

PRIVACY POLICY

PRIVACY STATEMENT

“Council will take all reasonable and appropriate steps to protect the privacy of individuals having regard to the requirements of the [Information Privacy Act 2009 \(Qld\)](#) and the [Information Privacy Principles therein](#)”.

Council will:

- respect and protect individuals’ personal information
- use personal information only for the purpose for which it was collected
- disclose personal information to external organisations only where it contributes to the public good, where there is a legislative requirement, or where it is contracted as part of a service on Council’s behalf.

APPLICABILITY

This policy applies to all personal information, including employee records, collected, stored, used and disclosed by Council, its employees, Councillors, contractors and consultants, unless otherwise exempted by legislation. It provides a summary of legislative obligations and commitments in relation to privacy of personal information.

Readers are strongly advised to refer to the following additional material for specific guidance:

- [Information Privacy Act 2009](#)
- the [Office of the Information Commissioner website](#), which contains a wealth of information and advice, including guidelines and case notes
- corporate rules complementing this policy. See Related Information (below).

DEFINITIONS

Disclosure - personal information is disclosed to an external person or entity if:

- that person/entity does not know the personal information and is not in a position to otherwise find it out; and
- the personal information is provided to the person/entity or placed in a position to enable them to find it out; and
- Council ceases to have control over the external person/entity in relation to who will know the personal information in the future. (Section 23, [Information Privacy Act 2009](#)).

Personal information - information or an opinion, including information or an opinion forming part of a database, whether true or not, and whether recorded in material form or not, about an individual whose identity is apparent, or can reasonably be ascertained, from the information or opinion.

Sensitive information - includes information or an opinion about an individual’s racial or ethnic origin, political opinions, membership of a political association, membership of a union or professional or trade association, religious or philosophical beliefs or affiliations, criminal record, health, impairment, and sexual preferences or practices.

POLICY

1. Information Privacy Principles

Council will adhere to the Information Privacy Principles (IPPs) contained in the [Information Privacy Act 2009](#). A summary of those principles is included as Attachment A.

2. Transfer of personal information outside Australia

In complying with its obligations under section 33 of the [Information Privacy Act 2009](#), Council will transfer an individual’s personal information to someone outside Australia only if:



- the individual agrees to the transfer; or
- the transfer is required or authorised by law; or
- Council is satisfied on reasonable grounds that the transfer is necessary to lessen or prevent a serious threat to the life, health, safety or welfare of an individual, or to public health, safety or welfare; or
- two or more of the following apply:
 - Council reasonably believes that the recipient is subject to a law, binding scheme or contract that effectively upholds principles for the fair handling of personal information that are substantially similar to the IPPs;
 - the transfer is necessary for the performance of Council's functions in relation to the individual;
 - the transfer is for the benefit of the individual and it is impracticable to seek their consent, but if it were practicable, the individual would be likely to consent;
 - Council has taken reasonable steps to ensure that personal information it transfers will not be held, used or disclosed by the recipient in a way that is inconsistent with the IPPs.

Refer also to:

AP205 Privacy Procedure – Contracted Service Providers
ICT Information Security intranet site.

3. Contracted service providers

Council will take all reasonable steps to ensure that contracted service providers are required to comply with the requirements of the *Information Privacy Act 2009* (Chapter 2, Parts 1 and 3) when they are provided with, or collect, personal information in order to provide services on Council's behalf. This applies to all contracts or agreements entered into on or after 1 July 2010.

Refer also to:

AP205 Privacy Procedure – Contracted Service Providers
ICT Information Security intranet site.

4. Law enforcement activities

Council recognises that for a number of its functions, it is classed as a "law enforcement agency" (as per Schedule 5 of *Information Privacy Act 2009*) and accordingly IPPs 2,3,9,10 and 11 may not necessarily apply, but only if Council is satisfied on reasonable grounds in each case that noncompliance with these IPPs is necessary for the performance of its law enforcement responsibilities.

5. Employee information

Council will protect the personal information of its employees, Councillors, contractors and consultants in accordance with this policy. Work-related personal information will only be disclosed where it is part of Council's normal business activities (examples include name, officer designation, work phone numbers and so forth).

Refer also to *AP204 Privacy Guidelines – Employee Information*.

6. Breaches of the Information Privacy Act and complaints

6.1 Privacy complaints process

In order to fulfil its obligations under Chapter 5 of the *Information Privacy Act 2009*, Council will maintain a privacy complaints function with a privacy officer to deal with privacy complaints. If not resolved internally, complaints can be escalated through an external appeals process.

Refer also to *AP206 Privacy Procedures – Complaints Management*.

6.2 Compliance notices

The Privacy Commissioner (Office of the Information Commissioner) can issue a compliance notice to Council for serious or multiple breaches of the IPPs, requiring action as described in that notice. Council, in accordance with its legislative obligations, will take all reasonable steps to comply with any compliance notice that may be issued.

7. Other privacy measures

In addition to the obligations imposed upon it by the *Information Privacy Act 2009*, Council will continue to apply the following.

- **Anonymity:** Council will wherever it is lawful and practicable, give individuals the option of not identifying themselves when dealing with Council.
- **Sensitive information:** Council will:
 - limit the collection of highly sensitive information about individuals; and
 - inform individuals when it is collecting sensitive information about them.

Refer also to:

ICT29 Information Security Labelling and Protection Guideline
ICT Information Security intranet site.

Note: sensitive information should be classified for the purposes of its protection, subject to the outcomes of a business impact assessment.

- **Unique identifiers:** Council will not:
 - adopt as its own, any identifiers of individuals that have been assigned by any other government agencies (e.g. ATO's TFN); and
 - use or disclose any identifiers of individuals that have been assigned by any other government agencies unless Council requires to do so in the course of its normal business activities or has reason to believe that unlawful activity is being engaged in and wishes to investigate/report its concerns or where Council reasonably believes that the use or disclosure is necessary to satisfy public safety, health or legal concerns.

AUTHORITY

Council

RELATED INFORMATION

File 239/2(2)

AP203 Privacy Guideline – Collection Notices

AP203 Privacy Guideline – Law Enforcement Activities

AP204 Privacy Guideline – Employee Information

AP205 Privacy Procedure – Contracted Service Providers

AP206 Privacy Procedure – Complaints Management

Information Privacy Act 2009

Right to Information Act 2009

Public Records Act 2002

Crime and Corruption Act 2001

Public Interest Disclosure Act 2010

ATTACHMENT A

IPPs 1, 2 and 3 - Collection of personal information

In complying with its obligations under IPPs 1-3, Council will:

- a. only collect personal information for a lawful purpose directly related to its functions or activities
- b. only collect such personal information as is needed to fulfil the purpose, or directly related to the purpose
- c. only collect personal information by transparent, lawful and fair means and not in an unreasonably intrusive way
- d. at collection time, or as soon as practical thereafter, take reasonable steps to ensure that the person is generally aware of:
 - the purpose of the collection
 - if the collection is authorised or required under a law
 - if it is Council's usual practice to disclose this type of personal information, and to whom it is disclosed
- e. the taking of these reasonable steps (however that occurs) constitutes a collection notice. Exemptions to (d):
 - personal information collected in the context of emergency service delivery
 - if Council reasonably believes there would be little practical benefit to the individual
 - the individual would not reasonably expect to be made aware of these matters
 - law enforcement activities
- f. ensure personal information collected is complete, relevant to the purpose for which it is collected and up to date.

Additionally, Council will:

- a. at collection time, obtain an individual's consent, where Council wishes to use the personal information collected for purposes other than its normal business activities and allow individuals to change their consent anytime thereafter; and
- b. make an individual aware at the time of collection when Council knows that the personal information collected will be transferred to a third-party (i.e. service provider), and/or stored outside of Australia, to allow individuals to consent to this; and
- c. collect personal information about an individual directly from the individual or from the individual's activities (including from the use of cookies, web bugs and smartcards), without unreasonably intruding on the personal affairs of an individual; and
- d. make the individual aware when Council has collected information about the individual from a third party.

IPP 4 - Storage and security of personal information

In complying with its obligations under IPP 4, Council will:

- a. take all reasonable and appropriate steps to protect from misuse and loss, and from unauthorised access, modification and disclosure of any personal information collected; and
- b. take all reasonable and appropriate steps to ensure that the confidentiality, integrity, and availability of Council's information is not *compromised* (refer to Council's *ICT23 Information Management and Recordkeeping Policy*, *ICT22 Information and Communications Technology Policy* and *ICT07 Information Security Procedure*); and

- c. take reasonable, appropriate and adequate steps to ensure that personal information is securely stored and transmitted via secure means, as would be reasonably expected, in accordance with Council's *ICT23 Information Management and Recordkeeping Policy*, *ICT22 Information and Communications Technology Policy* and *ICT07 Information Security Procedure*; and
- d. take all reasonable and appropriate steps to prevent unauthorised use or disclosure of personal information, if it is necessary for the personal information to be given to a person or contracted service provider in connection with the provision of a service to Council.

Additionally, Council will take reasonable and legal steps to ensure that personal information is appropriately disposed of when it is no longer required for any purpose.

Refer also to: ICT Information Security intranet site.

IPP 5 - Providing information about documents containing personal information

In complying with its obligations under IPP 5, Council will take reasonable steps to allow individuals to find out:

- generally what sort of personal information Council holds;
- for what main purposes personal information is held; and
- what an individual should do to obtain access to documents containing personal information about them.

Additionally, Council will:

- a. make its Privacy Statement accessible from all of its customer service delivery channels including websites, Customer Service Centres, Contact Centre, kiosks and Ward Offices;
- b. make its Privacy Policy available upon request;
- c. develop appropriate Privacy Procedures and Guidelines;
- d. regularly review and audit its Privacy Policy, Procedures and Guidelines; and
- e. keep a record of all sales of personal information in appropriate registers.

IPP 6 - Access to documents containing personal information

In complying with its obligations under IPP 6, Council will:

- a. inform individuals of the avenues available to allow them, and what they should do, to access and correct their personal information;
- b. where possible and upon reasonable request allow individuals to access personal information about them;
- c. where it is not possible for Council to allow an individual to access personal information about them, Council will provide reasons for refusal of access.

There are a number of administrative access avenues for individuals to access their personal information. For access requests outside of these, refer to:

AP187 Right to Information and Information Privacy Access Procedure

Right to Information Act 2009

Information Privacy Act 2009.

IPP 7 Amendment of documents containing personal information

In complying with its obligations under IPP 7, Council will take reasonable steps to correct/update the personal information of individuals when Council is informed that such information is irrelevant, inaccurate, incomplete or out of date. This is subject to any legislative limitations.

Council has a number of administrative access avenues for individuals to amend their personal information. For amendment requests outside of these, refer to:

AP187 Right to Information and Information Privacy Access Procedure
Information Privacy Act 2009.

IPP 8 - Checking of accuracy of personal information before use by Council

In complying with its obligations under IPP 8, Council will take reasonable steps to ensure that personal information it collects, uses or discloses is accurate, relevant, complete and up to date.

IPP 9 - Use of personal information only for relevant purpose

In complying with its obligations under IPP 9, when Council proposes to use personal information for a particular purpose, Council will only use those parts of the personal information collected that are directly relevant to fulfilling the particular purpose.

IPP10 - Limits on use of personal information

In complying with its obligations under IPP 10, Council will ensure that when it collects personal information for a particular purpose, it will not use that information for another purpose unless:

- a. the individual has expressly or impliedly agreed to the use of the information for the other purpose; or
- b. Council reasonably believes that the use is necessary to lessen or prevent a serious threat to the life, health, safety or welfare of an individual, or to public health, safety or welfare; or
- c. the use is authorised or required under a law; or
- d. Council is satisfied on reasonable grounds that the use is necessary for law enforcement purposes; or
- e. the other purpose is directly related to the purpose for which the information was collected; or
- f. all of the following apply—
 - the use is necessary for research, or the compilation or analysis of statistics, in the public interest;
 - use does not involve the publication of all or any of the personal information in a form that identifies any particular individual the subject of the personal information;
 - it is not practicable to obtain the express or implied agreement of each individual the subject of the personal information before the use.

IPP 11 - Limits on disclosure of personal information

In complying with its obligations under IPP 11, Council will not disclose personal information to someone other than the individual identified by the information, unless:

- a. the individual is reasonably likely to have been aware, or made aware that it is Council's usual practice to disclose that type of personal information; or
- b. the individual has expressly or impliedly agreed to the disclosure; or
- c. Council reasonably believes that the disclosure is necessary to lessen or prevent a serious threat to the life, health, safety or welfare of an individual, or to public health, safety or welfare; or
- d. the disclosure is authorised or required under a law; or
- e. Council is satisfied on reasonable grounds that the use is necessary for law enforcement purposes; or
- f. all of the following apply—

- the disclosure is necessary for research, or the compilation or analysis of statistics, in the public interest;
- the disclosure does not involve the publication of all or any of the personal information in a form that identifies any particular individual the subject of the personal information;
- it is not practicable to obtain the express or implied agreement of each individual the subject of the personal information before the disclosure;
- Council is satisfied on reasonable grounds that the receiving entity will not disclose the personal information to anybody else.

Where Council discloses personal information to a third party as above, it will take all reasonable steps to ensure that the third party will not use or disclose the information for a purpose other than what it was disclosed for.

Where Council uses and discloses personal information to provide individuals with information about Council's services/products and initiatives, and it is impractical to seek the consent of those individuals before the information is used for marketing purposes, Council will obtain individuals' consent at the time of first contact and enable them to change their consent anytime thereafter.

Additionally Council will:

- a. exercise its right to disclose any personal information collected/obtained in a manner which does not identify individuals (e.g. anonymous aggregate information);
- b. upon request suppress personal information from being disclosed from publicly available databases (e.g. Land Register);
- c. recognise that some persons seek information about individuals in order to stalk, harass or commit assault upon them and recognises its responsibility to protect such individuals.