



Croydon Shire Council

Information Privacy Policy

Document Control

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Author: Business Manager

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07/04/10	15 July 2010	New policy
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1. Purpose

The purpose of this policy is to detail Croydon Shire Council's legislative obligations and approach to protecting the privacy of individuals and appropriately managing personal information.

2. Scope

This policy applies to all Councillors, employees, contractors and volunteers of Council and includes all personal information held by Council.

3. Background

The *Information Privacy Act 2009* applies to Croydon Shire Council and recognizes the importance of protection of and access to personal information of individuals. The Information Privacy Principles contained in the Act relate to the collection, storage, amendment, use and disclosure of personal information.

4. Legislation

Local Government Act 2009
Information Privacy Act 2009
Right to Information Act 2009
Public Records Act 2002
Human Rights Act 2019

5. Definitions

Access - means providing an individual with personal information about himself or herself that is held by the Council. This may include allowing that individual to inspect personal information or to obtain a copy of the personal information.

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 personal information to persons or organisations outside the Council. It 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

Sensitive information - means information or an opinion that may give rise to discriminatory practices based on an individual's:

- 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
- criminal record or
- health.

Use - means the handling of personal information within Council including the inclusion of personal information in a publication.

6. Policy

Council collects and manages personal information in the course of performing its activities, functions and duties. The *Information Privacy Act 2009* sets out the ways in which Council must handle personal information. It also gives individuals the right to request a copy of their personal information and to ask for documents to be amended if they are inaccurate or out of date. When assessing whether it is in the public interest to disclose personal information, Council will consider the factors detailed in the *Information Privacy Act 2009*.

6.1 Openness

A copy of this policy will be available on Council's website at www.croydon.qld.gov.au.

Types of personal information held by Council include some of the following and does not represent an exhaustive list. Council may hold other classes of personal information:

- names and addresses
- telephone numbers
- age and/or date of birth
- property ownership and/or occupier details
- animal ownership
- payment histories
- pensioner / concession details
- library membership

The privacy principles are far-reaching and apply to any personal information contained in a council document. A document includes paper, electronic documents, emails, video footage, sound recordings and online content.

6.2 Anonymity

The Council will, wherever it is lawful and practicable, offer individuals the option of not identifying themselves when entering into transactions with the council.

6.3 Sensitive Information

The council will not collect sensitive personal information about an individual unless:

- consent is provided by the individual; or
- collection is required by law; or
- collection is necessary to prevent or lessen a serious threat to life, health, safety or welfare of an individual; or
- collection is necessary for the establishment, exercise or defence of a legal or equitable claim.

6.4 Information Privacy Principles

The information provided below is a summary and limited in detail and should be read in conjunction with the Information Privacy Principles contained in the *Information Privacy Act 2009*.

6.4.1 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.

6.4.2 Collection of Personal Information (requested from an individual)

When Council requests personal information or information of a type that would include the personal information from an individual, it will take all reasonable steps to ensure that the individual is generally aware of the purpose of the collection. 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 entity and the name of that entity either before the personal information is collected or as soon as practicable after the personal information is collected.

6.4.3 Collection of Personal Information (relevance)

Council will take all reasonable steps to ensure that personal information collected 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.

6.4.4 Storage and Security of Personal Information

All reasonable steps will be taken to protect the personal information Council holds from loss, unauthorised access, use, modification, disclosure or any other misuse. Council will take all reasonable steps to prevent unauthorised use or disclosure of personal information by service contractors contracted for the provision of a service to Council. Information is stored on Council's databases which are protected by passwords and other security measures with back up copies stored at off site facilities.

6.4.5 Providing Information about Documents Containing Personal Information

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

6.4.6 Access to Documents Containing Personal Information

An individual may request in writing access to their own personal information under the *Information Privacy Act 2009*. Council will provide access to requested information unless it is authorised or required under an access law to refuse to give the access the individual is seeking or the document is excluded from the operation of an access law. Suitable identification must be provided prior to an individual accessing the documents requested.

6.4.7 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.

6.4.8 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.

6.4.9 Use of Personal Information only for Relevant Purpose

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

6.4.10 Limits on Use of Personal Information

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

- all reasonable steps are taken to obtain the written consent of the individual to use his/her personal information for another purpose; or
- 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
- use of personal information for another purpose is authorised or required under law; or
- Council is satisfied that use of the personal information for another purpose is necessary for:
 - the prevention, detection, investigation, prosecution or punishment of criminal offences or breaches of laws imposing penalties or sanctions;
 - the enforcement of laws relating to the confiscation of the proceeds of crime;
 - the protection of the public revenue;
 - the prevention, detection, investigation or remedying of seriously improper conduct;
 - the preparation for, or conduct of, proceedings before any court or tribunal, or implementation of the orders of a court or tribunal.
 - the other purpose is directly related to the purpose for which the information was obtained; or
 - the use of the personal information is necessary for research or the compilation or analysis of statistics in the public interest;
 - the use does not identify any particular individual the subject of the personal information; and
 - it is not practicable to obtain the agreement of each individual the subject of the personal information before the use.

6.4.11 Limits on Disclosure

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

- the individual concerned is reasonably likely to have been aware, or made aware under Principle 2, that information of that kind is usually passed to that person, body or agency; or
- the individual concerned has consented to the disclosure; or
- the 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
- the disclosure is required or authorised by or under law, or
- 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.

6.5 Complaints

If an individual believes that Council has not dealt with their personal information in accordance with the Information Privacy Principles or is not satisfied with the manner in which Council has handled their request for access to their personal information, they may lodge a formal complaint under Council's Complaints Management Policy, a copy of which can be found on council's website.

7. Related Documents

- Complaints Management Policy
- Records Management Policy