Protection of Information Policy

CITY OF PROSPECT

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1 Purpose

1.1 The Protection of Information Policy (the Policy) details Council's commitment to a culture that protects privacy and the personal information it collects, stores, discloses and uses and outlines how Council will adopt best practice in the management of personal information.

2 Definitions

2.1 *"Access"* means providing to an individual, information about themselves that is held by Council. This may include allowing that individual to inspect personal information or to obtain a copy;

2.2 *"Collection"* means gathering, acquiring or obtaining personal information from any source and by any means, including information Council has come across by accident or has not asked for;

2.3 *"Consent"* means voluntary agreement to some act, practice or purpose;

2.4 *"Disclosure"* means the release of information to persons or organisations outside

2.5 Council. It does not include giving individuals information about themselves;

2.6 *"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;
- in material kept in public records and archives such as the Commonwealth or State archives; or
- in anything kept in a library, art gallery or museum for the purpose of reference, study or exhibition.

2.7 *"Privacy Act"* means the Privacy Act 1988;

2.8 *"Sensitive Information"* means information or an opinion about 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; or
- any other information a reasonable person would consider to be private

2.9 *"Use"* means the handling of personal information within Council including the inclusion of information in a publication.

3 Scope

3.1 The Policy covers all Council departments.

4 Legislative and Corporate Requirements

4.1 The Privacy Act sets out the principles which must be followed by Commonwealth Government agencies and many private organisations in relation to the collection, maintenance and use of personal information.

4.2 The provisions of the Privacy Act do not apply to this Council or any other council. However, in collecting, using, storing and disclosing personal information, Council acknowledges the National Privacy Principles contained within the Privacy Act set an appropriate standard for privacy protection and the Policy is intended to achieve "best practice" consistency with those standards.

5 Policy Statement

5.1 It is Council policy to have in place adequate systems of internal controls which promote a high level of integrity in protecting personal information. These controls over personal information relate to:

- Collection and use of personal information
- Distribution of personal information
- Maintenance and storage of personal information
- Disability claims and financial hardship applications
- Access to personal information
- Suppression of personal information

6 Collection and Use of Personal Information

6.1 All personal information collected by Council is to be used only for the purpose of conducting business in accordance with the Local Government Act 1999 (and other relevant Acts under which Council is charged with any responsibility) and in the provision of Council services.

6.2 The type of personal information collected and held will depend on the services provided, but may include: -

- Telephone numbers
- Name and address (postal, residential, and email addresses)
- Age &/or date of birth
- Property Ownership and/or Occupier details
- Details of resident's/ratepayer's spouse or partner
- Development Applications including plans of buildings
- Dog Ownership

- Electoral Roll details
- Pensioner / Concession Information
- Payment History

6.3 All information will be collected in a fair and lawful manner and as required/permitted by Local Government legislation. Council is committed to ensuring individuals are aware of the purpose of collection of the information and aware that the collection is authorised or required by law.

6.4 In satisfying the collection and use of personal information obligations, Council assumes that:

(a) any personal information provided is free from errors and omissions, is not misleading or deceptive and complies with all relevant laws; and

(b) individuals have the necessary authority to provide any personal information submitted to Council;

6.5 Council relies on the personal information provided to it. Council may obtain information from a number of sources including Centrelink, the Electoral Commission SA, Office of the Valuer-General, SA Water, Telstra and from ratepayers and residents. Council will not check or verify the accuracy of any personal information it obtains from individuals.

6.6 It is the responsibility of individuals to provide Council with details of any changes to their personal information as soon as reasonably practicable.

6.7 In some instances the personal information held by Council about individuals may incorporate or summarise views, guidelines or recommendations of third parties. Council will endeavour to assemble and record such personal information in good faith, but cannot guarantee that it will necessarily involve a considered review of the information.

6.8 Council will make every effort to ensure that its records of an individual's personal information are up to date and accurate.

6.9 Council does not track individuals Internet activity when they visit Council's web site. Council will only collect an individual's email address to respond to their enquiry if they choose to contact Council via the Internet.

7 Distribution of Personal Information

7.1 Council will not provide personal information it holds on individuals to third parties, except:-

7.1.1 where the individual has made a written request for personal information to be provided to a third party;

7.1.2 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);

7.1.3 where the third party has been contracted by Council to provide advice or services for the sole purpose of assisting Council to provide benefits to individuals (eg Electoral Commission SA, Office of the Valuer-General, insurers);

7.1.4 where Council is required by legislation to provide personal information to a third party (eg provision of personal information to the Electoral Commission SA) or to the public at large in accordance with the Local Government Act 1999 or to an applicant under the Freedom of Information Act 1991 where the information is not otherwise exempt; and

7.1.5 where the individual has been advised of Council's usual practice of disclosing personal information to that third party or a third party of that type for a particular purpose and the disclosure is consistent with that purpose.

7.2 Before Council will provide personal information to a third party service provider that is subject to the provisions of the Privacy Act, that supplier will be required to provide a signed Privacy Undertaking to Council that it will comply with the Privacy Act and the National Privacy Principles in respect to the collection, use and handling of personal information supplied by Council.

7.3 Council may supply personal information about an individual as part of a standard communication or pursuant to a request made by that individual.

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

7.5 Before relying on any personal information Council provides to individuals, Council expects that individuals will first seek confirmation from Council about the accuracy and currency of such personal information.

8 Maintenance and Storage of Personal Information

8.1 Council will take reasonable steps to protect the personal information it holds from loss, unauthorised access, use, modification, disclosure and other misuse, and to maintain systems to ensure that all personal information collected is up to date, accurate and complete.

8.2 Council uses a form of encryption (encoding software) to protect credit card personal information emailed to Council's e-services web-page.

9 Disability Claims and Financial Hardship Applications

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

10 Access to Personal Information

10.1 Individuals who wish to access the personal information Council holds in relation to them can do so by contacting Customer Services staff at the Civic Centre. These requests will be dealt with as soon as is reasonably practicable, having regard to the nature of the information requested. The person making the request will need to satisfy Customer Services Staff as to their identity and may need to complete an "Information Request – General" application and pay a fee.

10.2 If an individual can show that the personal information held by Council is not accurate or complete, it will be amended by Customer Services staff.

11 Suppression of Personal Information

11.1 Personal information may be suppressed from Council's assessment record and from Council's Voters Roll, if inclusion on the assessment record and/or roll would place at risk the personal safety of a resident / ratepayer, a member of that person's family, or any other person.

11.2 Council may de-identify letters (not including petitions) before they are published on a Council Meeting agenda (ie remove / block out the name and address etc using black marker), so that the letters are only provided in full form to the intended recipients (Council). Alternatively Council staff may seek the consent (in writing) of the individual concerned before disclosing personal information, ie letters addressed to Council, or informing individuals that their personal information will be publicly available with the publication of the agenda.

11.3 Enquiries regarding suppression of personal information should be directed to Customer Services staff at the Civic Centre in the first instance.

12 Complaints

12.1 Individuals who have any concerns regarding how Council handles personal information, or require further information should contact Customer Services staff at the Civic Centre in the first instance.

12.2 If Customer Services staff cannot satisfy the individuals concerns, the individuals may lodge a formal complaint. Complaints should be made in writing to:

Chief Executive Officer
City of Prospect
128 Prospect Road
Prospect SA 5082

13 Review

13.1 The Policy will be reviewed once per Council term or as required by legislation.

14 Access to the Policy

14.1 The Policy is available on Council's website www.prospect.sa.gov.au and from Customer Service at the Civic Centre, 128 Prospect Road, Prospect SA 5082.

15 Further Information

15.1 For further information about this policy please contact:

Director Corporate Services
City of Prospect
128 Prospect Road
Prospect SA 5082

Ph 8269 5355
Email admin@prospect.sa.gov.au