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| PRIVACY POLICY | |
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| Latest Review Changes | <p>Minor formatting and editorial changes, update to the new template</p> <p>Inclusion of the of the following applicable legislation</p> <ul style="list-style-type: none"> - <i>Child and Young Person Act 2017</i> - <i>Local Government Act 1999</i> |
| Previous Council Reviews | 14.09.12, 20.07.15, 27.03.19 |

Applicable Legislation

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| <p><i>Child and Young Person Act 2017</i></p> <p><i>Copyright Act 1968</i></p> <p><i>Freedom Information Act 1991 (SA)</i></p> <p><i>Local Government Act 1999</i></p> <p><i>Privacy Act 1988 (Cth)</i></p> <p><i>Privacy Amendment (Enhancing Privacy Protection) Act 2012 (Cth)</i></p> <p><i>State Records Act 1997</i></p> |
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Related Policies

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| Records Management Policy |
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Related Procedures

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Reference Documents

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| <p>Information Sharing Guidelines for promoting safety and wellbeing (Department of Premier and Cabinet/Ombudsman SA) 2015</p> <p>Information Sharing Guidelines (Local Government Association) 2015</p> |
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1. PURPOSE

The Municipal Council of Roxby Downs ("Council") is committed to ensuring openness and transparency of governance to stakeholders while protecting the privacy of individuals. This policy outlines how the Council will approach the collection, storage, disclosure and use of personal information.

2. SCOPE

This Policy applies to all people with access to Council information systems and storage:

- employees of the Municipal Council of Roxby Downs including permanent, temporary, externally hosted trainees and casual staff
- volunteers and work experience placements
- independent contractors and consultants

3. PRINCIPLES

The *Commonwealth Privacy Act 1988* and the *Privacy Amendment (Enhancing Privacy) Act 2012* set out the principles that must be followed by Commonwealth Government agencies in relation to the collection, use, storage and disclosure of personal information.

Although Council is not directly subject to the application of the *Privacy Act 1988* the Australian Privacy Principles contained in the Privacy Act set an appropriate standard for privacy protection. This Policy is intended to achieve best practice through consistency with those standards. Council recognises that there will be occasions when other legislative requirements may cause personal information to be included in public documents.

4. DEFINITIONS

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| Access | means providing to an individual information about himself or herself that is held by the Council. This may include allowing an 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. |
| Consent | means voluntary agreement to some act, practice or purpose. |
| Disclosure | means the release of information to persons or organisations outside the Council. It does not include giving individuals information about themselves. |
| Personal Information | means information or an opinion (including information or an opinion forming part of a database), whether true or not, and whether recorded in a material form or not, about a natural living person whose identity is apparent, or can reasonably be ascertained, from the information or opinion, including a photograph or other pictorial representation of a person but does not include information that is in: <ul style="list-style-type: none"> • generally available publications • material kept in public records and archives such as the Commonwealth or State archives; or • anything kept in a library, art gallery or museum for the purpose of reference, study or exhibition |

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| Sensitive Information | <p>means information or an opinion that may give rise to discriminatory practices based on an individual's:</p> <ul style="list-style-type: none"> • racial or ethnic origin; • political opinions; • membership of a political association, a professional or trade association or a trade union; • religious beliefs or affirmations; • philosophical beliefs; • sexual preferences or practices; • gender; • criminal record; or • health |
| Use | <p>means the handling of personal information within a council including information in a publication.</p> |

5. POLICY

5.1. Collection and Use of Personal Information

All personal information collected by the Council is to be used only for the purpose of conducting business in accordance with the *Local Government Act 1999* and any other relevant Acts under which Council is charged with any responsibility and in the provision of Council services to residents, ratepayers and visitors.

All personal information will be collected for a lawful purpose directly related to a legislative function or power of the Council where the personal information is necessary for or directly related to that purpose. Council is committed to ensuring that residents and ratepayers are aware of the purpose for which personal information is being collected and aware that its collection is authorised or required by law. The Council will take reasonable steps to inform a resident or ratepayer whose personal information it collects:

- of the purpose (s) for which the personal information is being collected, unless that purpose is obvious;
- whether the collection of the personal information is authorised or required by law; and
- in general terms, of its usual practices with respect to the use and disclosure of personal information of the kind collected.

The Council will take reasonable steps to ensure that the collection of personal information does not unreasonably intrude upon an individual's personal affairs. Council will not use personal information for purposes other than that for which it was originally collected unless:

- permission has been sought from the resident, ratepayer or other person providing the information; or
- it is believed that disclosure on reasonable grounds is necessary to prevent or lessen a serious threat to life or health or safety of a person; or
- the provider of the information might reasonably expect the organisation to use or disclose the information for secondary purpose within the Council; or
- it is for the purpose of training/coaching of staff; or
- it is for the purpose of obtaining customer satisfaction feedback; or
- Council employees are required to collect, use or disclose the information collected by law

5.1.1. Type of Information collected

The type of personal information that is collected and held will depend on the services provided to residents and ratepayers but may include:

- telephone numbers;
- name and addresses (postal, residential and e-mail or social media addresses);
- age and/or date of birth;
- property ownership and/or occupier details;
- details of resident's/ratepayer's spouse or partner;
- development applications, including plans or specifications of buildings;
- dog and cat ownership;
- electoral roll details;
- pensioner / concession information;
- payment history;
- financial, rental or income details;
- details of land valuation;
- images;
- recordings (including oral history);
- preferred addresses and methods of contact;
- details of employment; and
- insurance details

5.1.2. When is Information Collected?

Information may be collected:

- When an inquiry or request is made including through Council's website
- In administering services to ratepayers, residents and other persons
- When an individual contacts Council via telephone or email or makes an online submission through Council's website
- In person
- From correspondence (whether in writing or electronically)
- While conducting customer satisfaction and market research surveys
- As otherwise required to undertake and manage Council's business in accordance with relevant legislation
- When a person elects to bring a matter to a Council meeting, their name and address may be used in public reports as required under open and transparent meeting and reporting principles to ensure Council is fully informed

5.1.3. Collection of Sensitive Information

The Council will not collect sensitive information about an individual unless:

- the individual has consented;

- the collection is required by law;
- the collection is necessary to prevent or lessen a serious and imminent threat to the life or health of any person; or
- the collection is necessary for the establishment, exercise or defence of a legal or equitable claim.

If the Council collects sensitive information about an individual in accordance with the provisions of this Policy, the Council will take reasonable steps to de-identify the information before the Council discloses it.

Council collects personal information through the provision of programs and services to children, young people and their families. This information will not be shared without the individual's/ group's consent unless there is a legitimate reason to share information without consent if it is believed that failure to share information will lead to risk of serious harm.

5.1.4. Closed Circuit Television

Closed Circuit Television (CCTV) forms part of Council's broader safety strategies which focuses on crimes against a person/s and or/property and assisting SA Police to enhance public safety. The release of CCTV footage will be in accordance with Council policies, procedures and relevant legislation.

If an activity that has been recorded by CCTV is identified by Council staff and deemed to be of a criminal nature (i.e. graffiti, vandalism, illegal dumping etc), the matter will be referred to the South Australian Police or an appropriate enforcement agency.

5.1.5. Accuracy of Information Collected

In satisfying the collection and use of personal information obligations, which the Council has to its residents and ratepayer, the Council assumes that:

- a) any personal information provided by residents, ratepayers and other persons is free from errors and omissions, is not misleading or deceptive and complies with relevant laws; and
- b) residents, ratepayers and other persons have the necessary authority to provide the personal information submitted to the Council.

The Council relies on personal information provided to it. While the Council will make every effort to ensure that its records of an individual's personal information are up to date and accurate, this may not always be the case.

It is the responsibility of residents, ratepayers and other persons to provide the Council with details of any changes to their personal information as soon as reasonably practicable following such change (in connection with Council business only).

5.1.6. Information Obtained from Third Parties

The Council may receive information concerning ratepayers, residents or other persons from a number of sources including Government and Non-government, and from other ratepayers, residents or other persons. The Council may not necessarily check or verify the accuracy of any personal information it obtains from residents, ratepayers or other persons.

In some instances, the personal information held by the Council may incorporate or summarise views, guidelines or recommendations of third parties. The Council will endeavour to assemble and record such personal information in good faith.

5.1.7. Information collected via the Internet of other electronic means

Council will collect a person's email address and other required details to respond to an enquiry made via the Internet or other electronic means.

5.2. Disclosure of Personal Information

5.2.1. Mandatory Notification

Mandatory notification requirements of the Child and Young People (Safety) Act 2017 apply to employees and volunteers who are engaged in the delivery of services wholly or partly for children on behalf of the Council.

5.2.2. Information Sharing

Information sharing will follow the principles identified in the SA Ombudsman Information Sharing Guidelines (i.e. secure, timely, accurate and relevant). This applies to the sharing of personal information without consent to another organisation so that services can be effectively coordinated to prevent or lessen threats to safety and wellbeing of a person or group of people.

5.2.3. Distribution to Third Parties

The Council will not permit the distribution of personal information it holds about a resident, ratepayer or other persons to a third party, except where:

- the resident, ratepayer or other person has made a written request for personal information to be provided to a third party;
- the resident, ratepayer or other person has given written consent for the personal information to be available to a wider audience (e.g. oral history recordings);
- the provision of personal information is for the purpose of distributing materials of and on behalf of the Council (e.g. the provision of address data for use by a mailing service provider to post rates notices);
- the third party has been contracted by the Council to provide advice or services for the sole purpose of assisting the Council to provide benefits to residents, ratepayers and other persons (e.g. State or Federal Electoral Offices, Office of the Valuer General, insurers);
- the Council is required or authorised by law to provide personal information to a third party (e.g. provision of personal information to the Electoral Commission SA, Ombudsman enquiries) or to the public at large (e.g. in accordance with the *Local Government Act 1999* or to an applicant under the *Freedom of Information Act 1991* where the information is not otherwise exempt);
- the resident, ratepayer or other person has been advised of the Council's usual practice of disclosing personal information to that third party or a third party of that type for a particular purpose and the disclosure is consistent with that purpose.

5.2.4. Disclaimer

The Council does not accept any responsibility for any loss or damage suffered by individuals because of their reliance on any personal information provided to them by the Council or because of the Council's inability to provide individuals with any requested personal information.

Before relying on any personal information that the Council provides, it is expected that the resident, ratepayer or other person will first seek confirmation from the Council about the accuracy and currency of the personal information.

5.3. Maintenance and Storage of Personal Information

The Council will take reasonable steps to protect the personal information it holds from loss and from any unauthorised access, use, modification or disclosure and from other misuse. Council will maintain systems to ensure that all personal information collected is, as far as possible, up to date, accurate and complete. Council will ensure that any person who, on behalf of the Council, uses or discloses personal information held by the Council has appropriate authorisation to do so.

5.4. Access to Personal Information and Freedom of Information

Residents, ratepayers or other persons who wish to access the personal information that the Council holds in relation to them can do so by contacting the Freedom of Information (FOI) Officer at the Council Office. These requests will be dealt with as soon as it is reasonably practicable, having regard to the nature of the information requested but, in any event, in accordance with the obligations imposed on the Council by the *Freedom of Information Act 1991*. The person making the request will need to satisfy the FOI Officer as to his or her identity and may need to complete a Freedom of Information Request for Access application and pay the relevant fee.

If a resident, ratepayer or other person can show that the personal information held by Council is not accurate or complete they may apply in writing for the amendment of Council's records.

Personal information may be released to others if requested under the Freedom of Information Act, however, in accordance with this Act, a person may be consulted to obtain their opinion on release of the information. Should a determination be made that the information will be released against the view of the person, they have the right to request a review of the decision, prior to the information being released and on payment of the prescribed fee.

5.2.5. Access to Property Files

Although development applications are not considered to be personal in nature, they often contain documents such as professional drawings and expert advice. It is contrary to the Copyright Act 1968 (Cth) for Council to reproduce such documents without the written consent of the owner of the copyright protected documents.

Owners of properties within the Municipality and agents authorised in writing for this specific purpose, will be given access to the Council file relating to their property for perusal only. Proof of identity such as a rates notice, or driver's licence is required. Copies of documents on the file will be provided at Council's standard photocopy charge, subject to any limitations under the Commonwealth Copyright Act 1968.

Before a property file is given to a property owner for perusal it is to be viewed by Council's FOI Officer to assess whether there are any documents which could be considered exempt. Any such documents are to be removed from the file prior to it being viewed by the owner. Application for access to these documents must be made in accordance with FOI provisions.

5.5. Suppression of Personal Information

Personal information may be suppressed from the Council's assessment record if inclusion in these records would place at risk the personal safety of a resident, ratepayer, a member of that person's family or any other person.

Enquiries regarding suppression of personal information should be directed to the Chief Executive.

5.6. Grievances

Residents, ratepayers or other persons that have any concerns regarding how the Council handles their personal information, or require further information, should contact the Group Manager Governance and Community in the first instance.

A formal complaint may be lodged in writing to:

Municipal Council of Roxby Downs
PO Box 124
ROXBY DOWNS SA 5725

6. REVIEW

This Policy will be reviewed and evaluated no less than once every 3 (three) years.

7. AVAILABILITY

This Policy is available for inspection at the Council Office, 6 Richardson Place during ordinary business hours and is also available from Council's website <https://www.roxbydowns.sa.gov.au/council/about-roxby-council/policies>