



Privacy Policy

Policy Classification	Council Policy
First Issued:	10 September 2010
Next Date of Review:	July 2027
Version Number:	6
Applicable Legislation:	<i>Local Government Act 1999</i> <i>Privacy Act 1988 (Cth)</i> <i>Local Government (Elections) Act 1999</i> <i>State Records Act [and Regulations] 1997</i> <i>Planning, Development and Infrastructure Act [and Regulations] 2016</i> <i>Freedom of Information Act 1991</i>
Related Policies or Documents:	Australian Privacy Principles Information Sharing Guidelines LGA Complaints Against Council Employees Code of Conduct for Elected Members <i>Premier and Cabinet Circular - PC 012 – Information Privacy Principles (IPPS) Instruction</i> <i>Privacy (Tax File Number) Rule 2015</i>
Associated Forms:	NA
Responsible Manager:	Chief Executive Officer
Approved by Council:	9 August 2022
Minutes Reference:	C334:2022

TABLE OF CONTENTS

1. Preamble	3
2. Purpose	3
3. Scope	3
4. Definitions	4
5. Policy Statement	5
6. Collection of Personal Information	5
7. Maintenance and Storage of Personal Information	6
8. Tax File Numbers	6
9. Use of Personal Information	7
10. Disclosure of Personal Information	7
11. Access to, and Amendment of, Personal Information	8
12. Suppression of Personal Information	9
13. Freedom of Information	9
14. Complaints	10

Privacy Policy

1. PREAMBLE

- 1.1 Local Government provides a wide range of services which require the collection and storage of information, some of which is personal information. In certain circumstances the disclosure of information is also necessary. The purpose of this Policy is to formally state the position of the Kangaroo Island Council (the **Council**)_ in regard to the collection, use, storage and disclosure of personal information by the Council.
- 1.2 This Policy outlines the approach that the Council will take in the management of personal information and data to ensure the protection of privacy.

2. PURPOSE

- 2.1 The Privacy Act 1988 (Cth) (the **Privacy Act**) sets out the principles that must be followed by Commonwealth Government Agencies (and many private bodies) in relation to the collection, use, storage and disclosure of personal information.
- 2.2 The provisions of the Privacy Act **do not** apply to Local Government in South Australia. However, it is the intention of the Council that its Policies and practices are, as far as is reasonably practicable, consistent with the Australian Privacy Principles as contained within the Privacy Act, which set an appropriate standard for privacy protection.
- 2.3 This Policy is intended to achieve best practice in the management of personal information and data, consistent with those standards. Council also recognises that there will be occasions when other legislative requirements may prevail sufficient to require that personal information is included in public documents.
- 2.4 Notwithstanding clause 2.2, it is acknowledged and recognised that the Council is subject to the *Privacy (Tax File Number) Rule 2015* (the **TFN Rule**), issued under the Privacy Act, on account of it receiving tax file number information from its employees and, on occasion, contractors.

3. SCOPE

- 3.1 Whilst there is no South Australian specific privacy legislation that applies to the Council, the Department of Premier and Cabinet has issued a Premier and Cabinet Circular 12, being the *Information Privacy Principles Instruction*.
- 3.2 The Council is not subject to the *Information Privacy Principles Instruction*, but in adopting this Policy, has endeavoured to be as consistent as reasonably practicable with that *Instruction*.
- 3.3 This Policy applies to all people with access to Council information systems and stores (whether they be computer-based or otherwise) including, but not limited to;
 - 3.3.1 Council staff;
 - 3.3.2 Elected ,Members;
 - 3.3.3 Volunteers;

- 3.3.4 Work experience placements;
- 3.3.5 Trainees; and
- 3.3.6 Independent contractors and consultants

4. DEFINITIONS

- 4.1 **Access** means providing to an individual, 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;
- 4.2 **Collection** means gathering, acquiring or obtaining personal information from any source and by any means, including information that the Council has been provided;
- 4.3 **Consent** means voluntary agreement to an act, practice or purpose;
- 4.4 **Council** means the Kangaroo Island Council;
- 4.5 **Disclosure** means the release of information to persons, organisations or entities outside the Council. It does not include giving individuals information about themselves;
- 4.6 **Personal information** means 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, but does not include information that is:
 - 4.6.1 generally available in publications;
 - 4.6.2 material kept in public records and archives such as the Commonwealth or State archives; or
 - 4.6.3 anything kept in a library, art gallery or museum for the purpose of reference, study or exhibition;
- 4.7 **Privacy Act** means the *Privacy Act 1988 (Cth)*;
- 4.8 **Sensitive information** means information or an opinion that may give rise to discriminatory practices based on an individual's:
 - 4.8.1 racial or ethnic origin;
 - 4.8.2 political opinions;
 - 4.8.3 membership of a political association, a professional or trade association or a trade union;
 - 4.8.4 religious beliefs or affirmations;
 - 4.8.5 philosophical beliefs;
 - 4.8.6 sexual preferences or practices;

4.8.7 criminal record; or

4.8.8 health

4.9 TFN means Tax File Number

4.10 **Use** means the handling of personal information within a Council including the inclusion of information in a publication.

5. POLICY STATEMENT

- 5.1 Members of the public should be aware that the principles under this Policy will apply where personal information is received by the Council and is being considered and handled within the Council.
- 5.2 Only information reasonably required for the operation and effective delivery of Council programs and services will be collected and maintained.
- 5.3 Where possible, the full purpose for information collection will be disclosed at the time of collection.
- 5.4 Information is stored within the Council's systems, having regard to any requirements for security and confidentiality.
- 5.5 Outside of standard Council operations, the Council will not, without prior consent, sell or provide personal information, unless required to do so by Court Order or other statutory obligation.

6. COLLECTION OF PERSONAL INFORMATION

- 6.1 All personal information collected by the Council will be used only for the purpose of conducting Council business and in the provision of Council services to or for its residents, ratepayers and electors.
- 6.2 The type of personal information that may be collected and held by the Council may include, but is not limited to:
 - 6.2.1 Names and Addresses (postal, residential and email addresses);
 - 6.2.2 Telephone Numbers;
 - 6.2.3 Age and/or Date of Birth;
 - 6.2.4 Property Ownership and/or Occupier Details;
 - 6.2.5 Development Applications including plans of buildings;
 - 6.2.6 Animal Ownership;
 - 6.2.7 Electoral Roll Details;
 - 6.2.8 Payment History;
 - 6.2.9 Financial, Rental or Income Details;
 - 6.2.10 Pensioner/Concession Information;

- 6.2.11 Library Membership;
- 6.2.12 Insurance Details;
- 6.2.13 Details of Employment (including TFNs); and/or
- 6.2.14 Details of Land Valuation
- 6.3 All information will be collected in a fair and lawful manner and as required/permitted by law. The Council is committed to ensuring that residents and/or ratepayers are aware of the purpose of collection of the information.
- 6.4 In satisfying the collection and use of personal information obligations which the Council has to its residents, ratepayers and/or electors, the Council assumes that:
 - 6.4.1 Any personal information provided by residents, ratepayers and/or electors is free from errors and omissions, is not misleading or deceptive, and complies with all relevant laws; and
 - 6.4.2 Residents, ratepayers and/or electors have the necessary authority to provide any personal information submitted to the Council.
- 6.5 The Council relies on the personal information provided to it. The Council may obtain information concerning ratepayers, residents or electors from a number of sources, including, but not limited to Centrelink, the Electoral Commission of South Australia, Office of the Valuer General, SA Water and from individuals. The Council will take reasonable steps to verify the accuracy of any personal information it obtains from any source.
- 6.6 It is the responsibility of residents, ratepayers and/or electors to provide the Council with details of any changes to their personal information as soon as reasonably practicable.

7. MAINTENANCE AND STORAGE OF PERSONAL INFORMATION

- 7.1 The Council will take reasonable steps to ensure that the personal information held by it is protected, by such security safeguards as are reasonable in the circumstances, from misuse and loss, and from unauthorised access, modification or disclosure.
- 7.2 Council will maintain its record keeping systems to ensure that all personal information collected is as up to date and complete as is reasonably practicable.
- 7.3 Any person who, on behalf of the Council, uses or discloses personal information held by the Council, will have appropriate authorisation to do so.

8. TAX FILE NUMBERS

- 8.1 The Council acknowledges its obligations under the TFN Rule, which regulate the collection, storage, use, disclosure, security and disposal of and individuals' TFN information.
- 8.2 In the event of a data breach involving TFN Information, the Council will take the following steps:

- 8.2.1 Contain the data breach;
- 8.2.2 Within thirty (30) days of the event, assess if the data breach is an eligible data breach;
- 8.2.3 Take remedial action to prevent the unauthorised access or disclose of TFN information;
- 8.2.4 Notify the Australian Information Commissioner and affected individuals where there is an eligible data breach; and
- 8.2.5 Review the incident, report to other relevant bodies and take preventative action to ensure that a similar incident does not reoccur.

9. USE OF PERSONAL INFORMATION

- 9.1 The Council will take reasonable steps not to use personal information except for a purpose for which it was collected and is relevant.
- 9.2 The Council will not use personal information without taking reasonable steps to ensure that, having regard to the purpose for which the information is proposed to be used, the information is accurate, up to date and complete.
- 9.3 The Council will not disclose personal information for a purpose that is not relevant or incidental to, or connected with, that purpose unless:
 - 9.3.1 it first takes reasonable steps to obtain the consent of the person concerned to use his or her personal information for that other purpose;
 - 9.3.2 it believes, on reasonable grounds, that use of the personal information is necessary to prevent or lessen a serious and imminent threat to the life or health of the individual, or an individual who is a genetic relative of the individual to whom the information relates;
 - 9.3.3 the use of the personal information is required and authorised by law; and/or
 - 9.3.4 the use of the personal information for that other purpose is reasonably necessary for the enforcement of the criminal law or law imposing a pecuniary penalty.

10. DISCLOSURE OF PERSONAL INFORMATION

- 10.1 The Council will not permit the provision of personal information it holds pertaining to residents, ratepayers and/or electors to third parties, except:
 - 10.1.1 where the resident, ratepayer and/or elector has made a written request for personal information to be provided to a third party;
 - 10.1.2 where the provision of personal information is for the purpose of distributing materials for the sole purpose of, and on behalf of, the Council (e.g. the provision of address data for use by a mailing service provider to post Rates Notices);
 - 10.1.3 where the third party has been contracted by the Council to provide advice or services for the sole purpose of assisting the Council to

provide benefits to residents and/or ratepayers (e.g. Electoral Commissioner South Australia, Office of the Valuer General, and insurers);

- 10.1.4 where the Council is required by legislation to provide personal information to a third party (e.g. provision of personal information to the Electoral Commission of South Australia) 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;
 - 10.1.5 where the resident, ratepayer and/or elector has been advised of the 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;
 - 10.1.6 as part of the public notification required, and related to, lodgement of a Development Application;
 - 10.1.7 it believes, on reasonable grounds, that use of the information for that secondary purpose is necessary to prevent or lessen a serious or imminent threat to the life or health of the individual concerned or another person;
 - 10.1.8 use of the information for that secondary purpose is required or authorised by law; and/or
 - 10.1.9 use of the information for that secondary purpose is reasonably necessary for the enforcement of the criminal law or of law imposing a pecuniary penalty.
- 10.2 Before the Council provides 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 the Council that it will comply with the Privacy Act and the Australian Privacy Principles in respect to the collection, use and handling of personal information supplied by the Council.
- 10.3 The 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.
- 10.4 The Council does not accept any responsibility for any loss or damage suffered by residents, ratepayers and/or electors because of their reliance on any personal information provided to them by the Council, or because of the Council's inability to provide residents, ratepayers and/or electors with any requested personal information.
- 10.5 Before relying on any personal information the Council provides to residents, ratepayers and/or electors, the Council expects that they will first seek confirmation from the Council about the accuracy and currency of that personal information.

11. ACCESS TO, AND AMENDMENT OF, PERSONAL INFORMATION

- 11.1 Residents, ratepayers and/or electors who wish to access their personal

information that the Council holds, can do so by contacting the Customer Service Staff at the Council Offices. Such requests will be dealt with as soon as reasonably practicable, having regard to the nature of the information requested. The person making the request will need to satisfy Customer Services Staff as to his/her identity, prior to the information being released.

- 11.2 For enquiries made remotely, for example via telephone or email, information will only be sent to a currently held postal or residential address, not to a return email account or over the telephone. Information may also be collected from Customer Service via prior arrangement, provided that suitable identification is provided at the time of collection. This process ensures the privacy and confidentiality of personal information.
- 11.3 If a resident, ratepayer and/or elector can demonstrate that the personal information held by the Council is not accurate or complete, it will be amended by the Customer Services Staff. Council acknowledges that it has certain personal information in its possession that it is legislatively required to make available for access by members of the public.
- 11.4 The Council assumes that personal information provided to it is accurate, complete and up-to-date. It is the responsibility of persons to provide the Council with details of any changes to their personal information as soon as reasonably practicable, following such change.
- 11.5 The Council will take reasonable steps, such as making appropriate deletions, additions, and corrections, to ensure that personal information held by it is accurate, relevant, complete, up to date and not misleading.
- 11.6 The Council recognises there are certain documents which may contain personal information, that the Council is legislatively required to make available for access by members of the public. In which case, such information will be made publicly available.

12. SUPPRESSION OF PERSONAL INFORMATION

- 12.1 A person's name and/or address may be suppressed from the Council's Assessment Record and Voters Roll where the Chief Executive Officer of the Council is satisfied that the inclusion of the name and/or address on the Assessment Record and/or Voters Roll would risk the personal safety of that person, a member of the person's family or any other person.
- 12.2 Enquiries regarding the suppression of information should be directed to Customer Service Staff.

13. FREEDOM OF INFORMATION

- 13.1 Any person who wishes to access personal information held by the Council, save for a resident, ratepayer and/or elector who wishes to access their own personal information, must make a written application to the Freedom of Information Officer, and pay the application fee, as set out under the *Freedom of Information Act 1999*.
- 13.2 Subject to the provisions of the *Freedom of Information Act 1999*, the Council may grant, refuse, or partially refuse access to personal information.

- 13.3 In accordance with the provisions under this Act, a person will be consulted to obtain their opinion on release of certain information. If it is determined that the information will be released, contrary to the view of that person, they have the right to request a review of the decision, on payment of the prescribed fee, prior to the information being released.

14. COMPLAINTS

- 14.1 Residents, ratepayers and/or electors that have any concerns regarding how Council handles personal information or requires further information, should contact Customer Service Staff at the Council's Principal Office in the first instance.
- 14.2 If the person's concerns cannot be satisfied, they may lodge a formal complaint. addressed to:

Chief Executive Officer

Kangaroo Island Council

PO Box 121

KINGSCOTE SA 5223

SIGNED:



Chief Executive Officer

Date: 9 August 2022

History:		
Date Adopted:	Version:	Reason for Amendment:
10 September 2010	Version 1	Mandatorily required Policy under the <i>FOI Act 1991</i> and <i>Local Government Act 1999</i>
13 June 2012	Version 2	Periodic Review
10 November 2015	Version 3	Mandatory review post Local Government Election and introduction of the new Policy template; new logo; new Policy, etc., including the Social Media Policy and OPI/Ombudsman's Information Sharing Guidelines.
14 August 2018	Version 4	Periodic Review. Ref# C266:2018
09 August 2022	Version 5	Periodic Review, additional clauses. C334:2022