



Privacy Policy

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. Within democratic societies, privacy is critical for strong, trusted government institutions and is a key component of public trust in the democratic processes. Council commits to treat personal information as a valuable asset to be respected, managed and protected.

1.1 Privacy Rights

Privacy is acknowledged as a fundamental human right. In Australia, the *Privacy Act 1988* (Cth) (Privacy Act) and the Australian Privacy Principles (APPs) set out requirements that must be followed by certain organisations, including Commonwealth Government agencies.

The Privacy Act does not bind Council except where the Council is a 'contracted service provider' for a Commonwealth or State Government contract (as defined in the Privacy Act).

It is the intention of the Council that its policies and practices in relation to privacy should be, so far as is reasonably practicable, consistent with the APPs.

The *Privacy (Tax File Number) Rule 2015* sets out the requirements in relation to the security and handling of Tax File Numbers (TFNs) where Council need to notify the Australian Information Commissioner and affected individuals of an eligible data breach concerning TFN information.

Anyone that has a question or concern regarding how Council handles personal information, or would like further information can contact Council's privacy officer. Privacy enquiries may be directed to customerservice@cttg.sa.gov.au.

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.

If the person concerned cannot be satisfied, they 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 General Complaints Policy.

2. PRIVACY PROMISE

The City of Tea Tree Gully exists to serve our community. Everything we do aims to benefit our residents and community. We can give you more of what you want when we understand you better. To do that, we may ask you to sign in to some of our products, validate details we hold or provide personal information for us to be able to deliver services to you. We use this information and data to benefit you in two ways:

A more personal City for you

It helps us make the City of Tea Tree Gully more personal for you. It means we can:

- Provide services that are relevant to where you live and places you go,
- Make sure facilities and services are appropriate for your needs,
- Recommend services we think will benefit you.

A better City for everyone

As more of our services are consumed online, it helps to understand who is consuming our services so that we can:

- Check we really are offering something for everyone,
- Learn more about what you like so that we can offer more of it,
- Make sure your personal, private data stays safe and secure.

We are committed to helping you make informed decisions about your information and data. We want everyone to get the best out of their experiences and your trust is very important to us, so we are committed to keeping your data safe and secure. Our values and behaviours guide our ethics in all of our dealings and our privacy promise is based on the same principles of customer care, trust, teamwork and growth.

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:

- 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.

Public Safety

The provision of law enforcement, emergency medical service, fire suppression and prevention, emergency management or to prevent or lessen a serious threat to the life or health of some person.

Sensitive Information

- a. Information or an opinion about an individuals':
 - Political opinions;
 - Membership of a political association, a professional or trade association or a trade union;
 - Religious beliefs or affirmations;
 - Philosophical beliefs;
 - Sexual orientation or practices; or
 - Criminal record.
- b. Health information;
- c. Genetic information about an individual that is not otherwise health information;
- d. Biometric information that is to be used for the purpose of automated biometric verification or biometric identification;
- e. Biometric templates

Use

Processing of personal information within Council for the delivery of services and undertaking of Council business and functions. e.g. accessing and reading the personal information, searching records, making decisions, providing data to another department within Council. Use could also include providing personal information to a contractor performing services on behalf of the Council or between systems used to deliver Council services.

4. COLLECTION AND CONSENT

4.1 Why we collect

Council endeavours to take an anonymous first approach to system and process design, and to collect your personal information only where it is either reasonably necessary to deliver the Council's services, functions or activities, or required by law.

Council uses your personal information for the primary purpose for which it is collected. It should only be used for any secondary purpose in the circumstances set out in clauses 5.1 and 5.2 of this Policy.

Council delivers a wide array of services across different systems, some of which are isolated or operated by different business areas. For this reason, records may occasionally be duplicated, details requested more than once or validated during communications.

4.2 What we collect

Council may collect personal information for the purposes of delivering a service, function or activity to its customers where it is not possible to provide the service anonymously or through a pseudonym.

Council services, functions or activities include but are not limited to:

- Complaint management
- Debt collection
- Dog and cat management
- Environmental health management
- Facility hire
- Library services
- Permits, leases and licences
- Planning and building
- Property rating
- Volunteering

The type of personal information that is collected and held will depend on the service, function or activity provided, and may include:

- your name;
- login details;
- contact details including telephone numbers, postal and residential addresses and email addresses;
- age and/or date of birth;
- financial information
- preferences, interests and circumstances (e.g. details of partner or spouse, property ownership or occupier details and pet ownership);
- user generated content;
- electoral roll information;
- research or survey responses; and
- payment details.

Some of the personal information collected about you may be sensitive information. Personal information which is classified as sensitive will have stricter access controls applied and will be subject to increased security measures.

Council will endeavour to review systems and processes to ensure that more personal information is not being collected than needed.

4.3 How we collect

Council collects your personal information when;

- a. You directly provide it us;
This could be in person, by telephone, in writing or electronically such as email or digital forms.
- b. Someone else provides it to us on your behalf;
This could be a parent, relative or friend, authorised agent or it could be provided to us by another government agency. For example, the Australian Electoral

Commission will provide the names and addresses of registered voters in our Council area.

- c. When Council collects it in relation to your use of digital services; Council may collect information about your use of our digital services through the use of technologies including cookies, beacons and device or system identifiers. Digital, demographic or system related information is not collected for the purpose of identifying any individual.

Council makes every effort to de-identify digital information received, nor collect data when it is not required to deliver a service. Council does not collect personal information from social media.

Where Council uses Media Access Control (MAC) data to gather information solutions will not retain MAC addresses. Information will be encrypted or obfuscated from the point of collection where any data transmission occurs. Only generic location information, visitation numbers and dwell time will be held by Council.

4.4 Consent

If Council is legislatively required to collect, disclose or share personal information, Council may notify you of this in place of seeking your consent, where practical.

Council may share your information other than as described in this Policy if you consent to the sharing.

4.5 Accuracy and Quality

Accuracy and quality of data is important to Council. Reasonable effort is taken to verify accuracy and quality of data held by Council, however, in many cases, Council relies on the 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 or their agents.

While Council endeavours to verify sources of information, in the collection and use of personal information it is assumed that:

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

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

5. USE AND DISCLOSURE

5.1 Use

Council is committed to only using the personal information we collect for the purpose of carrying out a Council service, function or activity.

Personal information collected for one purpose may only be used for a secondary purpose if:

- the person has consented to the use or disclosure of the information; or
- the person would reasonably expect that Council would use or disclose the information for the secondary purpose, as it is directly related to the primary purpose;
- the use or disclosure of the information is required or authorised by law; or
- Council reasonably believes that the use or disclosure of the information is reasonably necessary for one or more enforcement related activities conducted by Council.

Council will not use facial recognition or similar technology for the purpose of identifying an individual. Any automated, digital or technical solution used by Council which may collect information in public spaces or facilities does so anonymously, except where identity validation is required to provide the service, or it primarily relates to public safety. Council will publish on its website a list of all locations which has Council owned CCTV camera footage installed.

5.2 Disclosure

Council will not disclose personal information about a person to a third party, except where:

- a. The person has made a written request for personal information to be provided to the third party, or approval to release personal information to a third party;
- b. The provision of personal information to a contracted service provider (such as a lawyer, economic advisor, auditor or IT service provider) is required to undertake Council business;
- c. Council is required or authorised by law to provide personal information to a third party;
- d. The person would reasonably expect that Council would disclose the information for a secondary purpose related to the primary purpose;
- e. A document or discussion containing personal information is disclosed at a Council or a Council Committee meeting;
- f. Disclosure is required to prevent or lessen a serious threat to the life or health of some person.

When Council provides personal information to a third-party service provider that is subject to the provisions of the Privacy Act or some other legislation, that supplier will be expected to be bound, as relevant, to comply with the Privacy Act and the APPs in respect to the collection, use and handling of personal information supplied by Council.

As a matter of principle, Council will de-identify information included within public reports and rather extract a summary of the contents for use in the report, unless the relevant legislation requires such information to be declared. When a person elects to bring a matter to Council, their personal or demographic information may be used in public reports. This is in accordance with open and transparent meeting and reporting principles, ensuring that any decision is fully informed.

5.3 Public Access to Information

Some documents containing personal information are legislatively required to be available for public access.

These include:

- Property Assessment Records
- Adjoining Property Owner Requests
- All Council Agenda items which have not been subject to a confidentiality order under Section 90(3) of the *Local Government Act 1999* (SA)
- Public Consultation documents under the *Planning, Development and Infrastructure Act 2016* (SA)
- Voters Roll

5.4 Statistics / Contracts / Tenders

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* (SA) and the *Freedom of Information Act 1991* (SA), certain contract or tender information may become publicly available. Refer to Council's Procurement Policy and clause 5.5 of this Policy for further information.

5.5 Freedom of Information

Council may release personal information to others if requested in accordance with the *Freedom of Information Act 1991* (SA) (FOI Act). In some circumstances, the FOI Act requires Council to consult with a person to obtain their opinion on release of the information. Any applicant has the right to request a review of a decision to release personal information prior to the information being released.

6. RETENTION AND SECURITY

6.1 Retention

Council will retain personal information in accordance with the *State Records Act 1997 (SA)* and other legislative and legal instruments that apply to Council business and the delivery of its services.

6.2 Security

The security, integrity and confidentiality of customer information is extremely important to Council. Council will take reasonable steps and use appropriate security mechanisms (including technical, administrative and physical security measures) to protect personal information from unauthorised access, disclosure, use and modification.

Credit card information is handled by approved service providers that meet PCI (Payment Card Industry) standards and have appropriate safeguards in place.

Although Council regularly reviews our security procedures and evaluates new technology and methods to make our collection and storage of personal information safer, no security measures are perfect or impenetrable.

In the event of a data breach involving TFN information, Council will manage the breach in accordance with its obligations under the Notifiable Data Breach Notification Scheme set out in Part IIIC of the *Privacy Act 1988 (Cth)*.

6.3 Transfer out of Australia

Information and data held by Council is stored in on-site data centres or by the software provider. Software providers' security is reviewed and providers are requested to store data within Australia.

Any storage or transfer outside of Australia is risk assessed for security, integrity and confidentiality of that data is guaranteed by appropriate legal and contractual controls.

7. ACCESS AND AMENDMENT

7.1 Access

Persons wishing to access the personal information that Council holds in relation to them can do so by contacting customerservice@cttg.sa.gov.au. Requests for access to personal information will be responded to in a timely manner, having regard to the nature of the information requested.

7.2 Amendment

Persons wishing to amend personal information held by Council in relation to them can do so by contacting the Council. The amendment process may be subject to verification of identity and must retain the minimum amount of information to meet legislative requirements.

Should the Council decline to amend the person's personal information on reasonable grounds, the Council will inform the person of its decision and the reasons for refusing to make the amendment.

The FOI Act provides a formal method by which a person can apply to access and amend their personal information in certain circumstances beyond this Policy.

7.3 De-Identification / Suppression

An individual's personal information may be suppressed from Council's Assessment Record and from Council's Voters Roll, on application by that individual, 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.

8. LIMITATIONS AND EXTERNAL FACTORS

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.

9. LEGISLATIVE FRAMEWORK

There is no legislative requirement for Council to have a privacy policy. This Policy is an internal control tool, which promotes best practice in the view of Council.

The following legislation applies or may relate to this Policy:

Freedom of Information Act 1991 (SA)

Local Government Act 1999 (SA)

Planning, Development and Infrastructure Act 2016 (SA)

Privacy Act 1988 (Cth)

State Records Act 1997 (SA)

Surveillance Devices Act 2016 (SA)

Telecommunications (Interceptions) Act 1988

9.1 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

10. STRATEGIC PLAN/POLICY

10.1 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.
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 wellbeing of 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.

10.2 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

11. 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.

Record number	D22/199341
Responsible Manager	Manager IT Solutions Manager Finance and Rating Operations
Other key internal stakeholders	General Manager Corporate Services General Manager Strategy and Finance Manager Governance and Policy
Last reviewed	28 February 2023
Adoption reference	Council
Resolution number	82
Previous review dates	30/11/20, 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	2027