

INFORMATION PRIVACY POLICY

INTRODUCTION

The *Information Privacy Act 2009* (IP Act) details how council must handle personal information. The IP Act provides rights for individuals to request a copy of their personal information and to request documents to be amended if they are inaccurate or out-dated, unless it is contrary to the public interest to do so.

1.0 POLICY OBJECTIVES/PURPOSE

Based on the IP Act, this policy gives a framework to collect, manage personal information responsibly and transparently at the Gympie Regional Council.

2.0 ORGANISATIONAL SCOPE

This policy applies to all personal information held by Gympie Regional Council.

The types of personal information held by council includes, but is not limited to, a person's:-

- name and address;
- signature;
- telephone number;
- email address;
- age and/or date of birth;
- property ownership and/or occupier details;
- library membership;
- animal ownership;
- customer request information or complaints;
- payment history;
- pensioner and concession details;
- visual images;
- video recordings;
- audio recordings; and
- personnel files and payroll information.

3.0 POLICY

Councillors, council staff and contractors are to take all reasonable steps necessary in the collection, use, disclosure and handling of personal information in compliance with all relevant legislation, including the information privacy principles contained in the IP Act.

4.0 INFORMATION PRIVACY PRINCIPLES (IPP's)

4.1 IPP 1 - Collection of Personal Information - Lawful and Fair

All personal information collected by Council will be used only for the purpose of conducting council business and for the provision of services to the community.

Council will only collect personal information in a lawful and fair manner for a purpose directly related to, and necessary to fulfil a function or activity of council or to provide services.

4.2 IPP 2 - Collection of Personal Information - Requested from an Individual

When council requests personal information or information of a type that would include the personal information of an individual, it will take all reasonable steps to ensure that the individual is generally aware of the purpose for the collection (ie collection notice).

Council will advise the individual if the collection of the personal information is authorised or required under a law and the applicable law authorising the collection.

Council will also advise the individual if their personal information will be disclosed to another entities and the name of those entities either before the personal information is collected or as soon as practicable after the personal information is collected.

4.3 IPP 3 - Collection of Personal Information - Relevance

Council will take all reasonable steps to ensure that personal information requested is relevant to the purpose for which it is collected, is complete and up to date. The collection of personal information will not be done in a way that is an unreasonable intrusion into the personal affairs of the individual.

4.4 IPP 4 - Storage and Security of Personal Information

All reasonable steps will be taken to protect the personal information council holds from unauthorised access, use, modification, disclosure, loss or any other misuse.

Council will take all reasonable steps to prevent unauthorised use or disclosure of personal information by contractors for the provision of a service to council.

4.5 IPP 5 - Providing Information about Documents Containing Personal Information

Council will take all reasonable steps to ensure that a person can find out whether the Council has control of any documents containing their personal information, the type of personal information, the main purpose for which their personal information is used and how they can obtain access to a document containing their personal information.

4.6 IPP 6 - Access to Documents Containing Personal Information

An individual may request in writing, access to their own personal information under the IP Act. Council will provide access to requested information unless the council is authorised or required by law to refuse to give the access to the document or the document is expressly excluded from access.

Council may redact any irrelevant, exempt or contrary to public interest information from a copy of the document being sought.

4.7 IPP 7 - Amendment of Documents Containing Personal Information

Council will amend documents containing personal information if requested by an individual if the documents are shown to be inaccurate, incomplete or out of date.

4.8 IPP 8 - Checking of Accuracy of Personal Information Before Use by Council

Council will take all reasonable steps to ensure that the personal information it collects, uses or discloses is accurate, complete and up to date.

4.9 IPP 9 - Use of Personal Information only for Relevant Purpose

Council will only use personal information that is directly relevant to fulfilling the particular purpose for which it was collected.

4.10 IPP 10 - Limits on Use of Personal Information

Personal information collected by council for a particular purpose will not be used for another purpose unless:

- a. all reasonable steps are taken to obtain the written consent of the individual to use their personal information for another purpose; or
- b. Council is satisfied that the use 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 personal information for another purpose is authorised or required under law; or
- d. Council is satisfied that use of the personal information for another purpose is necessary for:
 - 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.

- e. the other purpose is directly related to the purpose for which the information was obtained; or
- f. the use of the personal information is necessary for research or the compilation or analysis of statistics in the public interest; does not identify any particular individual who is the subject of the personal information; and it is not practicable to obtain the agreement of each individual who is the subject of the personal information.

4.11 IPP 11 - Limits on Disclosure

Council will not disclose personal information to a person, body or agency (other than the individual concerned) unless:-

- a. the individual concerned is reasonably likely to have been aware, or made aware, that information of that kind is usually passed to that person, body or agency; or
- b. the individual concerned has consented to the disclosure; or
- c. Council believes on reasonable grounds that the disclosure is necessary to prevent or lessen a serious and imminent threat to the life, health, safety or welfare of an individual, or to public health, safety or welfare; or
- d. the disclosure is required or authorised by or under law, or
- e. the disclosure is reasonably necessary for the enforcement of the criminal law or of a law imposing a pecuniary penalty, or for the protection of the public revenue.

5.0 CONTRACTORS

Under section 35 of the IP Act, council must take all reasonable steps to ensure that contracted service providers comply with the information privacy principles and section 33 of the IP Act, *Transfer of personal information outside of Australia*.

Transfer is not defined in the IP Act. The Macquarie Dictionary defines transfer as, relevantly, *to convey or remove from one place, person, etc, to another*. As such, personal information will be transferred out of Australia when the information travels from Australia to another country. Examples of transfer are:

- Updating personal information databases which are stored on a server in another country.
- Collecting personal information via an online form or survey hosted by a company in another country.
- Making personal information available on a webpage which can be accessed by an overseas person.

Circumstances in which a transfer may occur:

- The individual has agreed
- The transfer is authorised or required under a law
- Council is satisfied on reasonable grounds that the transfer is necessary to lessen or prevent a serious threat to the life, health, safety or welfare of any individual, or to public health, safety and welfare.

6.0 HOW TO MAKE AN INFORMATION PRIVACY COMPLAINT

A complainant may make an Information Privacy Complaint in writing.

All written complaints must be addressed to:

The Chief Executive Officer
Gympie Regional Council
PO BOX 155
GYMPIE QLD 4570

7.0 RELATED LEGISLATION

Local Government Act 2009

Information Privacy Act 2009

Right to Information Act 2009

8.0 RELATED DOCUMENTS

Right to Information/Information Privacy Access Application **CSF1RTI**

Information Privacy Personal Information Amendment Application **CSF2IP**

Introduction to Information Privacy **CGT110**

Personal Information (Images) Collection and Consent Form **CGF140**

Information Privacy Act 2009 Schedule 3

DEFINITIONS:

Access – providing an individual with personal information about themselves that is held by council. This may include allowing that individual to inspect personal information or to obtain a copy of the personal information.

Collection – gathering, acquiring or obtaining personal information from any source and by any means, including information that council has obtained by accident or has not requested.

Consent – voluntary agreement to some act, practice or purpose.

Document – means anything that is a document of the council under the *Acts Interpretation Act 1954*.

Disclosure – the release of personal information to persons or organisations outside of council. This does not include giving individuals personal information about themselves.

Personal Information – is 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 an individual 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:-

- generally available publications for example websites and other online content;
- material kept in public records and archives such as commonwealth and state archives; or
- anything kept in a library, art gallery, museum for the purpose of reference, study of exhibition.

Privacy breach – means when personal information is not handled, whether by accident or otherwise, in accordance with the privacy principles.

Collection notice - notification to an individual about the purpose of the collection of personal information, the use of the information and whether it is likely to be disclosed. That notification may be oral, provided a record is kept of that notification. The purpose of the collection notice is to provide evidence that council has satisfied its obligations to take reasonable steps to protect the privacy of an individual. The collection notice may be oral or in writing and may take the following forms:-

- statements on forms to individuals;
- recorded messages on a telephone system;
- statements of pamphlets or brochures;
- signs on walls of Council offices;
- verbal communication;
- use of opt in/opt out mechanisms.