

## PRIVACY POLICY

### 1. SCOPE

- 1.1 This Policy applies to all employees, elected members and contractors of the Council.
- 1.2 This Policy covers personal information that is collected, retained, stored and used by Council where it is necessary for one or more of Council's functions or activities.
- 1.3 'Personal information' may be defined as:

*information or an opinion (including information 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.*

It is, basically, any information that can be used to identify an individual.

Examples of personal information held by the Council include information relating to individual properties and property owners, names of complainants and objectors, dog registration information, rates and charges information and sensitive information relating to insurance claims and health and immunisation records.

### 2. PURPOSE

- 2.1 This Policy sets out Council's approach to managing, handling and protecting the personal information of customers.

### 3. POLICY STATEMENT

- 3.1 Council is committed to upholding the right to privacy of all individuals who have business dealings with the Council. The Council will take the necessary steps to ensure that the personal information that customers share with us remains confidential.
- 3.2 This Policy will also serve to regulate Council procedures in relation to the handling of personal information.

#### Legislative Requirements –

- *Local Government Act 1993 (Tasmania)*
- *Archives Act 1983 (Tasmania)*
- *Personal Information Protection Act 2004 (Tasmania)*
- *Right to Information Act 2009 (Tasmania)*

#### Related Procedures/Guidelines:

- GOV.006.1 - Privacy Policy Guidelines

DOC NO: GOV.006	VERSION NO: 3	APPROVAL DATE: 19 June 2023
CONTROLLER: General Manager	APPROVED BY: - COUNCIL	REVIEW DATE: 19 June 2027

## PRIVACY POLICY GUIDELINES

### 1.0 Purpose

- 1.1 This Guideline sets out Council's approach to managing, handling and protecting the personal information of customers.
- 1.2 Council is committed to upholding the right to privacy of all individuals who have business dealings with the Council. The Council will take the necessary steps to ensure that the personal information that customers share with us remains confidential.
- 1.3 This Guideline will also serve to regulate Council procedures in relation to the handling of personal information.

### 2.0 Objective

- 2.1 The objective of this Guideline is to provide guidance to Council staff, elected members and contractors in relation to the handling of personal information.

### 3.0 Scope

- 3.1 This Guideline applies to all employees, elected members and contractors of the Council.
- 3.2 This Guideline covers personal information that is collected, retained, stored and used by Council where it is necessary for one or more of Council's functions or activities.

### 4.0 Procedure

- 4.1 Collection of Personal Information
  - 4.1.1 It is Council's Policy to collect personal information only if it is necessary for one or more of Council's functions or activities or in order to comply with State or Federal laws or regulations.
  - 4.1.2 Whenever Council collects personal information, the information and the reasons for its collection will be shared with customers upon request. Requests of this nature are to be forwarded to Council's Right to Information Officer.
  - 4.1.3 Council will only use personal information for the purposes for which it was collected and for any other use authorised or required by law, including law enforcement and compliance activities.

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4.1.4 Sensitive information shall not be collected without express consent and unless the collection of such information is required by law. Sensitive information may include information or opinion about an individual's racial or ethnic origin, political opinions, membership of a political association, religious beliefs or affiliations, philosophical beliefs, membership of a professional or trade association, membership of a trade union, sexual preferences or practices, criminal record, health information or financial status.

### 4.2 Use and Disclosure

4.2.1 It is Council's guideline that personal information will not be divulged to third parties outside the Council for their independent use unless the person to which the information relates, or their authorised representative, has authorised Council to do so or the disclosure is required or allowed by law. Council and its employees will not sell, trade or make available personal information to others.

4.2.2 Where Council out sources or contracts out functions that involve the collection, utilisation and/or holding of personal information, contractual measures shall be taken to ensure that contractors and subcontractors do not act in a way that would amount to a breach of this Policy.

4.2.3 Council will require that these contractors and subcontractors maintain the confidentiality of this information and abide by all applicable laws. Council will not permit any third parties to sell or use this information for their own purposes.

4.2.4 Contracts with third parties will include standard provisions about the purposes for which the contractor is to use the information and any other provisions necessary to ensure the contractor does not make unauthorised disclosures. Contracts may also contain provisions about how the contractor is to keep the information secure and what must happen with the information when the contracted out activity has been completed.

### 4.3 Data Quality

4.3.1 Council will take all reasonable steps to ensure that customers' personal information is accurate, complete and up-to-date. Council will respond to any requests from the public to correct inaccurate information in a timely manner. Such requests are to be forwarded to Council's Right to Information Officer in the first instance.

### 4.4 Data Security

4.4.1 Council will take steps to protect the personal information it holds from misuse and loss and from unauthorised access, modification or disclosure.

DOC NO: GOV.006.1	VERSION NO: 1	APPROVAL DATE: 19 June 2023
CONTROLLER: General Manager	APPROVED BY: - COUNCIL	REVIEW DATE: 19 June 2027

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- 4.4.2 Employees are responsible for protecting personal information from misuse, loss, corruption or disclosure. Personal information is to be handled with care and only used for authorised purposes.
- 4.4.3 All employees must maintain confidentiality and respect the privacy of individuals who have dealings with Council. Employees must treat all personal information as confidential and all *sensitive* information as *highly* confidential. Council employees will not disclose any confidential information, use any information to their personal advantage or permit unauthorised access to information.
- 4.4.4 Requests for information from the police, government agencies, either State or Federal, or anyone outside the Council are to be directed to the Right to Information Officer.
- 4.4.5 All Council files are strictly confidential and under no circumstances should a member of the public have access to files. Employees must also be conscious of security within the office environment when members of the public are present. Members of the public must not be left unattended with Council files.
- 4.4.6 Disciplinary measures may be taken in the event that employees act in contravention of this Guideline and fail to adhere to the principles of confidentiality and privacy.
- 4.4.7 Council maintains appropriate security standards and procedures to help prevent access to confidential information by anyone not authorised to access such information. Employees are obliged to assist in maintaining security standards and procedures. In the unlikely event of a breach, and private information is in the public domain, Council will take appropriate action.
- 4.4.8 Examples of the types of security measures that Council has implemented and will continue to support include:
- (a) Physical security: Council has adopted measures to prevent unauthorised entry to premises, systems to detect unauthorised access and secure containers for storing paper-based personal information;
  - (b) Computer and network security: Council has adopted measures to protect computer systems and networks for storing, processing and transmitting personal information from unauthorised access, modification and disclosure;
  - (c) Communications security: Council has adopted measures to prevent unauthorised intrusion into computer networks; and

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- (d) Personnel security: Council has adopted procedural and personnel measures for limiting access to personal information by authorised staff for approved purposes and controls to minimise security risks to the Council's information technology system.

4.4.9 Disposal of personal records held by Council, either by destruction or by transfer to State Archives Office will be carried out strictly in accordance with the *Archives Act 1983* and the *Disposal Schedule Advice No 09 for Council Records* as issued by the Archives Office. Destruction of records containing personal information, including personal records is by secure means. Ordinarily, disposal or recycling of intact documents are not secure means of destruction and should only be used for documents that are already in the public domain. Reasonable steps to destroy paper documents that contain personal information include shredding, pulping or the disintegration of paper. All computers that are removed from use and made available for non-Council purposes will have all data removed from the hardware.

### 4.5 Openness

4.5.1 The Privacy Guidelines and a summary of the Policy to be titled "Privacy Statement", will be made available on Council's website. Copies of these Guidelines will also be made available upon request.

### 4.6 Access and Correction

4.6.1 Individuals are entitled to access personal information about them which is held by Council. Individuals are entitled to know generally what sort of personal information Council holds about them, for what purposes, and how it collects, holds, uses and discloses that information.

4.6.2 Requests for access to such information are to be made in writing and forwarded to Council's Right to Information Officer for action. The Right to Information Officer must establish the identity of the individual asking for the information.

4.6.3 If an individual has made a written request for access, the Right to Information Officer will acknowledge the request in accordance with standard Council procedures and, as a rule, grant access within 14 days from the date of receipt of the request.

4.6.4 Council will respond to public requests to correct information in a timely manner and in accordance with normal Council records procedures.

4.6.5 Council will provide written reasons when a request for access to, or correction of, personal information is refused.

### 4.7 Anonymity

DOC NO: GOV.006.1	VERSION NO: 1	APPROVAL DATE: 19 June 2023
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4.7.1 Whenever it is lawful and practicable to do so, customers will be given the option of not identifying themselves when dealing with Council.

4.8 Training

4.8.1 All relevant Council employees will be made aware of their responsibilities in relation to the treatment of personal information in the workplace.

**5.0 Legislation**

- *Local Government Act 1993 (Tasmania)*
- *Archives Act 1983 (Tasmania)*
- *Personal Information Protection Act 2004 (Tasmania)*
- *Right to Information Act 2009 (Tasmania)*