

POLICY NO LG29 PRIVACY POLICY

DEPARTMENT:	Corporate Services
RESPONSIBLE OFFICER:	Manager Corporate Services
LINK TO STRATEGIC PLAN:	Continuously strive for quality, responsive customer service and enhancement of image of Council.
STATUTORY AUTHORITY:	Privacy Act 1998 Privacy Amendment (Private Sector) Act 2000 Personal Information Protection Act 2004
OBJECTIVE:	The Break O'Day Council respects the privacy rights of all individuals in the workplace. The purpose of this policy is to ensure that Break O'Day Council complies at all times with its obligations under the <i>Privacy Act 1998</i> and the <i>Privacy Amendment (Private Sector) Act 2000</i> .
POLICY INFORMATION:	Adopted 19 March 2012 – Minute No 03/12.15.4.069 Amended 17 March 2014 – Minute No 03/14.11.14.059

POLICY

1. INTRODUCTION

The Break O'Day Council respects the privacy rights of all individuals in the workplace. Break O'Day Council is committed to ensuring that all members of the business comply at all times with their obligations under the *Privacy Act 1998* and the *Privacy Amendment (Private Sector) Act 2000* of Commonwealth legislation and the state government's Personal Information Protection Act 2004. For the purposes of this policy, the Privacy Officer is Council's Manager Corporate Services.

2. NATIONAL PRIVACY PRINCIPLES

Break O'Day Council is bound by the National Privacy Principles ('the Principles'). The principles will be binding from 21st December 2001.

3. INFORMATION HELD

Break O'Day Council currently holds some information in relation to its employees, contractors and other workplace participants. This information includes, but is not limited to:

- Tax File Numbers.
- Information relating to the personal background of these workplace participants (such as home address, sex, date of birth, employment history, educational qualifications, illnesses and details of contact people in the event of any emergency).
- Information documenting the work history of these workplace participants (such as letter of appointment, bank account details, records of any salary adjustments, written warnings, salary sacrifice documents and leave taken).

There are a variety of reasons why Break O'Day Council is required to hold this information. Some of these reasons include:

- Ensuring that both Break O'Day Council and any workplace participants are meeting their obligations under relevant legislation as well as their contract of employment.
- Ensuring the health, safety and welfare of all workplace participants at times when they are performing work for Break O'Day Council.
- Allowing appropriate insurance coverage for these workplace participants.

The above information will be available to those employees who require this information to complete their work.

There may be certain circumstances where Break O'Day Council is contacted in relation to some or all of the above personal information, for example, when an employee has applied for a loan with a financial institution and that financial institution contacts Break O'Day Council to verify details of income being received. Break O'Day Council's policy in relation to providing this information is that it will obtain your consent before giving out such information. Preferably employees should notify Break O'Day Council that such information is required in advance.

Should an employee require access to his/her own personal record, a request should be put to Break O'Day Council, who will allow the employee to look at the file in the presence of their supervisor or the Business and Corporate Services Manager.

4. VALUABLES AND PERSONAL EFFECTS

Break O'Day Council will not be responsible for employees personal valuables or effects which are stolen, misplaced or broken whilst at work, unless said effects were required to be used in the employees normal course of duty.

5. CUSTOMER DETAILS

All information held relating to a member/client is treated as confidential and access to such information is strictly limited. Member/client information shall only be available to employees who are required to have access to it during the course of their work.

It is Break O'Day Council's policy not to give personal information about its customers, rate payers or employees (for example, home addresses, phone numbers, outstanding amounts, etc) to anyone, unless required by law.

6. ACCESS AND CORRECTION

Individuals are entitled to access personal information about them which is held by the Council. Individuals are entitled to know generally what sort of personal information the Council holds about them, for what purposes, and how it collects, holds, uses and discloses that information. Requests for access to such information are to be made in writing and forwarded to the Council's Privacy Officer for action. The Privacy Officer must establish the identity of the individual asking for the information. If an individual has made a written request for access, the Privacy Officer will acknowledge the request as soon as possible or at least within 7 days of the request. If granting access is straight forward, it will be appropriate to grant access within 14 days, or if providing access is more complicated, within 30 days. The Council will respond to public requests to correct information in a timely manner. The Council will provide written reasons when a request for access or correction of personal information is refused.

7. PENALTIES

Any employee found to have contravened this policy will face disciplinary action. Disciplinary action may include a formal warning, demotion, or counselling and may ultimately lead to the termination of your employment.

8. COMPLAINTS AND CONTACT DETAILS

Anyone who feels that there has been an unwarranted invasion of their privacy should contact the General Manager.

9. MONITORING AND REVIEW

This Policy will be reviewed every three (3) years in line with the Council's Policy Framework or earlier in the event of major changes to legislation or related policies, procedures or if deemed necessary by the General Manager.