

## PRIVACY PROCEDURE

First Approved	24 June 2013
Status	Council Procedure
Review Frequency	4 yearly or as required
Responsible Division	Resources
Last Reviewed	16 March 2020 (Resolution Ref: 20521)
Next Review Due	March 2024
File Number	18.63.001 / PC202045
Related Documents	Privacy Policy Communication Policy Information Management Policy and Procedure Access to Council Meeting and Documents Policy and Procedure Elected Member, Employee and Volunteer Codes of Conduct
Applicable Legislation	<i>Freedom of Information Act 1991 and Regulations</i> <i>Local Government (Elections) Act 1999</i> <i>Local Government Act 1999 and Regulations, Sect 81 - 91</i> <i>State Records Act 1997</i> <i>Surveillance Devices Act 2016</i> <i>Development Act 1993 and Regulations</i>

### Definitions

In this Procedure, unless the contrary intention appears, these words have the following meaning:

*'Disclosure'* - The release of information to persons or organisations outside Council. This does not include giving individuals information about themselves.

*'Personal Information'* - 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:

- generally available publications
- material kept in public records and archives such as the Commonwealth or State archives
- anything kept in a library, art gallery or museum for the purpose of reference, study or exhibition.

*"Sensitive Information"* - 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
- health.

*'Use'* - The handling of personal information within a Council including the inclusion of information in a publication.

## **Summary/Introduction**

The Council is committed to protecting the privacy of individuals. This procedure outlines how Council will approach the collection, storage, disclosure and use of personal information.

Members of the public should be aware that these principles apply when personal information is being considered and handled within Alexandrina Council.

Only information reasonably required for the operation and effective delivery of Council programs and services is collected and maintained.

Where possible, the full purpose for information collection is disclosed at the time of collection. Information is stored within Council's Corporate Business and Information Management systems and takes into account the need for security and confidentiality.

Outside of standard Council operations, Council will not, without prior consent, sell or provide personal information unless required to do so by law.

## **Procedure**

### **Collection of Personal Information**

All personal information collected by Council is used only for the purpose of conducting Council business and in the provision of Council services to its customers.

The type of personal information that may be collected and held by Council includes, but is not limited to:

- Names and addresses (postal, residential and email)
- Telephone numbers
- Age and/or date of birth
- Property ownership and occupier details
- Dog ownership
- Electoral roll details
- Payment history
- Financial, rental or income details
- Pension/concession information
- Payment history
- Library membership details

All information is collected in a fair and lawful manner and as required/permitted by law. Council is committed to ensuring that residents and ratepayers are aware of the purpose of collection of the information.

In satisfying obligations Council has to its residents and ratepayers concerning collection and use of personal information, Council assumes that:

- Any personal information provided by residents or ratepayers is free from errors and omissions, is not misleading or deceptive and complies with all relevant laws
- Residents and ratepayers have the necessary authority to provide any personal information submitted to Council.

Council may obtain information concerning ratepayers or residents from a number of sources including Centrelink, the State Electoral Office, Office of the Valuer General, SA Water, as well as from ratepayers and residents. Council may not necessarily check or verify the accuracy of any personal information it obtains from residents, ratepayers or other persons.

It is the responsibility of residents and ratepayers to provide the Council with details of any changes to

their personal information as soon as reasonably practicable, in order to maintain accurate information.

### **Maintenance and Storage of Personal Information**

Council will take reasonable steps and use appropriate security mechanisms to ensure that the personal information held by the Council is protected from misuse and loss, and from unauthorised access, modification or disclosure.

Council will maintain its record keeping systems to ensure that all personal information collected is up to date and complete as is reasonably practical.

Any person who, on behalf of the Council, uses or discloses personal information held by the Council must have appropriate authorisation to do so.

### **Use of Personal Information**

Council will take reasonable steps to:

- Use personal information only for a purpose for which it was collected and is relevant
- Ensure that the information is accurate, up to date and complete prior to use.

Council will not disclose personal information for a purpose that is not relevant or incidental to, or connected with that purpose, unless:

- Council first takes reasonable steps to obtain the consent of the person concerned to use their personal information for that other purpose
- Council believes, on reasonable grounds, that use of the personal information is necessary to prevent or lessen a serious and imminent threat to life
- The use of the personal information is required and authorised by law
- The use of the personal information for that other purpose is reasonably necessary for the enforcement of the criminal law or imposing a pecuniary penalty.

### **Disclosure of Personal Information**

Council will not provide personal information it holds to third parties, except:

- Where the resident or ratepayer has made a written request for personal information to be provided to a third party
- Where the provision of personal information is for the purpose of distributing materials for the sole purpose of, and on behalf of Council (eg the provision of address data for use by a mailing service provider to post Rates Notices)
- Where a third party has been contracted by Council to provide advice or services for the sole purpose of assisting the Council to provide benefits to residents and ratepayers (eg State Electoral Office, Officer of the Valuer General, insurers etc)
- Where the Council is required by legislation to provide personal information to a third party (eg provision of personal information to the State Electoral Office) or to the public at large in accordance with the Local Government Act or to an applicant under the Freedom of Information Act, unless the information is otherwise exempt
- Where the resident or ratepayer has been advised of Council's usual practice of disclosing personal information to that third party or a third party of that type for particular purpose and the disclosure is consistent with that purpose
- As part of the public notification required, and related to lodgement of a development application.

Council does not accept responsibility for loss or damage suffered by residents or ratepayers because of reliance on personal information provided to them by Council, or because of Council's inability to provide residents and ratepayers with any requested personal information.

Before relying on any personal information Council provides to residents or ratepayers, it is expected that residents and ratepayers will first seek confirmation from Council about the Accuracy and currency of such personal information.

### **Access and Amendment to Personal Information**

Residents and ratepayers who wish to access their own personal information, can do so by applying to Council in writing. Requests will be dealt with as soon as is reasonably practical, based on the nature of the information requested. The person making the request will need to satisfy Council of their identity prior to the information being released.

When an enquiry is not made in person (eg fax, phone or email) information will only be sent to the current postal or residential address or be collected from the Customer Service Centre with prior arrangement, provided that suitable identification is provided at time of collection.

If a resident or ratepayer can show that the personal information held by Council is not accurate or complete, it will be amended by Council staff.

Council acknowledges that certain personal information in its possession may be required to be made available to others, such as provision for the public to apply for Council information under the *Freedom of Information Act*.

### **Suppression of Personal Information**

A person's name and/or address may be suppressed from the Council's Assessment Record and Voters Roll or other registers where the Chief Executive Officer of the Council is satisfied that the inclusion of the name and/or address on the Assessment Record and/or Voters Roll or other registers would risk the personal safety of that person, a member of the person's family, or any other person.

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

### **Further Enquiries**

Residents or ratepayers who have any concerns regarding how the Council handles personal information, or requires further information should contact the Customer Service staff in the first instance.

In the event that Customer Service staff are unable to satisfy the concerns raised, the matter will be referred to the relevant General Manager for attention.

Alternatively, residents or ratepayers can lodge formal written requests to:

Chief Executive Officer  
Alexandrina Council  
11 Cadell Street  
GOOLWA SA 5214

### **Delegations**

Council acknowledges that the Chief Executive Officer may sub-delegate matters related to this Procedure to staff or other persons employed or engaged by council.

### **Availability of Procedure**

This Procedure will be available for inspection at the Council's offices during normal business hours and on the Council's website [www.alexandrina.sa.gov.au](http://www.alexandrina.sa.gov.au). Copies will also be provided to interested members of the community upon payment of a fee in accordance with Council's Schedule of Fees and Charges.