

KENTISH COUNCIL POLICY

PRIVACY- PERSONAL INFORMATION POLICY

Policy Number 02:21:2005

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OBJECTIVE	To ensure that privacy is protected as an integral part of its commitment towards complete accountability and integrity in all its activities and programs.						
STATUTORY AUTHORITY	<i>Personal Information Protection Act 2004 Local Government Act 1993 Right to Information Act 2009 Public Interest Disclosure Act 2002</i>						
POLICY	<table style="width: 100%; border: none;"> <tr> <td style="width: 70%;">Adopted 16 August 2005</td> <td style="width: 30%;">Minute 7.3.5</td> </tr> <tr> <td>Amended 19 October 2010</td> <td>Minute 7.1.2</td> </tr> <tr> <td>Reviewed 15 September 2015</td> <td>Minute 11.4.3</td> </tr> </table>	Adopted 16 August 2005	Minute 7.3.5	Amended 19 October 2010	Minute 7.1.2	Reviewed 15 September 2015	Minute 11.4.3
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1. PURPOSE:

The Kentish Council views the protection of your privacy as an integral part of its commitment towards complete accountability and integrity in all its activities and programs.

This policy is in accordance with the Personal Information Protection Principles as outlined in Schedule 1 of the *Personal Information Protection Act 2004 (the Act)*.

2. SCOPE:

This policy applies to all Councillors, officers and contractors of the Kentish Council.

This policy covers all personal information held by the Council. This includes information we have collected through any of Council's public access interfaces.



It includes information we have collected from you as well as information about you collected from third parties.

It includes information collected regardless of format e.g. correspondence and forms (paper and electronic), in person, over the telephone or via Council web sites.

3. DEFINITIONS:

'Personal Information' – means information or an opinion (including information or an opinion forming part of a database), whether true or not about an individual whose identity is apparent, or can reasonably be ascertained, from the information or opinion, but does not include information about an individual who has been dead for more than 30 years.

'Personal Information Protection Principles (PIPPs)' – A set of principles that regulates the handling of personal information.

'Public Registers' – documents that Councils are required to make publicly available pursuant to State Government legislation. These registers

- ◆ are open to inspection by members of the public
- ◆ contain information required or permitted by legislation
- ◆ may contain personal information

A list of these is provided at the end of this document.

'Sensitive Information' – personal information or an opinion about an individual's:

- ◆ Race or ethnic origin; or
- ◆ Political opinions; or
- ◆ Membership of a political association; or
- ◆ Religious beliefs or affiliations; or
- ◆ Philosophical beliefs; or
- ◆ Membership of a professional trade association; or
- ◆ Membership of a trade union; or
- ◆ Sexual preferences or practice; or
- ◆ Criminal record; and
- ◆ Health information about an individual.

4. INFORMATION PRIVACY PRINCIPLES:

The following is a set of 10 principles that regulate the handling of personal information

Principle 1: Collection of Personal Information

The functions of the 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 itself.

Council will only collect personal information supplied by you when it is necessary to do so.



There may be circumstances where Council is required or obligated by law to collect personal information. Sensitive information will only be obtained where an individual provides consent or is permitted under the Act.

Information obtained may include:

- ◆ Name
- ◆ Address (postal and e-mail),
- ◆ Telephone number (work, home & mobile),
- ◆ Date of birth,
- ◆ Occupation,
- ◆ Medicare/Pension number,
- ◆ Credit card and bank account numbers,
- ◆ Motor vehicle registration number
- ◆ ABN number.

there are various purposes for the obtaining of personal information which may include:

1. To contact you where it is necessary in order to provide services requested by you e.g., paying rates via our public interfaces.
2. To contact you where it is necessary to resolve issues relating to Council services or functions which you have brought to our attention e.g., where you have reported a matter you require to be resolved by Council such as a fallen tree branch via our public interfaces.
3. It may be used to contact you prior to a meeting of Council to confirm your attendance and advise you of any changes to the meeting details where you have made a submission for consideration.
4. To supply you with material concerning Council initiatives and programs where you have supplied personal information to Council for this purpose e.g., where you have opted to be included on a mailing list for a Council publication via our public interfaces. We will not include you on such mailing lists unless you have consented beforehand.
5. To facilitate the collection of Council fees and charges, e.g., we will use your name and address details to forward rate notices.
6. To enable payment for Council-provided goods and services, e.g., we collect your credit card and bank account details when you make payment for good and services.
7. To enable Council to undertake its law enforcement functions Council will only collect information about you from third parties where it authorised to do so
8. To enable Council to pay for goods and services e.g. ABN numbers and bank account details

Principle 2: Disclosure of Personal Information

Council will take all necessary measures to prevent unauthorised access to or disclosure of your personal information.



Council discloses personal information to external organisations including Council's contracted service providers who perform various services for and on behalf of the Council.

These contractors have agreed to be bound by the provisions of the *Personal Information Protection Act 2004*. Information provided to these contractors is limited to the information required by them to provide services to you on behalf of Council.

Council also discloses personal information to other agencies in the course of investigating and defending of legal claims against Council. This includes Council's solicitors, consultants, and investigators.

Where authorised, Council may also disclose personal information to,

- ◆ Debt collection agencies,
- ◆ Government agencies.
- ◆ Law Enforcement agencies including the Courts and the Tasmanian Police e.g. to comply with a subpoena

Personal information in applications for employment with Council will be supplied to agencies such as the Tasmanian Police where authorised by Law e.g., as part of a background check.

Background checks will only be carried out on applicants for selected positions prior to employment with Council. Such checks will only be carried out with your prior written authorisation and the results will not be disclosed to third parties unless authorised by law.

Personal information provided by you as part of a public submission to a Council or committee meeting may be included with the published agenda papers and minutes of the meeting.

Personal information may also be contained in Public Registers which must be made available by Council for viewing by the public. Council does not provide copies of these registers but information may be copied from them.

We will ensure that your personal information is not disclosed to other institutions and authorities outside Council except if required or authorised by law.

Requests for access to documents containing personal information are managed under the *Right to Information Act 2009*.

Principle 3: Data Quality

Council will endeavour to ensure that personal information it holds is accurate, complete and up to date. You may amend any personal information you have supplied to Council, details are provided in Personal Information Protection Principle 6 below.



Principle 4: Data Security

Council will take all necessary steps to ensure that personal information is stored safely and securely. This will ensure that personal information held by Council will be protected from misuse, loss, and unauthorised modification and disclosure. This applies regardless of the format in which the information is held.

Council officers will only be provided with access to the information that is necessary for them to carry out their functions within the Council and Council officers will be made aware of the importance of confidentiality and customer privacy.

Council will not sell, trade or make available personal information to others, except as is required by law or for the proper functioning of Council.

Any personal information which you provide 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.

Principle 5: Openness

This document, and Council's web based privacy statement, details Council's management of personal information and Council will make this document available to anyone who asks for it.

Principle 6: Access and Correction of Personal Information

The *Personal Information Protection Act 2004* provides that a person can access personal information about them that is held by Council.

Requests for access to and correction of documents containing personal information are managed under the *Right to Information Act 2009*.

Requests must be made in writing stating as precisely as possible what information is required and should be addressed as follows,

General Manager
Principle Officer
Kentish Council
PO Box 63
SHEFFIELD, 7306

Staff should ensure that all such enquires from the public are directed to the Council's Principle Officer.

A person who considers the personal information to be incorrect, incomplete, out of date or misleading, can request that the information be amended which will be processed in accordance with the provisions of the *Right to Information Act, 2009*.



A person who is not happy with the handling or outcome of a request for access to or correction of personal information can lodge a complaint with the Ombudsman.

Principle 7: Unique Identifiers

Council will not assign unique identifiers to individuals unless the assignment of the identifier is necessary to perform any Council functions. A unique identifier is a reference that enables identification of an individual, for example a driver's licence number.

Council will not adopt as its own unique identifier, any unique identifier assigned to the individual by another personal information custodian unless

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

Principle 8: Anonymity

Where lawful and practicable, Council will offer you the option of remaining anonymous when supplying personal information as part of a transaction 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 you choose not to supply relevant personal information to Council.

Principle 9: Disclosure of Information Outside Tasmania

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

Principle 10: Sensitive Information

Council will not collect sensitive information about you unless you have given consent; the collection is required or permitted by law or in circumstances where the information is both directly pertinent and necessary to one of its functions.

Council will ensure that sensitive information or data is treated with the greatest security and confidentiality restrictions, to ensure information is used exclusively for the purpose for which it was collected. Sensitive information may include:

- Opinions or information relating to ethnicity or racial background
- Political opinions or associations
- Religious beliefs or affiliations
- Trade Union membership
- Criminal record
- Health information
- Financial status



5. COMPLAINTS OR ENQUIRES CONCERNING PRIVACY:

Complaints may be directed to Council's Principle Officer. These will be acknowledged within 2 days and will be resolved as soon as practicable.

The complaint must be received within 6 months from the time the complainant first became aware of the misconduct and details of the complaint will be kept confidential at all times.

Contact details are as follows,

By Mail:

The Principle Officer
Kentish Council
PO Box 63
SHEFFIELD 7306

Telephone: 6491 0200

Facsimile: 6491 1659

PUBLIC REGISTERS

The following public registers are among those currently maintained by the Council which may include personal information you have supplied to the Council.

1. Council's Governance Department keeps register namely,
 - ◆ Details of current allowances fixed for the Mayor and Councillors under the Local Government Act.
 - ◆ Names of sitting Councillors who declare an interest during the financial year.
 - ◆ Details of senior officers total salary package for the current financial year with details as described under the Local Government Act (Section 72).

2. Council's Corporate Services Department keep registers namely,
 - ◆ A register of registered dogs (including ownership and phone details).
 - ◆ A list of donations and grants made by the Council during the financial year, including names of persons or bodies which have received a donation or grant and the amount of each donation or grant.
 - ◆ A list of contracts valued at \$50,000 or more which the Council entered into during the financial year.



3. Council's Planning & Development Department keep registers namely,
- ◆ A register of building permits
 - ◆ A register of occupancy permits and temporary approvals received by Council.
 - ◆ A register of emergency orders, building notices and binding orders given to Council.
 - ◆ A register of all applications for Planning permits and all decisions and determinations relating to permits.
 - ◆ A register of Food Premises.



Sample clause to go on any document requesting personal information.

PRIVACY STATEMENT

Kentish Council abides by the Personal Information Protection Act 2004 and views the protection of your privacy as an integral part of its commitment towards complete accountability and integrity in all its activities and programs.

Collection of Personal Information

The personal information being collected from you for the purposes of the *Personal Information Protection Act, 2004* and will be used solely by Council in accordance with its Privacy Policy.

Council is collecting this information from you in order to

Disclosure of Personal Information

Council will take all necessary measures to prevent unauthorised access to or disclosure of your personal information. External organisations to whom this personal information will be disclosed as required includes the

This information will not be disclosed to any other external agencies unless required or authorised by law.

Correction of Personal Information

If you wish to alter any personal information you have supplied to Council, or have any other queries concerning Council's privacy procedures, please telephone Kentish Council on 6491 0200.