

POLICY NO LG47 PERSONAL INFORMATION PROTECTION POLICY

DEPARTMENT:	Corporate Services
RESPONSIBLE OFFICER:	Manager Corporate Services
LINK TO STRATEGIC PLAN:	Ensure Council services support the betterment of the community while balancing statutory requirements with community and customer needs
STATUTORY AUTHORITY:	Personal Information Protection Act 2004
OBJECTIVE:	To provide guidance to Council staff, elected members and contractors in relation to the management of personal information
POLICY INFORMATION:	Adopted 17 November 2014 – Minute No. 11/14.11.6.320 Amended 19 February 2018 – Minute No 02/18.12.8.33 Amended 27 June 2022 – Minute No 06/22.13.5.116

POLICY

1. INTRODUCTION

It is the intention of Break O'Day Council to comply with the Principles of the *Personal Information Protection Act 2004* (the Act), as detailed in the Schedule to that legislation.

Please also refer to LG29 – Privacy Policy.

2. THE POLICY

Principle 5 of the Act requires that a personal information custodian must set out in a document its policies on the management of personal information, and that the document is to be made available to any person who requests it.

The functions of the Break O'Day Council (the Council) are many and varied as provided under the *Local Government Act 1993* and other legislation and regulations made thereunder as well as By-laws made by the Council from time to time.

The Council collects, retains, stores and uses personal information where it is necessary for one or more of the Council's functions and activities.

Council is the custodian of that information and the collection, use and disclosure of information which is to be used by the Council is governed by the Act.

The type of personal information collected by the Council about a person is required for the purpose of discharging our functions across the organisation and to be used for those purpose only

The Council is committed to upholding the right to privacy of all individuals who have dealings with the Council and endeavours to ensure that the personal information we hold is accurate, complete and up to date. Where practicable, we will check on the accuracy of your personal information before we use it.

2.1 Sensitive Information

Generally, the Council will only collect sensitive information with consent of the person if it is necessary, or if the collection of that information is required or permitted by law.

2.2 Anonymity

If a person is making a general enquiry, it may not be necessary to identify themselves however identification may be required if a person is making a specific enquiry, wishing to use a Council service or making an application to the Council.

2.3 Access to and Correction of Information Collected

The Act provides that a person can access personal information about them that is held by the Council.

A person who considers the personal information to be incorrect, incomplete, out of date or misleading, can request that the information be amended which will be processed in accordance with the provisions of the *Right to Information Act 2009*.

Depending upon the nature of the request a fee may be charged for this service.

A person who is not satisfied with the handling or outcome of a request for access to or correction of personal information, can lodge a complaint with the Ombudsman.

2.4 Use and Disclosure of Personal Information

The Council will only use personal information for the purposes for which it was collected unless with the consent of the person or if required or authorised by law.

The Council will not reveal personal information to third parties outside the Council for their independent use unless authorised to do so, or the disclosure is required by a Court or Tribunal or allowed by law.

The Council does not sell, trade or make available personal information to others.

The Act permits the disclosure of "basic personal information" to other public sector bodies where necessary for the efficient storage and use of information.

Some personal information Council has collected may be used in research, statistical analysis, state or national reporting, awareness programs, public statements or training, but not in a way which would identify the person to whom it relates.

Personal information in written submissions on policy matters or matters of public consultation may be disclosed in reports that are made public, unless the submission was submitted and/or accepted on a confidential basis.

2.5 Security of Personal Information

The Council uses a number of procedural, physical, and technical safeguards, including access controls, secure methods of communication and back-up and recovery systems to protect information from misuse and loss, unauthorised access, modification or disclosure.

Council Officers are only provided with access to the information that is necessary for them to carry out their functions within the Council and Council Officers are made aware of the importance of confidentiality and customer privacy.

Generally, information is destroyed or permanently de-identified when it is no longer required. However, under the *Archives Act 1983*, some information is required to be kept for specified periods or permanently.

3. 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.