unauthorised access, modification, or disclosure; and
 - b) Ensure that any person who, on behalf of Council, uses or discloses personal information held by Council is appropriately authorised.
 - c) Use an industry best practice form of encryption (encoding software) to protect credit card personal information submitted to Council's e-services website.
- 3.3.3** All personal and sensitive information is managed through the Corporate Software System. A hierarchy of control is maintained to ensure that only authorised personnel are able to make changes to the information stored within the system.

3.4 Use of Personal Information

- 3.4.1** Where Council collects personal information for a primary purpose, it will not use that information for any other purpose (secondary purpose), unless:
- a) Council takes reasonable steps to obtain the consent of the individual concerned to use their personal information for that secondary purpose; or
 - b) The individual would reasonably expect Council to use or disclose the information for the secondary purpose and the secondary purpose is directly (for sensitive information) or indirectly related (for any other information) to the primary purpose; or
 - c) Council believes on reasonable grounds that use of the information for that secondary purpose is necessary to prevent or lessen a serious or imminent threat to the life or health of the individual concerned or another person; or

- d) Use of the information for the secondary purpose is required or authorised by law.

3.4.2 Personal information collected in relation to claims for disability benefits and financial hardship claims will be used solely for the purposes of assessing the claim.

3.4.3 Council must provide a simple means by which the individual may easily request not to receive direct marketing communications from Council. Council must not use or disclose non-sensitive information for the purpose of direct marketing unless Council has collected the information from the individual and the individual would reasonably expect Council to use or disclose the information for that purpose or the individual has given consent to the use of the information for direct marketing.

3.5 Disclosure of Personal Information

3.5.1 Council will not disclose personal information it holds about a person to third parties, except where:

- a) the individual has made a written request for personal information to be provided to a third party; or
- b) the individual likely to have been aware that his or her personal information would be disclosed in that way; or
- c) the provision of personal information is for the purpose of distributing materials on behalf of Council; or
- d) the third party has been contracted by Council to provide advice or services for the sole purpose of assisting Council to provide services; or
- e) Council is required or authorised by law to disclose personal information; or
- f) the individual has been advised of Council's usual practice of disclosing personal information to a third party of that type for a particular purpose; or
- g) a public consultation submission has been received by Council. All public consultation submissions received will become public documents and may be included in a report to Council which is also available to the public.

3.5.2 Where personal information is provided to Council by a person '**in confidence**', Council will not disclose such information to a third party without the person's consent, unless such disclosure is required or authorised by law.

3.5.3 Council will take reasonable steps to contract only with third party service providers that are subject to the provisions of the Privacy Act and the Australian Privacy Principles and will enter into a Privacy Agreement that requires the third-party service provider to comply with the provisions of this Policy relating to the collection, use, storage and disclosure of personal information supplied by Council.

3.5.4 Council may supply personal information about an individual to that individual as part of a standard communication or pursuant to a request made by the individual.

3.5.5 Council does not accept any responsibility for any loss or damage suffered by an individual or organisation due to their reliance on any personal information provided to them by the Council or due to Council's inability to provide individuals with requested personal information. Council

reasonably expects that individuals will, before relying on any personal information Council provides to them, seek confirmation about the accuracy and currency of such personal information.

3.6 Integrity and Alteration of Personal Information

- 3.6.1** Council must assume that personal information provided by individuals for other individuals is accurate, complete and up to date. It is the responsibility of individuals to provide Council with details of any changes to their personal information as soon as reasonably practicable following such change.
- 3.6.2** Council will take reasonable steps, such as making appropriate deletions, additions and corrections, to ensure that personal information held by it is accurate, relevant, complete and up to date.
- 3.6.3** A person may apply to Council to have their personal information amended so that it is accurate, relevant, complete and up to date. Where Council, on reasonable grounds, decides not to amend personal information in the manner requested in the application, Council will inform the person of its decision and the reasons for refusing to make the amendments. Upon request, Council will take reasonable steps to attach to a record containing personal information, a statement provided by that individual of the correction, deletion or addition sought.
- 3.6.4** All applications in regard to altering personal information/details must be made in writing, or by completion of relevant Council forms. The exception to this is when rating staff receive telephone advice in relation to address changes to assessment records. Once the caller has been identified, the details will be updated to ensure assessment records are up to date for billing purposes.

3.7 Access to Personal Information

- 3.7.1** A person who wishes to access personal information held by Council must make a written application to the Freedom of Information Officer. Council may grant or refuse access to personal information as determined under the Freedom of Information Act 1991.
- 3.7.2** In accordance with this Act, individuals will be consulted to obtain their opinion on release of the information. Should it be determined the information will be released against the view of the individual, they have the right to request a review of the decision, on payment of the prescribed fee, prior to the information being released.
- 3.7.3** There are certain documents which may contain personal information, that Council is legislatively required to make available for access by members of the public.
- 3.7.4** In certain circumstances, an applicant may be required to satisfy Council staff as to their legal identity.

3.8 Suppression of Personal Information

Personal information may be suppressed from the Council's Assessment Record and from the Council's Voters Roll, where the Chief Executive Officer is satisfied that inclusion on the Assessment Record and/or Voters Roll would place at risk the personal safety of an individual, a member of that individual's family, or any other

individual. Enquiries regarding suppression of personal information should be directed to Rating staff at the Civic Centre.

3.9 Complaints

- 3.9.1** A person who has any concerns regarding how the Council handles personal information or requires further information should contact the Freedom of Information Officer at the Council office.
- 3.9.2** Upon confirmation of a breach of Privacy, Council will immediately take all reasonable steps to contain any reported breach of privacy.
- 3.9.3** If the Freedom of Information Officer cannot satisfy the individuals concerns, the individual may lodge a formal complaint under Council's Complaints Policy.
- 3.9.4** Only the Freedom of Information Officer is responsible for determining access and alteration requirements in relation to Personal Information.
- 3.9.5** Staff must ensure they are aware of their responsibilities in regard to the legislative requirements that apply to the collection, storage, maintenance and use of personal and sensitive information.

4. RESPONSIBILITY & REVIEW

4.1 Responsible Officer

Chief Executive Officer

4.2 Availability

This policy will be available on Council's website.

4.3 Review

This policy will be reviewed within 12 months of a General Election for Local Government, or as required to meet legislative or any other obligations.

5. REFERENCES

5.1 Legislation

Local Government Act 1999
Privacy Act 1988 (Cth)
Freedom of Information Act 1991

5.2 Other References

Australian Privacy Principles
Employee Performance Standards Policy
Information Privacy Principles (IPPS) (SA)
Records Management Policy
Social Media Policy

Australian Privacy Principles — a summary for APP entities

from 12 March 2014



Australian Government
Office of the
Australian Information Commissioner

APP 1 — Open and transparent management of personal information

Ensures that APP entities manage personal information in an open and transparent way. This includes having a clearly expressed and up to date APP privacy policy.

APP 2 — Anonymity and pseudonymity

Requires APP entities to give individuals the option of not identifying themselves, or of using a pseudonym. Limited exceptions apply.

APP 3 — Collection of solicited personal information

Outlines when an APP entity can collect personal information that is solicited. It applies higher standards to the collection of 'sensitive' information.

APP 4 — Dealing with unsolicited personal information

Outlines how APP entities must deal with unsolicited personal information.

APP 5 — Notification of the collection of personal information

Outlines when and in what circumstances an APP entity that collects personal information must notify an individual of certain matters.

APP 6 — Use or disclosure of personal information

Outlines the circumstances in which an APP entity may use or disclose personal information that it holds.

APP 7 — Direct marketing

An organisation may only use or disclose personal information for direct marketing purposes if certain conditions are met.

APP 8 — Cross-border disclosure of personal information

Outlines the steps an APP entity must take to protect personal information before it is disclosed overseas.

APP 9 — Adoption, use or disclosure of government related identifiers

Outlines the limited circumstances when an organisation may adopt a government related identifier of an individual as its own identifier, or use or disclose a government related identifier of an individual.

APP 10 — Quality of personal information

An APP entity must take reasonable steps to ensure the personal information it collects is accurate, up to date and complete. An entity must also take reasonable steps to ensure the personal information it uses or discloses is accurate, up to date, complete and relevant, having regard to the purpose of the use or disclosure.

APP 11 — Security of personal information

An APP entity must take reasonable steps to protect personal information it holds from misuse, interference and loss, and from unauthorised access, modification or disclosure. An entity has obligations to destroy or de-identify personal information in certain circumstances.

APP 12 — Access to personal information

Outlines an APP entity's obligations when an individual requests to be given access to personal information held about them by the entity. This includes a requirement to provide access unless a specific exception applies.

APP 13 — Correction of personal information

Outlines an APP entity's obligations in relation to correcting the personal information it holds about individuals.

www.oaic.gov.au

For private sector organisations,
Australian Government
and Norfolk Island agencies
covered by the Privacy Act 1988