



## **Policy No. 2014 - 30**

# **Privacy (Personal Information) Policy**

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## 1. Introduction

The functions of the Central Highlands Council (Council) are many and varied as provided under the *Local Government Act 1993* and other legislation and regulations made thereunder as well as By-laws made by the Council from time to time.

The Council collects, retains, stores and uses personal information where it is necessary for one or more Council functions and activities.

Under the *Personal Information Protection Act 2004* (the Act), the Council is the custodian of that information and the collection, use and disclosure of information which is to be used by the Council as governed by the Act.

The type of personal information collected by the Council includes names, addresses and telephone numbers, together with any specific information about a person that may be required for the purpose of discharging our functions across the organisation.

The Council is committed to upholding the right to privacy of all individuals who have dealings with the Council and endeavours to ensure that the personal information we hold is accurate, complete and up to date. Where practicable, we will check on the accuracy of your personal information before we use it.

## 2. Purpose

The Personal Information Protection Act 2004 (the Act) was introduced to protect the individual's right to personal privacy.

Council is committed to the Personal Information Protection Principles included in the Act. This policy explains the principles and how they may apply.

## 3. Scope

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.

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#### 4. Definitions

**Personal information** is information that can be used to identify an individual, such as name, address and date of birth.

**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.

#### 5. Associated Policies, Procedures, Legislation, Codes of Practice, Guidelines and Best Practice Models.

This policy should be read in conjunction with applicable, appropriate and associated policies, procedures, legislation, codes of practice, guidelines and best practice models. These include, but are not limited to:

- Personal Information Protection Act
- Local Government Act
- Code of Conduct Policies
- Employee Handbook
- Staff Induction Procedures
- Duty Statements/ Job Descriptions
- Pre-employment Screening Practices
- 2013-18 Employee Recruitment & Selection Policy
- Right to Information Act
- Public Interest Disclosure Act
- Customer Service Charter

#### 6. Principles

##### 6.1 Principle 1 Collection

- Council will only collect personal information when it is necessary for its functions or activities.
- Council will collect personal information directly from an individual wherever it is reasonable and practicable to do so.
- Council will collect personal information only by lawful and fair means and not in an unreasonably intrusive way.

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- In some instances, Council will be required by law to collect personal information.
- Council will only collect sensitive information where an individual has consented or as permitted under the Act.
- 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:
  - Council's identity and how to contact it;
  - Their right to access the information;
  - The purpose for which the information is collected;
  - The intended recipients of the information;
  - Any law that requires the information to be collected;
  - The main consequences (if any) if all or part of the information is not provided.
- 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.

**6.2 Principle 2 Use and disclosure**

- Council will only use personal information within Council, or disclose it outside Council,
  - To contact an individual in order to provide services requested by that person, e.g. obtaining a permit.
  - To contact an individual 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 to be resolved by Council such as a fallen tree branch.
  - It may be used 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.
  - To supply an individual with material concerning Council initiatives and programs.
  - To contact an individual in relation to their property.

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- 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.
  - 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.
  - 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.
  - To update an individual's name and address details and verify information.
  - To check occupancy for ratings purposes.
  - To contact an individual in case of an emergency.
- In some circumstances, Council needs to disclose a person's information to other organisations. Examples of situations where disclosure may occur include:
    - 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.
    - 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.
    - Pensioner Applications for Rates Remission may be forwarded to Centrelink, the Department of Treasury, the Department of Veterans' Affairs and Housing Tasmania.
    - Information relating to financial requests, for example a direct debit, may be forwarded to our bank.
    - If a workplace incident or other incident or accident occurs, information may be forwarded to our Workers Compensation, public liability or professional indemnity insurers.
    - If an individual does not pay their rates, Council may forward their information to the courts and a debt collector may be appointed.
    - If infringement notices are not paid, Council may forward an individual's information to the courts, solicitor or the Monetary Penalties Enforcement Unit.
    - If an individual applies to work in an area of Council that involves working with children or youths whether as an employee or as a volunteer, a report may be requested from Tasmania Police Education for safety screening purposes.

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- In order to properly assess an individual's development, building or subdivision application, Council may seek the advice of other agencies and, in doing so, will provide details of the application, including any personal information included on the application to that agency. Examples of these agencies include Department of Primary Industry, Parks, Water and Environment, Department of State growth and the Tasmanian Fire Service.

### **6.3 Principle 3 Data quality**

- Council will take reasonable steps to make sure that the personal information it collects, uses or discloses is accurate, complete and up-to-date.
- An individual may update the personal information they have supplied to Council. Details on how to do so are outlined under Privacy Principle 6.

### **6.4 Principle 4 Data Security**

- Council will ensure that all employees are aware of the provisions of the Local Government Act in relation to the improper use of information.
- 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.
- 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 or other legislation.

### **6.5 Principle 5 Openness**

- Council will make this policy available upon request.
- 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.

### **6.6 Principle 6 Access and Correction**

- Should an individual wish to access their personal information, they may contact Council on 03 6286 3202. Access will be provided except in the circumstances outlined by The Act, for example, where the information relates to legal proceedings of where the Right to Information Act applies.

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## 6.7 Principle 7 Unique Identifiers

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

## 6.8 Principal 8 Anonymity

- Council will, where it is lawful and practicable, give individuals the option of remaining anonymous when entering into transactions with Council.
- 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.

## 6.9 Principle 9 Transborder Data Flows

- Council will transfer personal information to a region outside Tasmania only if authorised by law or with the consent of the individual.

## 6.10 Principle 10 Sensitive Information

- Council will only collect sensitive information when you have consented, or as permitted under the Personal Information Protection Act or required by law.
- Sensitive information will be treated with the upmost security and confidentiality and only used for the purpose for which it was collected.

## 7. Correction and Complaints

If a person is not satisfied with the handling of their personal information or the outcome of their request to access or correct their personal information, they may contact Council to make a complaint on (03) 6286 3202. Complaints will be investigated within 15 business days and a written response will be provided.

If a person is not happy with the outcome of their complaint, they can lodge a complaint with the Ombudsman. The Ombudsman's Office can be contacted on 1800 001 170, and by email at [ombudsman@ombudsman.tas.gov.au](mailto:ombudsman@ombudsman.tas.gov.au)

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