



Gladstone Regional Council

Council Policy

Title	INFORMATION PRIVACY
Policy Number	P-2017-06
Responsible Directorate	CORPORATE & COMMUNITY SERVICES
Responsible Officer	CHIEF INFORMATION OFFICER
Date of Adoption	7 MARCH 2017
Resolution Number	G/17/2994
Date Review Due	7 MARCH 2020

1.0 PURPOSE:

This Policy sets out Council's legislative obligations and establishes a framework for the responsible collection and handling of personal information by Gladstone Regional Council.

2.0 SCOPE:

This Policy applies to all Councillors, employees, volunteers, contractors and consultants of Council. The policy applies to all personal information collected, used and stored by Council in every aspect of its operations and performance.

3.0 RELATED LEGISLATION:

- Information Privacy Act 2009 (IP Act)
- Information Privacy Regulation 2009 (IP Reg)
- Local Government Act 2009 (LG Act)
- Right to Information Act 2009 (RTI Act)

4.0 RELATED DOCUMENTS:

- Administrative Action Complaints Management Policy
- Administrative Action Complaints Management Process Corporate Standard

5.0 DEFINITIONS:

To assist in interpretation of this policy the following definitions apply:

- **Access** shall mean 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.

- **Complaint** means a Privacy Complaint as defined in section 164 (1) of the IP Act; namely a complaint by an individual about an act or practice of Council in relation to the individual's personal information that is a breach of the Council's obligation under the IP Act to comply with:
 - The privacy principles in the IP Act; or
 - An approval under section 157 of the IP Act.

- **Collection** shall mean gathering, acquiring or obtaining personal information from any source and by any means, including information that the council has come across by accident or has not asked for.

- **Consent** shall mean voluntary agreement to some act, practice or purpose.

- **Disclosure** shall mean the release of personal information to persons or organisations outside the Council. It does not include giving individuals personal information about themselves.

- **Personal Information** shall mean 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 an individual whose identity is apparent, or can reasonably be ascertained, from the information or opinion.

- **Use** shall mean the handling of personal information within Council including the inclusion of personal information in a publication.

6.0 POLICY STATEMENT:

6.1 Privacy Obligations

Council collects and uses personal information of residents, Council employees and others for the purpose of ensuring that Council business is conducted efficiently and effectively and to meet its statutory obligations. Council only collects personal information that is directly relevant and necessary for its operations.

The protection of personal information which can identify an individual is a matter of great significance to Council. Council will comply with the Information Privacy Principles contained in the *IP Act*, namely:

- IPP 1: Collection of Personal Information (lawful and fair);
- IPP 2: Collection of Personal Information (requested from an individual);
- IPP 3: Collection of Personal Information (relevance);
- IPP 4: Storage and Security of Personal Information;
- IPP 5: Providing Information about Documents Containing Personal Information;
- IPP 6: Access to Documents Containing Personal Information;
- IPP 7: Amendment of Documents Containing Personal Information;
- IPP 8: Checking of Accuracy of Personal Information before use by Council;
- IPP 9: Use of Personal Information only for Relevant Purpose;
- IPP 10: Limits on Use of Personal Information;
- IPP 11: Limits on Disclosure.

6.1.1 Personal Information

Council will not collect personal information about an individual unless:

- consent is provided by the individual;
- collection is required by law;
- collection is necessary to prevent or lessen a serious threat to life, health, safety; or
- collection is necessary for the establishment, exercise or defence of a legal; or equitable claim.

6.1.2 Collection Notice

All forms used by Council to collect personal information about an individual, will carry the following notice on the form:

"The Gladstone Regional Council is collecting your personal information on this form to process this request. The information will only be used by authorised council employees for the purposes of this request, or for the purpose of performing other Council functions and responsibilities. Your personal information will not be given to any other person or agency unless you have given us permission to do so or we are required to do so by law."

Council may modify the abovementioned Collection Notice to include additional or changed information where it is necessary and appropriate to do so, giving consideration to the Office of the Information Commissioner of Queensland's advice as follows:-

"What do I need to include in a collection notice?"

You must take all reasonable steps to make an individual generally aware of:

- *why the information is being collected*
- *details of any law that specifically allows or requires the collection;*
and
- *any entity to whom it is the agency's usual practice to give the information, and (if known) anyone who they will in turn give it to."*

6.1.3 Complaints

Chapter 5 of the *IP Act* provides for an individual to make a complaint about Council's breach of the privacy principles which occurred on or after 1 July 2010.

If an individual is not satisfied with the manner in which Council has handled the collection, management, use or disclosure of their personal information, they may lodge a formal complaint under Council's Administrative Action Complaints Management Policy, a copy of which can be found on Council's website.

7.0 ATTACHMENTS:

Nil

8.0 REVIEW TRIGGER:

This policy will be reviewed when any of the following occur:

1. The related legislation/documents are amended or replaced.
2. Other circumstances as determined from time to time by a resolution of Council.
3. Periodic Review – 3 years from date of adoption.

TABLE OF AMENDMENTS		
Originally Adopted	6 July 2010	10/237 (formerly Policy No. P-1.00.06)
Amendment 1	18 August 2015	G/15/2530
Amendment 2	7 March 2017	G/17/2994 (Formerly P-2015/26)

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MARK HOLMES
ACTING CHIEF EXECUTIVE OFFICER