RICHMOND SHIRE COUNCIL
INFORMATION PRIVACY POLICY

POLICY NUMBER:	**055**
INFOXPERT REF:	**22519**
TIME PERIOD OF REVIEW:	**2 Year**
DATE OF NEXT REVIEW:	**September 2028**

1. OBJECTIVE

To ensure the collection, use, disclosure and handling of all personal information by council complies with all relevant legislation.

2. SCOPE

This policy applies to all personal information held by Council.

All Councillors and Council officers are responsible for ensuring this policy is understood and adhered to at all times.

3. DEFINITIONS

Access - means providing an individual with personal information about themselves 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 - means 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 in:

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

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.

4. POLICY

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, the council will consider the factors detailed in the *Information Privacy Act 2009,* namely the matters that:

- are irrelevant to deciding the public interest;
- favour disclosure in the public interest; and
- favour non-disclosure in the public interest.

Types of personal information held by council include:

- 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
- cemetery register
- email addresses

Disclosure of personal information is only made after prior written consent of the individual. Consent will be obtained by including a standard privacy statement on all forms that collect information from customers, clients and individuals:

Privacy Statement

The information provided on this form is collected to conform with the requirements of the…….. (eg. Local Government Act, 2009.)

The Council will only use the information contained in this form ……(eg. for the hire of the hall). Contact the Council on (07) 4719 3377 for further information on its privacy policy.

Consent will be obtained during public meetings by giving notice as follows:

The information requested on the attendance form is collected for the sole purpose of distributing minutes and agendas to you.

Any opinions or motions recorded in the minutes of this meeting will only be used for the purposes of …… (eg. progressing the objectives of the xyz committee).

Contact the Council on (07) 4719 3377 for further information on its privacy policy.

Consent will be obtained verbally for the purposes of Service Requests and the customer informed verbally that:

The information you have provided will be recorded in Council's Service Request Database and only be used to investigate and action your Request/Complaint. Your personal information may be given to Council officers to process your Request/Complaint. Your personal information will not be disclosed to any other individual.

Contact the Council on (07) 4719 3377 for further information on its privacy policy.

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.

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

- consent is provided by the individual
- collection is required by law
- 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.

Information Privacy Principles
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 fulfill a function or activity of council.

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.

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.

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.

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.

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.

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.

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.

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.

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 of 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; 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.

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. Where personal information is disclosed for the purposes of enforcement of the criminal law or of a law imposing a pecuniary penalty or for the purpose of the protection of the public revenue, the council shall include in the record containing that information a note of the disclosure.

A person, body or agency to whom personal information is disclosed by Council shall not use or disclose the information for a purpose other than the purpose for which the information was given to the person, body or agency. Council will ensure that disclosure of personal information does not occur unless the disclosure is for the purpose of distributing materials for

and on behalf of the council or, when a third party has been contracted by council, for the sole purpose of assisting council in providing services to its community.

Complaints
If an individual is not satisfied with the manner in which council has handled their request for access their personal information, they may lodge a formal complaint addressed to the Chief Executive Officer.

5. LEGISLATION

- *Information Privacy Act 2009*
- *Local Government Act 2009*
- *Right to Information Act 2009*

6. IMPLEMENTATION

This Policy will commence from the Policy reviewed date and will be made available to all corporate staff on Council's intranet site/network, and to all outdoor staff via their supervisor/coordinator. Council reserves the right to vary, replace or terminate this Policy from time to time. This Policy will typically be reviewed when a review has been deemed appropriate by organisational processes (e.g., audit recommendations), or when legislative requirements change.

7. APPROVAL

Date of Adoption: 15 February 2013
Policy Reviewed: General Council Meeting 15 October 2024
Resolution Number: 2026915.7

Policy Authorised: Peter Bennett
Chief Executive Officer