

 GLAMORGAN SPRING BAY COUNCIL	POLICY – PERSONAL & PRIVATE INFORMATION	Policy 6.3	
		Version 1	Date 30/08/18
Minutes Dated 25/09/18	Approved By: Council Decision No.	Review Date As required but no later than 2020	

1. OBJECTIVE

To ensure that information gathered by Council is protected; and that on the collection of the information, it is kept private.

2. SCOPE

This Policy applies to all councillors, Council employees, contractors, workplace participants and volunteers of Council.

3. DEFINITIONS

‘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.

‘Sensitive Information’ means personal information or an opinion relating to personal information about an individual's racial or ethnic origin, political opinions, membership of a political association, religious beliefs or affiliations, beliefs, membership of a professional or trade association, membership of a trade union, preferences or practices, criminal record and health information about an individual.

For the avoidance of doubt both Personal Information and Sensitive Information both constitute confidential information in respect of all other Council policies and procedures.

3. PROCEDURE

3.1 Collection of Personal Information

3.1.1 Council will only collect Personal Information that is necessary for it to perform its functions.

3.1.2 Council will collect Personal Information about individuals directly from them wherever it is reasonable and practicable to do so.

3.1.3 There may be circumstances where Council is required or obligated by law to collect Personal Information.

3.1.4 Personal Information obtained by Council may include a person's:

- (a) name;
- (b) address;
- (c) telephone number(s);
- (d) date of birth;
- (e) occupation;
- (f) email address;
- (g) tax file number or Centrelink reference number (or other similar identification required for State or Australian Government processes);
- (h) bank details; or
- (i) vehicle registration details.

3.1.5 There are various purposes for the obtaining of Personal Information, which may include:

- (a) to provide services, as requested by the individual;
- (b) to follow up on complaints or issues;
- (c) to confirm attendance at meetings, functions etc.;
- (d) where an individual has been included on a mailing or distribution list;
- (e) to facilitate the collection of fees and charges;
- (f) to facilitate payments; or
- (g) to undertake law enforcement activities.

3.1.6 After collecting Personal Information, Council will take all reasonable steps to ensure an individual is made aware of:

- (a) Council's identity and how to contact it;
- (b) the individual's rights in regards to accessing the Personal Information collected;
- (c) the purpose for collecting the Personal Information;
- (d) the intended recipients of the Personal Information;
- (e) legislation that requires the Personal Information to be collected; and
- (f) the consequences, if any, of not providing all or part of that Personal Information.

3.2 Unique Identifiers

3.2.1 Council will not assign unique identifiers to individuals unless the assignment of the identifier is necessary to perform any Council functions.

3.2.2 Council will not adopt a unique identifier for an individual, if the same unique identifier has been assigned to that individual by another Personal Information custodian, unless:

- (a) that adoption is necessary for Council to carry out any of its functions efficiently;
or
- (b) it has obtained the consent of the individual to the use of that same unique identifier.

3.3 Anonymity

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

3.4 Sensitive Information

- 3.4.1 Sensitive Information will only be obtained where an individual provides consent or it is permitted under the *Personal Information Protection Act 2004* (Tas).
- 3.4.2 Sensitive Information will be treated with the upmost security and confidentiality, and only used for the purpose for which it was collected.

3.5 Complaints

- 3.5.1 Complaints relating to privacy or the provision of Personal Information should be made directly to the General Manager.
- 3.5.2 In accordance with the provision of the *Personal Information Protection Act 2004* (Tas) all complaints must be lodged in writing to Council. Council will endeavour to respond to a complaint within twenty (20) business days (i.e. four weeks).
- 3.5.3 If a councillor has submitted a written complaint on a person's behalf, Council will also endeavour to respond to the councillor within twenty (20) business days (i.e. four weeks).
- 3.5.4 Where it is not possible to meet this deadline, e.g. where a complaint is a complex, the General Manager or delegated Council Officer will endeavour to keep the complainant informed of any progress.
- 3.5.5 The General Manager will inform the complainant of the findings on completion of an investigation.
- 3.5.6 If the complainant is not happy with the outcome of the complaint, or the process by which the complaint was handled by Council, the complainant may contact the Ombudsman's Office.

4. DELEGATION

Executive Officer

5. RESPONSIBILITY

5.1 Use and disclosure of Personal Information

- 5.1.1 Council will only use or disclose Personal Information about an individual for the purpose for which it was collected, or if it is to be used or disclosed for any other purpose this will be in accordance with the exception described in the Personal Information Protection Principles found in the *Personal Information Protection Act 2004* (Tas).

- 5.1.2 Council will take all necessary measures to prevent unauthorised access to or disclosure of Personal Information.
- 5.1.3 Council will only disclose Personal Information to a third party or external organisation, with the express consent of the individual concerned, pursuant to a right to information request made under the *Right to Information Act 2009* (Tas) or when it is required to by law.
- 5.1.4 Any external contractors engaged by Council must agree to be bound by the provisions of the *Personal Information Protection Act 2004* (Tas) the Personal Information Protection Principles and this Policy.
- 5.1.5 Information provided to these contractors is limited to the information required by them to provide services to individuals on behalf of Council.
- 5.1.6 Council will disclose Personal Information to other agencies in the course of investigating and defending of legal claims against Council. This includes Council's solicitors, consultants, insurers and investigators.
- 5.1.7 Where authorised or required by law, and provided it is consistent with this Policy and the *Personal Information Protection Act 2004* (Tas), Council may disclose Personal Information to:
- (a) debt collection agencies;
 - (b) Commonwealth of Tasmanian government agencies; and
 - (c) law enforcement agencies including the Courts, Tasmanian Police or the Federal Police,

5.2 Disclosure of Personal Information outside Tasmania

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

5.3 Data Quality

Council will take all reasonable steps to ensure that the Personal Information it collects, uses, holds or discloses is accurate, complete, up-to-date and relevant to its functions and activities.

5.4 Data Security

- 5.4.1 Council will take all reasonable steps to ensure that Personal Information is stored safely and securely.
- 5.4.2 Council will take all reasonable steps to ensure that Personal Information held by it is protected from misuse, loss, and unauthorised modification and disclosure regardless of the format in which the Personal Information is held.
- 5.4.3 Personal Information may be stored by Council electronically or in hardcopy.

5.4.4 Any Personal Information provided to Council, which is no longer necessary for Council's purposes, will be disposed of using secure destruction. However, under the *Archives Act 1983*, some information is required to be kept for specified periods or permanently. Other legislation may also dictate periods of time Personal Information must be retained.

5.4.5 Personal Information that is required to be stored for a period of time will be stored either on Council premises or at the State Archives Office.

5.4.6 Council may combine or link Personal Information held about an individual.

5.4.7 Council officers will only be provided with access to Personal Information that is necessary for them to carry out their functions within Council.

5.5 Openness, accessing and correcting Personal Information

5.5.1 An individual has the right to make a written request to access to the Personal Information Council holds about them.

5.5.2 Requests to access or correct Personal Information held by Council should be addressed to:

The General Manager
Glamorgan Spring Bay Council
PO Box 6
TRIABUNNA TAS 7190

5.5.3 On request Council will take reasonable steps to advise a person in general terms of:

- (a) the sort of Personal Information held by Council about them;
- (b) the purposes for which Council holds the Personal Information about them; and
- (c) how Council collects, holds, uses and discloses that Personal Information.

5.5.4 If, upon accessing their Personal Information the individual believes the Personal Information is incorrect, inaccurate, out of date or misleading, the individual can request the information be corrected or amended. Amendments to Personal Information are established under the *Personal Information Protection Act 2004* (Tas). A request to amend information, in accordance with the *Personal Information Protection Act 2004* (Tas), must be in writing and addressed to the General Manager (mailing details as listed above).

5.5.5 The request to amend the Personal Information must specify a postal or email address to which the notice is to be sent; give particulars of the Personal Information the person believes is incomplete, incorrect, out of date or misleading; and specify the amendments that the person wants made to that information.

5.5.6 A person not satisfied with the handling or outcome of their request to access or correct Personal Information, can lodge a complaint with the Ombudsman.

6. REPORTING

7. STATUTORY REQUIREMENTS

Archives Act 1983

Personal Information Protection Act 2004 (Tas)

Right to Information Act 2009 (Tas)

8. ATTACHMENTS

Nil