

---

## INFORMATION PRIVACY POLICY

---

*Version 1 Adopted on 18 April 2012 by Council Resolution 0412/018*

### 1. POLICY STATEMENT

Carpentaria Shire Council ("Council") is committed to protecting the privacy of individuals. Council will take all reasonable steps to ensure that the collection, use, disclosure and handling of all personal information by Council complies with all relevant legislation and principles.

### 2. PRINCIPLES

Council acknowledges that it collects, stores and uses a broad range of information. A significant part of the abovementioned information is personal information. Council has an obligation to those persons whose personal information is held by Council to ensure it collects, stores and uses information in accordance with the Act.

### 3. SCOPE

This policy applies to all personal information held by Council and applies to all councillors, Council employees, volunteers, contractors and consultants.

### 4. DEFINITIONS

**Act** means the *Information Privacy Act 2009*.

**Personal information**<sup>1</sup> means information that is an opinion or information, whether true or false, that identifies or could identify an individual. It does not have to be written down. It could be spoken information, information in a database or on a computer screen, or a photograph or video recording, but does not include information that is in a publication generally available to members of the public.

*Examples of personal information include:*

- *date and place of birth*
- *religious or political beliefs*
- *financial, criminal or medical records*
- *family arrangements*
- *street address, telephone number and email address*
- *where a person works or goes to school.*

---

<sup>1</sup> See Appendix A for further information

Depending on the type of information and the context, the information or opinion does not have to include the name of an individual to be personal information.

## **5. POLICY**

The Act sets out 11 Information Privacy Principles (“IPPs”) and these are listed at Appendix B. The 11 IPPs may be grouped into four broad categories and their applicability to Council is described below:

### **Collection**

Council will only collect personal information that is directly related to the functions and services provided by Council. Wherever possible, Council will advise persons what the information will be used for either prior to or at the point of collection.

### **Storage and Security**

Council will make every reasonable effort to ensure that the personal information it collects, uses and stores is relevant and to the extent necessary, accurate, complete and up-to-date for the purpose for which it is to be used.

Council will maintain a secure system for storing personal information and will utilise appropriate technologies, security methods, operational policies and procedures to protect the information from unauthorised access, improper use, alteration, unlawful or accidental destruction and accidental loss.

No person, including employees, consultants or contractors, will access or use personal information unless authorised to do so.

### **Access and Amendment**

Persons may have access to their personal information and may seek to have this information corrected.

Written applications for access and correction will be dealt with by Council in accordance with the provisions of the Act.

### **Use and Disclosure**

Council will use personal information it collects for the primary purpose for which it was collected or for a secondary purpose if it is directly related to the primary purpose.

Additionally, Council may use the information for other (identified or non-identified) purposes where a person has consented to such use or disclosure.

### **Complaints**

A person may lodge a complaint with the Chief Executive Officer regarding the handling of personal information. The complaint will be dealt with under the provisions of Council’s Complaints Policy.

## **6. LEGAL PARAMETERS**

Council must comply with the requirements of the *Information Privacy Act 2009*.

## **7. ASSOCIATED DOCUMENTS**

Council’s Complaints Policy

*Information Privacy Act 2009*

## 8. NEXT REVIEW

30 June 2014

Adopted by Council on the 18 April 2012 by Council Resolution 0412/018.



Chief Executive Officer

## APPENDIX A

### TYPES OF PERSONAL INFORMATION HELD, PURPOSE AND USE

#### Types of personal information held by Council

- contact details such as names, addresses, telephone numbers, email addresses;
- personal opinions;
- employee identification;
- information surrounding complaints and grievances;
- gender;
- date of birth;
- bank account details;
- pensioner and/or concession details;
- electronic transactions;
- internet and intranet activity;
- transaction history;
- relevant details applicable to processing various applications;
- details required and associated information kept in the investigation of complaints and requests for action;
- images and recordings;
- details of receipts and payments;
- land record information; and
- survey responses and submissions.

#### Main purposes for which personal information is used

Council holds electronic and paper records containing personal information, which can broadly be divided into two classes:

- Records relating to staff employment and corporate support; and
- Records relating to the performance of Council's business and service delivery functions.

#### ***Records relating to staff employment and corporate support***

##### a) Employee Records

These documents are used to manage employment matters effectively and relate to all current and former employees (permanent, contract and temporary) and applicants for vacant positions. Appropriate security

measures are in place for this information, appropriate to the sensitivity of personal information it contains. These documents include:

- attendance and overtime records;
- medical matters;
- tax file number declaration forms;
- personal history files;
- recruitment matters;
- character checks and security clearances;
- performance appraisals, including recommendations for honours and awards;
- trade, skill and aptitude tests;
- work related travel;
- contracts and conditions of employment;
- leave applications and approvals;
- payroll and pay, including banking details;
- declarations of pecuniary interests;
- education, personal development and training;
- contracts and conditions of employment;
- disciplinary and counselling matters, including complaints, grievances, investigations and associated actions;
- allegations and investigations of alleged misconduct;
- personal history and welfare matters;
- accidents and injuries, including compensation and rehabilitation case files;
- electronic transaction history including telephone activity, emails, internet and intranet activity, security pass activity;
- next of kin details;
- workplace health and safety matters;
- Council fleet management; and
- other staff and establishment records as appropriate.

b) Financial Management Records

The purpose of these records is to process and account for Council's revenue and expenditure in the conduct of its business and service delivery. The records include personal information of ratepayers, creditors, debtors, outsourced services and service providers.

c) Information Services Records

Council's information management systems routinely contain much of the core business and the supporting corporate services of Council on behalf of its many functional areas. This encompasses a wide variety of electronic transactions. Records within this networked environment will generally cover information referred to in other parts of this plan that deal with the core business operations of functional areas of Council. The use of these systems is routinely monitored by internal and external control systems.

***Records relating to the performance of Council's business and service delivery functions***

a) General Information and Other Information for Administrative Purposes

These documents assist Council in the effective and efficient operation of Carpentaria Shire Council. Relevant documents include:

- messages, inwards and outwards;
- correspondence, transaction history, registers, minutes, lists and directories;
- insurance claims (personal injury, property damage and workers compensation);

b) Land Records

Council holds personal information relating to each parcel of land. This information includes ownership details, contact details, transaction history and property history. This information is used to provide efficient and effective services, levy appropriate rates and meet legislative requirements.

c) Application Details

Council holds personal information for processing applications, permits, licences or approvals for which Council is responsible. The personal information includes contact details and any other information that is relevant to the processing of the application. This is to ensure that Council makes decisions in accordance with applicable protocol, legislation and service requirements. This collection of personal information extends to all avenues where Council is responsible for administering and processing applications, including:

- Town planning applications;
- Operational works applications;
- Building and plumbing applications;
- Health and environment licences and approvals;
- Animal management services;
- Cemetery applications;
- Requests relating to rating matters;
- Property access and rural road numbering applications;
- Road infrastructure permits and approvals;
- Grant applications;
- Immunisation requests;
- Land record applications and search requests; and
- Applications to carry out works or supply goods for Council Information.

d) Requests for Action - General Services

Council receives personal information from customers requesting actions from Council, and this information is used to enable Council to effectively deliver a service to that customer.

This includes contact details and telephone conversation records of customers requesting related Council related services including, but not limited to:

- Council's road network;
- Network infrastructure delivery;
- Council controlled parks, gardens, cemeteries and reserves;
- Roadside landscaping;
- Waste management services;
- Pest management services;
- Rural road numbering;
- Stormwater and drainage issues; and
- Council owned buildings.

e) Requests for Action and Investigations of Complaints - Regulatory Services

Council also receives grievances from the general public that require action under statutory instruments, including applicable investigation. The personal information held includes contact details and telephone conversation records of the complainants, and also personal information relating to the subject of the complaint relevant to the investigation of the matter. Generally, these matters relate to:

- Council issued licences, permits and approvals;
- Declared pest management issues on private land;
- Animal management;
- Environmental pollution and public health matters;
- Building, plumbing and swimming pools; and
- Development compliance matters.

f) Community Services

In addition to the services mentioned above, Council also holds personal information that is required for the effective and efficient delivery of the following services:

- Library services;
- Management, maintenance and access to Council owned facilities (including swimming pools, buildings, parks, gardens and reserves);
- Management, maintenance and access to Council keys;
- Management and maintenance of Council controlled cemeteries;
- Community engagement functions;
- Emergency services management;
- Corporate governance management;
- Environmental activities such as workshops, events;
- Membership database for community groups and conservation groups;
- Regional development activities such as workshops and economic development activities;
- Cultural services activities, including event bookings and
- Community development activities, including grant applications and visitor information centres.

While every effort has been made to include an extensive list of the types of personal information held by Council, and the purposes for which they are used, Council may hold other types of personal information than the examples provided.

## INFORMATION PRIVACY PRINCIPLES<sup>2</sup>

### IPP 1—Collection of personal information (lawful and fair)

- (1) An agency must not collect personal information for inclusion in a document or generally available publication unless—
  - (a) the information is collected for a lawful purpose directly related to a function or activity of the agency; and
  - (b) the collection of the information is necessary to fulfil the purpose or is directly related to fulfilling the purpose.
- (2) An agency must not collect personal information in a way that is unfair or unlawful.

### IPP 2—Collection of personal information (requested from individual)

- (1) This section applies to the collection by an agency of personal information for inclusion in a document or generally available publication.
- (2) However, this section applies only if the agency asks the individual the subject of the personal information for either-
  - (a) the personal information; or
  - (b) information of a type that would include the personal information.
- (3) The agency must take all reasonable steps to ensure that the individual is generally aware of—
  - (a) the purpose of the collection; and
  - (b) if the collection of the personal information is authorised or required under a law—
    - (i) the fact that the collection of the information is authorised or required under a law; and
    - (ii) the law authorising or requiring the collection; and
  - (c) if it is the agency's usual practice to disclose personal information of the type collected to any entity (the **first entity**)—the identity of the first entity; and
  - (d) if the agency is aware that it is the usual practice of the first entity to pass on information of the type collected to another entity (the **second entity**)—the identity of the second entity.
- (4) The agency must take the reasonable steps required under subsection (3)—
  - (a) if practicable—before the personal information is collected; or
  - (b) otherwise—as soon as practicable after the personal information is collected.
- (5) However, the agency is not required to act under subsection (3) if—

---

<sup>2</sup> See *Information Privacy Act 2009*, Schedule 3 - Information privacy principles



- (a) the personal information is collected in the context of the delivery of an emergency service; and

*Example*—personal information collected during a triple 0 emergency call or during the giving of treatment or assistance to a person in need of an emergency service

- (b) the agency reasonably believes there would be little practical benefit to the individual in complying with subsection (3) in the circumstances; and
- (c) the individual would not reasonably expect to be made aware of the matters mentioned in subsection (3).

### **IPP 3—Collection of personal information (relevance etc.)**

- (1) This section applies to the collection by an agency of personal information for inclusion in a document or generally available publication.
- (2) However, this section applies to personal information only if the agency asks for the personal information from any person.
- (3) The agency must take all reasonable steps to ensure that—
  - (a) the personal information collected is—
    - (i) relevant to the purpose for which it is collected; and
    - (ii) complete and up to date; and
  - (b) the extent to which personal information is collected from the individual the subject of it, and the way personal information is collected, are not an unreasonable intrusion into the personal affairs of the individual.

### **IPP 4—Storage and security of personal information**

- (1) An agency having control of a document containing personal information must ensure that—
  - (a) the document is protected against—
    - (i) loss; and
    - (ii) unauthorised access, use, modification or disclosure; and
    - (iii) any other misuse; and
  - (b) if it is necessary for the document to be given to a person in connection with the provision of a service to the agency, the agency takes all reasonable steps to prevent unauthorised use or disclosure of the personal information by the person.
- (2) Protection under subsection (1) must include the security safeguards adequate to provide the level of protection that can reasonably be expected to be provided.

### **IPP 5—Providing information about documents containing personal information**

- (1) An agency having control of documents containing personal information must take all reasonable steps to ensure that a person can find out—
  - (a) whether the agency has control of any documents containing personal information; and
  - (b) the type of personal information contained in the documents; and
  - (c) the main purposes for which personal information included in the documents is used; and
  - (d) what an individual should do to obtain access to a document containing personal information about the individual.
- (2) An agency is not required to give a person information under subsection (1) if, under an access law, the agency is authorised or required to refuse to give that information to the person.

### **IPP 6—Access to documents containing personal information**

- (1) An agency having control of a document containing personal information must give an individual the subject of the personal information access to the document if the individual asks for access.
- (2) An agency is not required to give an individual access to a document under subsection (1) if—
  - (a) the agency is authorised or required under an access law to refuse to give the access to the individual;  
or
  - (b) the document is expressly excluded from the operation of an access law.

### **IPP 7—Amendment of documents containing personal information**

- (1) An agency having control of a document containing personal information must take all reasonable steps, including by the making of an appropriate amendment, to ensure the personal information—
  - (a) is accurate; and
  - (b) having regard to the purpose for which it was collected or is to be used and to any purpose directly related to fulfilling the purpose, is relevant, complete, up to date and not misleading.
- (2) Subsection (1) applies subject to any limitation in a law of the State providing for the amendment of personal information held by the agency.
- (3) Subsection (4) applies if—
  - (a) an agency considers it is not required to amend personal information included in a document under the agency's control in a way asked for by the individual the subject of the personal information; and
  - (b) no decision or recommendation to the effect that the document should be amended wholly or partly in the way asked for has been made under a law mentioned in subsection (2).
- (4) The agency must, if the individual asks, take all reasonable steps to attach to the document any statement provided by the individual of the amendment asked for.

### **IPP 8—Checking of accuracy etc. of personal information before use by agency**

Before an agency uses personal information contained in a document under its control, the agency must take all reasonable steps to ensure that, having regard to the purpose for which the information is proposed to be used, the information is accurate, complete and up to date.

### **IPP 9—Use of personal information only for relevant purpose**

- (1) This section applies if an agency having control of a document containing personal information proposes to use the information for a particular purpose.
- (2) The agency must use only the parts of the personal information that are directly relevant to fulfilling the particular purpose.

### **IPP 10—Limits on use of personal information**

- (1) An agency having control of a document containing personal information that was obtained for a particular purpose must not use the information for another purpose unless—
  - (a) the individual the subject of the personal information has expressly or impliedly agreed to the use of the information for the other purpose; or
  - (b) the agency is satisfied on reasonable grounds that use of the information for the other purpose is necessary to lessen or prevent a serious threat to the life, health, safety or welfare of an individual, or to public health, safety or welfare; or
  - (c) use of the information for the other purpose is authorised or required under a law; or
  - (d) the agency is satisfied on reasonable grounds that use of the information for the other purpose is necessary for 1 or more of the following by or for a law enforcement agency—
    - (i) the prevention, detection, investigation, prosecution or punishment of criminal offences or breaches of laws imposing penalties or sanctions;
    - (ii) the enforcement of laws relating to the confiscation of the proceeds of crime;
    - (iii) the protection of the public revenue;
    - (iv) the prevention, detection, investigation or remedying of seriously improper conduct;
    - (v) the preparation for, or conduct of, proceedings before any court or tribunal, or implementation of the orders of a court or tribunal; or
  - (e) the other purpose is directly related to the purpose for which the information was obtained; or

*Examples for paragraph (e)—*

1. *An agency collects personal information for staff administration purposes. A new system of staff administration is introduced into the agency, with much greater functionality. Under this paragraph, it would be appropriate to transfer the personal information into the new system.*
2. *An agency uses personal information, obtained for the purposes of operating core services, for the purposes of planning and delivering improvements to the core services.*

(f) all of the following apply—

- (i) the use is necessary for research, or the compilation or analysis of statistics, in the public interest;
- (ii) the use does not involve the publication of all or any of the personal information in a form that identifies any particular individual the subject of the personal information;
- (iii) it is not practicable to obtain the express or implied agreement of each individual the subject of the personal information before the use.

(2) If the agency uses the personal information under subsection (1)(d), the agency must include with the document a note of the use.

### **IPP 11—Limits on disclosure**

(1) An agency having control of a document containing an individual's personal information must not disclose the personal information to an entity (the **relevant entity**), other than the individual the subject of the personal information, unless—

- (a) the individual is reasonably likely to have been aware, or to have been made aware, under IPP 2 or under a policy or other arrangement in operation before the commencement of this schedule, that it is the agency's usual practice to disclose that type of personal information to the relevant entity; or
- (b) the individual has expressly or impliedly agreed to the disclosure; or
- (c) the agency is satisfied on reasonable grounds that the disclosure is necessary to lessen or prevent a serious threat to the life, health, safety or welfare of an individual, or to public health, safety or welfare; or
- (d) the disclosure is authorised or required under a law; or
- (e) the agency is satisfied on reasonable grounds that the disclosure of the information is necessary for 1 or more of the following by or for a law enforcement agency—
  - (i) the prevention, detection, investigation, prosecution or punishment of criminal offences or breaches of laws imposing penalties or sanctions;
  - (ii) the enforcement of laws relating to the confiscation of the proceeds of crime;
  - (iii) the protection of the public revenue;
  - (iv) the prevention, detection, investigation or remedying of seriously improper conduct;
  - (v) the preparation for, or conduct of, proceedings before any court or tribunal, or implementation of the orders of a court or tribunal; or

(f) all of the following apply—

- (i) the disclosure is necessary for research, or the compilation or analysis of statistics, in the public interest;
- (ii) the disclosure does not involve the publication of all or any of the personal information in a form that identifies the individual;
- (iii) it is not practicable to obtain the express or implied agreement of the individual before the disclosure;

- (iv) the agency is satisfied on reasonable grounds that the relevant entity will not disclose the personal information to another entity.
- (2) If the agency discloses the personal information under subsection (1)(e), the agency must include with the document a note of the disclosure.
  - (3) If the agency discloses personal information under subsection (1), it must take all reasonable steps to ensure that the relevant entity will not use or disclose the information for a purpose other than the purpose for which the information was disclosed to the agency.
  - (4) The agency may disclose the personal information under subsection (1) if the information may be used for a commercial purpose involving the relevant entity's marketing of anything to the individual only if, without limiting subsection (3), the agency is satisfied on reasonable grounds that—
    - (a) it is impracticable for the relevant entity to seek the consent of the individual before the personal information is used for the purposes of the marketing; and
    - (b) the relevant entity will not charge the individual for giving effect to a request from the individual to the entity that the individual not receive any marketing communications; and
    - (c) the individual has not made a request mentioned in paragraph (b); and
    - (d) in each marketing communication with the individual, the relevant entity will draw to the individual's attention, or prominently display a notice, that the individual may ask not to receive any further marketing communications; and
    - (e) each written marketing communication from the relevant entity to the individual, up to and including the communication that involves the use, will state the relevant entity's business address and telephone number and, if the communication with the individual is made by fax, or other electronic means, a number or address at which the relevant entity can be directly contacted electronically.