

Privacy Policy



Record number	D20/77441
Responsible Manager	Manager IT Solutions Manager Finance and Rating Operations
Other key internal stakeholders	Director Organisational Services & Excellence Manager Governance and Policy
Last reviewed	30 November 2020
Adoption reference	Policy and Strategic Development Committee
Resolution number	98
Previous review dates	13/3/18, 8/3/16 (amended), 16/07/14, 09/04/13, 09/06/09, 28/2/06
Legal requirement	NA
Due date next review	2023

The electronic version of this document is the controlled version. Printed copies are considered uncontrolled. Before using a printed copy, verify that it is the current version.

1. PURPOSE

The purpose of this Policy is to formally state Council's position in regard to the collection, use, storage and disclosure of personal information by Council. This Policy outlines how the Council will adopt a best practice approach to the management of personal information and data to ensure the protection of privacy.

2. POLICY

The City of Tea Tree Gully is committed to a culture that protects privacy and will endeavour to protect the personal information it collects, stores, discloses and uses.

The provisions of the Privacy Act 1988 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.

2.1 Collection and Use of Personal Information

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 to its residents and/or ratepayers.

The type of personal information that is collected and held will depend on the services provided to residents and ratepayers, and may include but is not limited to:

- a. Telephone numbers
- b. Name and address (both postal and residential addresses and e-mail addresses)
- c. Age and/or date of birth
- d. Property ownership and/or occupier details
- e. Details of resident's/ratepayer's spouse or partner, or family members
- f. Health and disability information
- g. Dog ownership
- h. Electoral roll details
- i. Pensioner/Concession information
- j. Payment history and financial information, including bank account details.

Although development applications are not considered to be personal in nature, they often contain documents such as professional drawings and expert advice. It is contrary to the Copyright Act 1968 (Cth) for Council to reproduce such documents without the written approval of the owner of the copyright-protected documents. See Council's Access to Documents Relating to Development Applications Policy for more information on Council's position.

All information will be collected in a fair and lawful manner and as required/permitted by Local Government legislation and any other legislation relevant to Local Government services. Where reasonable to do so, information will be collected directly from the people to whom the information relates. Collection may be undertaken:

- a. When an inquiry or request is made, including through Council's website
- b. In administering services to ratepayers, residents and other relevant persons
- c. When an individual contacts Council via telephone, email or facsimile, or make an online submission through our Council's website
- d. In person
- e. From correspondence (whether in writing or electronically)
- f. While conducting customer satisfaction and market research surveys; and
- g. As otherwise required to undertake and manage Council's business in accordance with relevant legislation.

Council is committed to ensuring that persons are aware of the purpose of collection of the information and aware that the collection is authorised or required by law. Council is committed to only using the information for the purpose of carrying on Council business. Personal information collected in one department of Council may be used in another department if it is for the purpose of delivering Council services and carrying out Council's duties and responsibilities under various legislation.

In satisfying the collection and use of personal information obligations, which Council has to its residents and/or ratepayers, Council assumes that:

- a. 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
- b. Residents and/or ratepayers have the necessary authority to provide any personal information submitted to Council.

Council relies on the personal information provided to it. Council may obtain information concerning persons from a number of external sources such as Centrelink, Electoral Commission SA, Officer of the Valuer-General, SA Water, Revenue SA, Community/Health care organisations and from individuals. Council will not check or verify the accuracy of any personal information it obtains from residents and/or ratepayers or other persons, except if required and expedient for Council to carry out its functions and duties.

In some instances the personal information held by Council about residents and/or ratepayers 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.

Council will make every effort to ensure that its records of an individual's personal information are up to date and accurate, but Council is aware this may not always be the case. It is the responsibility of residents and/or ratepayers to provide Council with details of any changes to their personal information as soon as reasonably practicable following such change.

Council will collect a person's email address and other required details to respond to their enquiry if they choose to contact Council via the Internet or other electronic means for the purpose of communicating with them on a matter, if they accessed a secure, registered user area, or have granted specific approval for other uses, apps and digital providers.

2.2 Distribution of Personal Information

Council will not provide personal information it holds about a person to a third party, except where:

- a. The person (the owner of the personal details) has made a written request for personal information to be provided to the third party, or approval to release personal information to third party
- b. The provision of personal information is for the purpose of distributing materials on behalf of Council, in furtherance of Council business (e.g. the provision of address data for use by a mailing service provider for such activities as Rate Notice distribution)
- c. The third party has been contracted by Council to provide advice or services for the sole purpose of assisting Council to undertake its business and/or provide benefits to residents and/or ratepayers (e.g. Electoral Commission SA, Office of the Valuer-General, insurers etc.)
- d. Council is required by Court order or legislation to provide personal information to a third party (e.g. provision of personal information to the Electoral Commission SA, Ombudsman enquiries or the provision of making available the Assessment Record, Dog Register, Building Application Register etc.) 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 provision of information is not otherwise exempt
- e. Council is required to under a funding agreement
- f. The person 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
- g. A document containing personal information is tabled at a Council or a Council Committee meeting (which will be publicly available on Council's website)
- h. Disclosure is required to prevent or lessen a serious threat to the life or health of some person.

Public notification is required and related to lodgement of a Development Assessment. 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 Australian Privacy Principles in respect to the collection, use and handling of personal information supplied by Council.

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

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

As a matter of principle, Council will not include personal details in public reports but rather extract a summary of the contents for use in the report, unless the relevant legislation requires such information to be declared (e.g. respondents to a development application under the *Development Act 1993*). When a person elects to bring a matter to Council, their name and address may be used in public reports as required under Council, using open and transparent meeting and reporting principles, to ensure Council is fully informed.

Council, through the provision of programs and services to children, young people and their families collects personal information. This information will not be shared without the individuals/groups consent unless there is a legitimate reason to share information without consent if it is believed that failure to share information will lead to risk of serious harm.

2.3 Maintenance and Storage of Personal Information

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.

Council uses the latest technology to protect credit card personal information transmitted via Council's online services and web pages.

2.4 Information and Data Sharing

Council aims to proactively share and publish non-sensitive or personal information and data which can be used and reused for the benefit of individuals, the community, other government agencies and businesses. This includes information from datasets and databases owned and held by the Council and stored in formats including hardcopy, electronic (digital), audio, video, image, graphical, cartographic, physical sample, textual, geospatial or numerical form.

Information and data will not be released if it breaches privacy, confidentiality, public safety, security and law enforcement, public health or compliance with the law. Only data owned by the Council or sufficiently licensed to the Council will be released under this policy. Information and data will not be released, or not released in full, where any of the following conditions cannot be avoided:

- a. Privacy- where personal information is unreasonably disclosed;
- b. Security- because of the nature of the data which may lead to increased risk in some form at any level of jurisdiction;
- c. Confidentiality- because of the nature of the data or because contractual promise has been made in relation to the data;
- d. Legal privilege- attaches to legal advice; or
- e. Public interest- where public interest considerations against disclosure outweigh public interest considerations in favour of disclosure.

Information and data sharing will be governed by a declared purpose of any intention or request to share, this policy, and procedures set out by Council such as the Information Sharing Guidelines. This policy and intention to share information and data is in alignment with the Australian Privacy Principles and State Government of South Australia Information Sharing Guidelines.

2.5 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.

2.6 Access to Personal Information

Persons wishing to access the personal information that Council holds in relation to them can do so by contacting the Council. Requests for access to personal information that is not publicly available will be responded to in a timely manner, having regard to the nature of the information requested.

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

2.7 Suppression of Personal Information

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

Enquiries regarding suppression of personal information should be directed to the Finance and Rating Operations department at the Civic Centre in the first instance.

2.8 Contract and Tender Information

During procurement processes Council may receive confidential information from third parties wishing to form contractual relationships with Council for the provision of goods, works and services. In accordance with the *Local Government Act 1999* and the *Freedom of Information Act 1991*, certain contract or tender information may become publicly available. Refer to Council's Procurement Policy for further information about disclosure.

2.9 Freedom of Information

Council may release personal information to others if requested in accordance with the *Freedom of Information Act 1991* (FOI). The FOI applicant will need to satisfy Council as to his/her identity, purpose for the request and pay the applicable a 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.

2.10 Grievance

Persons that have any concerns regarding how Council handles personal information or requires further information should contact the Council's IT Solutions department at the Civic Centre in the first instance.

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

Chief Executive Officer
City of Tea Tree Gully
571 Montague Road
MODBURY SA 5092

These matters will be addressed in accordance with Council's Internal Review of Council Decisions Policy.

3. DEFINITIONS

For the purposes of this policy the following definitions apply:

Access

The provision of personal information to a person in any manner the Council deems fit and in accordance with this Policy.

Collection

Gathering, acquiring or obtaining personal information from any source and by any means, including information that Council has come across by accident or has not asked for.

Consent

Voluntary agreement to some act, practice or purpose.

Disclosure

The release of information to persons or organisations outside Council. It 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 in:

- a. Generally available publications
- b. Material kept in public records and archives such as the Commonwealth or State archives
- c. Anything kept in a library, art gallery or museum for the purpose of reference, study or exhibition.

Sensitive Information

Information or an opinion about an individual's:

- a. Racial or ethnic origin
- b. Political opinions
- c. Membership of a political association, a professional or trade association or a trade union
- d. Religious beliefs or affirmations
- e. Philosophical beliefs
- f. Sexual preferences or practices
- g. Criminal record
- h. Health
- i. Employment
- j. Financial Status.

Use

The handling of personal information within Council including the inclusion of information in a publication.

4. LEGISLATIVE FRAMEWORK

There is no legislative requirement for Council to have a policy relating to this area.

The South Australian Government has not implemented a statutory scheme that applies privacy legislation (including the Australian Privacy Principles) to Local Government. Therefore, this Policy is an internal control tool, which promotes best practice in the view of Council.

The following legislation applies to this Policy:

[Freedom of Information Act 1991](#)

This Act provides for public access to official documents and records.

[Privacy Act 1988 \(Cth\)](#)

Sets out the principles that must be followed by Commonwealth, certain State Government agencies and many private organisations in relation to the collection, use, storage and disclosure of personal information

4.1 Other references

Council's documents including:

- a. Access to Documents Relating to Development Applications Policy
- b. Fees and Charges Register
- c. Internal Review of Council Decisions Policy
- d. Procurement Policy

External document including:

- a. Information Sharing Guidelines

5. STRATEGIC PLAN/POLICY

5.1 Strategic Plan

The following strategic objectives in Council's Strategic Plan 2025 are the most relevant to this report:

Objective	Comments
Community	
<i>People feel a sense of belonging, inclusion and connection with the City and the community</i>	Customers can rely on the integrity of the information and services they receive.
<i>Diversity is welcome and celebrated</i>	

<i>There are opportunities for people to volunteer, give back and share their skills with others</i>	
<i>Our services are accessible to all and respond to changing community needs</i>	
<i>People can have a say in decisions that affect them and the key decisions of the Council</i>	
Economy	
<i>A local economy that is resilient and thrives, where businesses are supported to grow and prosper, provide local jobs and sustain our community and visitors and utilize technology to improve the liveability of our city</i>	Information and data is available to support the community
Leadership	
<i>Leadership and advocacy is focused on the long term interests of the community</i>	Customers are at the centre of all services provided.
<i>Customer service provides a positive experience for people and is based on honesty and transparency</i>	
<i>Decision making is informed, based on evidence and is consistent</i>	

5.2 Organisation Plan

Our Strategic Plan is supported by an Organisation Plan which focuses on five key themes of organisational excellence. The themes most relevant to this report are: People and Leadership; Customers and community relations; Governance; Finance and systems, Continuous improvement

6. POLICY IMPLEMENTATION

This Policy will be implemented by the Chief Executive Officer or relevant portfolio director and managed in accordance with Council's scheme of delegations.