

Information Privacy Policy

Policy Details

Policy Category	Council Policy
Date Adopted	15 th January 2020
Resolution Number	0120/019
Approval Authority	Council
Effective Date	15 th January 2020
Policy Version Number	2
Policy Owner	Director Corporate Services

Supporting documentation

Legislation	<ul style="list-style-type: none"> • <i>Information Privacy Act 2009</i> • <i>Local Government Act 2009</i> • <i>Local Government Regulation 2012</i> • <i>Public Records Act 2002</i> • <i>Public Sector Ethics Act 1994</i> • <i>Right to Information Act 2009</i>
Policies	<ul style="list-style-type: none"> • Code of Conduct for Councillors • Code of Conduct for Employees • Complaints Management Process Policy • Confidential Information Policy
Delegations	<ul style="list-style-type: none"> • Nil
Forms	<ul style="list-style-type: none"> • Nil
Supporting Documents	<ul style="list-style-type: none"> • Queensland Government General Retention and Disposal Schedule

Version History:

Version	Adopted	Comment	eDRMS #
1	18/04/2012	Council Resolution No. 0412/018	
2	15/01/2020	Council Resolution No. 0120/019	

Contents

INTENT.....	3
SCOPE.....	3
POLICY STATEMENT	3
COLLECTION.....	3
STORAGE AND SECURITY	3
ACCESS AND AMENDMENT	4
USE AND DISCLOSURE	4
COMPLAINTS	4
DEFINITIONS	4

Intent

To ensure all Councillors and Council Staff understand their statutory obligations relating to personal information that is collected by Council and at all times comply with the *Information Privacy Act 2009*.

Scope

This policy applies to:

- all personal information collected, used and stored by Council in every aspect of its operations and performance; and
- all Councillors and Council staff regardless of their employment type or status.

Policy Statement

Carpentaria Shire Council ("Council") is committed to protecting the privacy of individuals. Council will take all reasonable steps to ensure that the collection, use, disclosure and handling of all personal information by Council complies with all relevant legislation and associated information privacy principles.

The *Information Privacy Act 2009* sets out the ways in which Council must handle personal information. It also gives individuals the right to request a copy of their personal information and request for documents to be amended if they are inaccurate or out of date.

Collection

All personal information collected by Council will be used only for the purpose of conducting Council business and for the provision of services to the community.

Council will only collect personal information in a lawful and fair manner for a purpose directly related to and necessary to fulfil a function or activity of Council. Wherever possible, Council will advise persons what the information will be used for either prior to or at the point of collection.

All reasonable steps will be undertaken to ensure that personal information collected is relevant to the purpose for which it is collected, is accurate, complete and up to date. The collection of personal information will not be done in a way that is an unreasonable intrusion into the personal affairs of the individual.

Storage and Security

Council will undertake all reasonable measures to maintain a secure system for storing personal information and will utilise appropriate technologies, security methods, operational policies and procedures to protect the information from unauthorised access, improper use, alteration, unlawful or accidental destruction and accidental loss.

No person, including employees, consultants or contractors, will access or use personal information unless authorised to do so.

Access and Amendment

Persons may have access to their personal information and may seek to have this information corrected. Written applications for access and correction will be dealt with by Council in accordance with the provisions of the Act.

Use and Disclosure

Council will use personal information it collects for the primary purpose for which it was collected or for a secondary purpose if it is directly related to the primary purpose.

Additionally, Council may use the information for other (identified or non-identified) purposes where a person has consented to such use or disclosure.

Complaints

If an individual believes that Council has not dealt with their personal information in accordance with the *Information Privacy Act 2009*, they may submit an information privacy complaint. Any complaints received will be processed under the provisions of Council's Complaints Management Process Policy.

Following Council's response to the complaint, should the individual complainant remain dissatisfied, they may make a privacy complaint to the Queensland Information Commissioner, provided that at least 45 business days have elapsed since the complaint was first made.

Definitions

TERM	DEFINITION
Access	Providing an individual with personal information about himself or herself that is held by the Council. This may include allowing that individual to inspect personal information or to obtain a copy of the personal information.
Collection	Gathering, acquiring or obtaining personal information from any source and by any means.
Consent	In relation to solicited information means a voluntary agreement (express or implied) to some act, practice or purpose. The individual must be adequately informed before giving consent and must have the capacity to understand and communicate their consent.
Disclosure	The release of personal information to persons or organisations outside of Council (receiving entity) where the receiving entity does not know the personal information and Council ceases to have control over the receiving entity in relation to who will know the personal information in the future. It does not include giving individuals personal information about themselves.
Information Privacy Principles	Defined in schedule 3 of the <i>Information Privacy Act 2009</i> .
Personal Information	Is defined in section 12 of the <i>Information Privacy Act 2009</i> as - 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

TERM	DEFINITION
	not, about an individual whose identity is apparent, or can reasonably be ascertained, from the information or opinion.

Adopted by Council 15 January 2020 by Resolution 0120/019

Mark Crawley
Chief Executive Officer