



# Information Privacy Policy

Policy Number	C8
Responsible Officer(s)	Acting Manager Governance, HR & Risk
Policy Adopted	January 2023
Minutes reference	2023/01-11
Next review date	January 2027
Applicable Legislation	<i>Local Government Act 1999; Privacy Act (Cth) 1998; Australian Privacy Principles; Freedom of Information Act 1991.</i>

## 1. POLICY PRINCIPLE

Council recognises the importance of being able to protect the personal information of its ratepayers, residents and employees. This policy outlines how Council will adopt a best practice approach to the management of personal information and data to ensure the protection of privacy.

## 2. POLICY OBJECTIVE

The provisions of the *Privacy Act 1988* (Cth) ("Privacy Act") do not apply to this Council or any other local council. In collecting, using, storing and disclosing personal information, Council acknowledges that the Australian Privacy Principles contained within the Privacy Act sets an appropriate standard for privacy protection and this Policy is intended to achieve best practice consistency with those standards. Council recognises that there will be occasions when other legislative requirements may cause personal information to be included in public documents.

## 3. POLICY DETAIL

### 3.1 Collection and Use of Personal Information

- 3.1.1 Personal information means information about a person whose identity is apparent, or can reasonably be ascertained. This may include database information or a photograph or other pictorial representation of a person. It does not include information that is generally available (e.g. in publications), on the public record or kept in a library, art gallery or museum for the purpose of reference, study or exhibition.
- 3.1.2 All personal information collected by the Council is to be used only for the purpose of conducting business in accordance with the *Local Government Act 1999* ("Local Government Act"), and other relevant Acts under which the Council is charged with any responsibility, and in the provision of Council services to residents and/or ratepayers.
- 3.1.3 In relation to the collection, storage and use of personal information by the Council:
- Only information required by law or reasonably required for the effective operation of Council services and programs will be collected and maintained;
  - Information will be appropriately stored within Council's record management system, having due regard to access and levels of confidentiality and scrutiny;
  - Other than for generally accepted Council operations, Council will not, without prior consent of the individual concerned, provide personal information to a third party

unless required to do so by law.

- 3.1.4 Council will ensure before any personal information is disclosed to a third-party provider that is subject to the provisions of the Privacy Act, that supplier will be required to provide a signed Privacy Undertaking to the Council that it will comply with the Privacy Act and the Australian Privacy Principles in respect to the collection, use and handling of personal information supplied by the Council.
- 3.1.5 In satisfying the collection and use of personal information obligations, the Council assumes that:
- Any personal information provided by residents and/or ratepayers is free from errors and omissions, is not misleading or deceptive and complies with all relevant laws; and
  - Residents and/or ratepayers have the necessary authority to provide any personal information submitted to the Council.
- 3.1.6 Council may obtain information about people from a number of external sources including State or Federal Government Departments and from individuals. The Council will not check or verify the accuracy of any personal information it obtains from other sources, except if required and expedient for Council to carry out its functions and duties.
- 3.1.7 It is the responsibility of residents and/or ratepayers to provide the Council in writing, with details of any changes to their personal information as soon as reasonably practicable following such change. Council will make every effort to ensure its records of an individual's personal information are up to date and accurate, but Council is aware this may not always be achievable as it is out of their control.

## 3.2 Access to Personal Information

People wishing to access the personal information that Council holds in relation to them can do so by contacting the Council. These requests will be dealt with as soon as practicable, having regard to the nature of the information requested.

If a resident and/or ratepayer can show that the personal information held by the Council is not accurate or complete, Council will take the appropriate steps to have it amended.

## 3.3 Freedom of Information (FOI)

Council may release personal information to others if requested in accordance with the *Freedom of Information Act 1991* ("FOI Act"). The FOI applicant will need to satisfy Council as to their identity, purposes for the request and pay the applicable fee. In some circumstances, this Act requires Council to consult with a person to obtain their opinion on release of the information. Persons have the right to request a review of a decision to release personal information prior to the information being released.

## 3.4 Contract and Tender Information

During procurement processes, Council may receive confidential information from third parties wishing to form contractual relationships with Council for the provisions of goods, works and services. In accordance with the Local Government Act and the FOI Act, certain contract or tender information may become publicly available.

## 3.5 Disability Claims and Financial Hardship Applications

Personal information obtained in relation to claims for disability benefits and financial hardship claims will be used solely for the purposes of facilitating the claim to which the personal information relates, unless the person has specifically given permission in writing for it to be used for other applications or to be provided to a third party.

### 3.6 Suppression of Personal Information

Personal information may be suppressed from the Council's Assessment Record and Voters Roll where the Chief Executive Officer is satisfied that the inclusion of the name and/or address in those records could pose a risk to the safety of that person, a member of the persons family, or any other person.

Enquiries regarding suppression of personal information should be directed to the Council's Acting Manager Governance, HR & Risk in the first instance.

## 4. GRIEVANCE

Persons that have any concerns regarding how Council handles personal information or requires further information should contact Council's Acting Manager Governance, HR & Risk via:

- Telephone: (08) 8862 0800
- Email: [alisha@wrc.sa.gov.au](mailto:alisha@wrc.sa.gov.au)

If the person's concerns cannot be satisfied, the person may lodge a formal complaint in writing and addressed to:

Chief Executive Officer  
Wakefield Regional Council  
Scotland Place  
PO Box 167  
Balaklava SA 5461

## 5. REVIEW

This Policy shall be reviewed every 48 months, or more frequently if required by legislation or Council.

### Document history:

Version	Adopted	Description of Change
1.0	June 2008 – Min 263	New Policy.
	Sept 2013 – Min 80	Minor changes to formatting only.
	Nov 2014	Policy numbering system changed and inclusion of document history table.
2.0	Sept 2015 – Min 66	Inclusion of policy objectives. Re-wording of various paragraphs.
3.0	Dec 2017	Simplification of wording. New policy template. Removal of repeated legislative requirements.
4.0	January 2023	New policy template. Inclusion of clauses 2, 3.3, 3.4 and 4.