



## Privacy Policy

Strategic Reference	Provide leadership, good governance, and efficient, effective and responsive Council services
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Responsibility	Service Leader, Customer Contact and Information Management
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Next Review Date	November 2023
Applicable Legislation	Local Government Act 1999 Freedom of Information Act 1991 (Commonwealth) Privacy Act 1988 (Commonwealth) Copyright Act 1968
Related Policies	Interaction of the Planning, Development and Infrastructure Act 2016, State Records Act and Freedom of Information Act with the Copyright Act.

### 1. Objective

- 1.1. The Objective 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 the approach Council will adopt to the management of personal information to ensure the protection of privacy.

### 2. Scope

- 2.1. A statement of what the policy or code covers, who it applies to and what is specifically excluded. This can also reference other documents or standards that are directly relevant to the scoping statement.

### 3. Definition

For the purpose of this policy, the following definitions apply:

**“Access”** - providing to an individual, information about himself or herself that is held by Council. This may include allowing that individual to inspect personal information or to obtain a copy.

**“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:

- 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”** - 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; or
- health.

**“Use”** - the handling of personal information within Council including the inclusion of information in a publication.

Key terms which are used in the policy or code. Standardisation of definitions across all related standards can be challenging. Consider maintaining a control copy of all definitions used in policies and codes

### 3.1. For the purpose of this policy:

*“Administration”*, means an employee of Council, or a volunteer or contractor appointed by an employee of Council.

*“prescribed meeting”*, in relation to a member of a Council, means a meeting of the Council or Council committee, or an informal gathering, discussion, workshop, briefing, training course or similar activity which is directly or closely related to the performance or discharge of the roles or duties of the member.”

## 4. Policy Statement

- 4.1. The District Council of Yankalilla is committed to a culture that protects privacy and will endeavour to protect the personal information it collects, stores, discloses and uses.
- 4.2. The Privacy Act 1988 sets out the principles that must be followed by Commonwealth and State Government agencies and many private organisations in relation to the collection, use, storage and disclosure of personal information. The provisions of the Privacy Act 1988 do not apply to this Council or any other council. However, in collecting, using, storing and disclosing personal information, Council acknowledges that the National Privacy Principles contained within the Privacy Act set 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.

## 5. Collection and use of personal information

- 5.1. 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 to its residents and/or ratepayers.
- 5.2. 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:
  - Telephone numbers
  - Name and address (both postal and residential addresses and e-mail addresses)
  - Age and/or date of birth
  - Property ownership and/or occupier details
  - Details of resident’s/ratepayer’s spouse or partner, or family members
  - Health and disability information
  - Dog ownership
  - Electoral roll details

- Pensioner/Concession information
  - Payment history
- 5.3. Although development applications are not considered personal in nature, refer to Councils Policy on Interaction of the Planning, Development and Infrastructure Act 2016, State Records Act and Freedom of Information Act with the Copyright Act.
- 5.4. 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. 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.
- 5.5. 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; and
  - b. residents and/or ratepayers have the necessary authority to provide any personal information submitted to Council;
- 5.6. Council relies on the personal information provided to it. Council may obtain information concerning persons from a number of external sources including Centrelink, the Electoral Commission SA Office of the Valuer General, SA Water, Revenue SA, Community/Health care organisations and from individual persons. Council will not check or verify the accuracy of any personal information it obtains from residents and/or ratepayers or other persons.
- 5.7. 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
- 5.8. 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
- 5.9. 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
- 5.10. Council does not track a person's individual Internet activity when they visit Council's website. Council will only collect a person's e-mail address to respond to their enquiry if they choose to contact Council via the Internet or for the purpose of the provision of a specified service.

## 6. Distribution of personal information

- 6.1. Council will not permit the provision of personal information it holds about a person to a third party, except where:
- the person has made a written request for personal information to be provided to the third party;
  - the provision of personal information is for the purpose of distributing materials for the sole purpose of and on behalf of Council (e.g. the provision of address data for use by a mailing service provider for such activities as Rate Notice distribution);
  - the third party has been contracted by Council to provide advice or services for the sole purpose of assisting Council to provide benefits to residents and/or ratepayers (e.g. Electoral Commission SA, Office of the Valuer General, insurers etc);
  - Council is required by 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, Dogs and Cats Online (DACO), Planning, Development and Infrastructure Act 2016 1993 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 information is not otherwise exempt;
  - 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; and
- 6.2. 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.
- 6.3. 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.
- 6.4. 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.
- 6.5. Council expects that persons will, before relying on any personal information Council provides to them, first seek confirmation from Council regarding the accuracy and currency of such personal information.
- 6.6. 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 Planning, Development and Infrastructure Act 2016 1993).

## **7. Maintenance and storage of personal information**

- 7.1. 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. Disability claims and financial hardship applications**

- 8.1. 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.

## **9. Access to personal information**

- 9.1. Persons wishing to access the personal information that Council holds in relation to them can do so by contacting the Freedom of Information Officer (FIO).
- 9.2. 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 the FIO as to his/her identity and may need to pay a fee.
- 9.3. If a resident and/or ratepayer can show that the personal information held by Council is not accurate or complete, the FIO will take the appropriate steps to have it amended
- 9.4. Council will not distribute private e-mail addresses to persons outside of Council unless the relevant person has been given the opportunity to have their e-mail details suppressed.

## **10. Suppression of personal information**

- 10.1. 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 person, a member of their family, or any other person.
- 10.2. Enquiries regarding suppression of personal information should be directed to FOI in the first instance.

## **11. Freedom of Information**

- 11.1. Council may release personal information to others if requested in accordance with the Freedom of Information Act 1991. 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.

## 12. Further Information

This policy will be available for inspection at the Council office listed below during ordinary business hours and provided to interested parties as per Council's Fees and Charges Register. Copies are available to be downloaded, free of charge, from Council's website: [www.yankalilla.sa.gov.au/policies](http://www.yankalilla.sa.gov.au/policies)

District Council of Yankalilla  
1 Charles Street  
Yankalilla 5203

Phone: (08) 8558 0200

Fax: (08) 8558 2022

Email: [council@yankalilla.sa.gov.au](mailto:council@yankalilla.sa.gov.au)

Office hours: Monday to Friday, 9.00am to 5.00pm (except public holidays)

## 13. Grievances

Any grievances in relation to this policy or its application should be forwarded in writing addressed to the Chief Executive Officer of Council.

## 14. Review Cycle

This document is subject to review in two (2) years from the date of authorisation.

## 15. Document History

Date	Version	Council Resolution No.	Description of changes
September 2014	1	C	Adoption of Policy
October 2021	2	C21219	Review of Policy