

PRIVACY POLICY

Policy Owner:	Finance Governance and Risk
Adoption:	<i>Insert Date and Resolution Number</i>
Version:	
Link to Corporate Plan:	Accountable Council – We are providing good stewardship built on a foundation of trust
Head of Power:	<i>Information Privacy Act 2009</i> <i>Right to Information Act 2009</i> Queensland Privacy Principles
Review Date:	Five years from the date of adoption.

1 PURPOSE

This Policy outlines how personal information will be collected and managed at Gladstone Regional Council and how Council will respond in the event that personal information is compromised through a data breach or unauthorised access and/or release of an individual's personal information.

2 SCOPE

This Policy applies to all Gladstone Regional Council employees and to personal information collected, created, accessed, stored, distributed, released or disposed of by Council.

3 POLICY STATEMENT

Council will collect and manage personal information in accordance with the Queensland Privacy Principles (QPPs) and the *Information Privacy Act 2009*.

3.1 What Personal and Sensitive Information is Collected and its Purpose

Council may collect, use and hold personal information when the information is essential to provide a service or perform a function of local government as broadly described below:

- a) To fulfil Council's responsibilities under:
 - Chapter 2 Part 1 of the *Local Government Act 2009*; or
 - Other ¹*Local Government Acts* where responsibilities have been devolved to local government; or
 - To provide services and facilities to individuals; or
- b) Collection is required by law; or
- c) Collection is necessary to prevent or lessen a serious threat to life, health, safety or welfare of an individual, or to public health, safety or welfare; or
- d) Collection is necessary for the establishment, exercise or defence of a legal or equitable claim; or
- e) Consent is provided by the individual.

Council will only collect sensitive information when it is necessary to meet its obligations under this section. Individuals will be asked to specifically consent to the collection of sensitive information and individuals may decline to provide consent. Where sensitive information is necessary to provide a

¹ Definition of *Local Government Acts* has the meaning assigned in Schedule 4 of the *Local Government Act 2009*

service or perform a function, individuals will be informed of any impacts that not providing the information may have.

3.2 Collection Methods and Storage

Council collects personal information through a number of mediums including:

- a) Forms and other written correspondence (electronic and hardcopy);
- b) Websites and other electronic and online platforms;
- c) Telephone calls;
- d) Closed Circuit Television (CCTV) in public spaces;
- e) Body worn camera footage;
- f) Drone or other vision and audio recording devices.

Council stores personal information in both hardcopy and electronic form. Council's hardcopy information is stored on-site at Council controlled facilities except where information has been transferred to Queensland State Archives for permanent retention. Electronic data is stored on cloud-based services and databases that are within the jurisdiction of Australian law.

Council secures personal and sensitive information through:

- a) Assigning security classifications and password protections for information held in electronic form;
- b) Storing hardcopy information in secure locations that generally require security fob or key access;
- c) Maintaining physical and electronic security logs to monitor access, handling and distribution of information;
- d) Maintaining cyber security protections and controls and testing/evaluating their effectiveness regularly;
- e) Providing training for Council staff on privacy obligations and responsibilities.

Council has a responsibility under the *Public Records Act 2023* to retain 'public records', which may include personal information, for nominated periods of time. Council endeavours where possible, at the end of the retention period, to take reasonable steps to ensure records containing personal information are securely destroyed, de-identified or the information placed beyond use.

3.3 Use and Disclosure

Where an individual provides personal information to Council, Council will inform the individual how the information will be used in a collection notice².

Where secondary use of the information is proposed, individuals will be asked to consent to any secondary use and will be advised of any potential impacts should consent not be provided.

There are some circumstances where Council is required, or may use personal information collected, for purposes other than for its primary purpose, which does not require individuals to consent to its secondary use. These circumstances include:

- a) Where an individual would reasonably expect use/disclosure for the secondary purpose and that purpose is related to the primary purpose of collection, or, in the case of sensitive information, directly related to the primary purpose;
- b) The secondary use or disclosure is required or authorised by, or under, the laws of Australia or a court/tribunal order;
- c) A permitted general situation exists in relation to the secondary use or disclosure;
- d) There is a reasonable belief that the secondary use or disclosure is necessary for one or more enforcement related activities conducted by or on behalf of, a law enforcement agency;
- e) The Australian Security Intelligence Organisation (ASIO) has asked the agency to disclose the

² As defined in the *Information Privacy Act 2009*.

personal information;

- f) The secondary use or disclosure is necessary for public interest research or statistical purposes.

Examples:

- *Council meetings are legislatively required to be open to the public and therefore information on Council agendas is publicly available. The personal information of individuals will be excluded from agendas where it is not required or not relevant for Council decision making. However, there will be circumstances where the personal information of individuals will be disclosed as part of Council meeting agendas.*
- *In a disaster or emergency event, Council may pass on the personal information of individuals to other emergency service agencies for emergency response purposes.*
- *The Planning Act 2016 requires that Council publish online, the names of development proponents and submitters at certain points of the development application process.*

Council does not disclose personal information to individuals or third parties outside of Australia without an individual's consent, unless the disclosure meets one of the criteria outlined in Section 3.3 a) to f).

3.4 Access to and Correction of Personal Information

Individuals may request access to their personal information held by Council. Access will be provided subject to any restrictions that may apply under the *Information Privacy Act 2009* or *Right to Information Act 2009*.

Where an individual considers that their personal information is inaccurate, out of date, incomplete or misleading, they may lodge a request to Council for the information be corrected, updated or additional information added.

During the course of business, where there are reasonable grounds to indicate that personal information may be incorrect, Council may take steps in consultation with the individual, to ensure that the information is corrected and/or updated.

Council does not conduct any routine monitoring of the accuracy or currency of personal information and individuals should, and in some instances, are legislatively required to, contact Council when personal information changes.

Example: Under the Animal Management (Cats and Dogs) Act 2008, the owner of a registered dog is legislatively required to advise Council of a change of address.

3.5 Complaints Process

Individuals that have concerns about personal information held by Council can lodge a complaint in accordance with Council's Complaints Management Policy and Corporate Standard, or alternatively, lodge a complaint with the Queensland Information Commissioner.

3.6 Privacy and Data Breaches

Council will maintain a Data Breach Incident Response Plan to manage actual or suspected Data Breaches.

In the event that a Data Breach occurs, Council will apply the following strategy:

- a) Initial identification and evaluation of suspected breach and/or breach report.
- b) Contain the breach or suspected breach to minimise harm.
- c) Mitigate harm which may result from the breach including a plan to contain and mitigate any ongoing obligations which continue while the breach is being managed.
- d) Assess and evaluate the information involved and any associated risks including assessment of whether the breach is an eligible data breach.

- e) Notify ³individuals of the breach or suspected breach where reasonably practicable⁴, including mandatory notification to the Queensland Information Commissioner for eligible data breaches and keep associated records and a register of eligible data breaches.
- f) Post incident review and evaluation to inform improvements and preventative actions moving forward.

4 RELATED LEGISLATION

Information Privacy Act 2009
Right to Information Act 2009
Public Records Act 2023

5 RELATED DOCUMENTS

Data and Privacy Breach Register
Data Breach Incident Response Plan
Queensland Privacy Principles
Complaints Management Policy and Corporate Standard

6 CONSIDERATION OF HUMAN RIGHTS

Gladstone Regional Council has considered the human rights protected under the *Human Rights Act 2019 (Qld)* when adopting and/or amendment this policy. When applying this policy, Council will act and make decisions in a way that is compatible with human rights and give proper consideration to any human rights relevant to the decision.

7 ATTACHMENTS

Nil

8 EVALUATION OF POLICY

This Policy is successful when the privacy and security of personal information collected, accessed, maintained, stored and used by Council is protected and responsibly managed.

This will be measured through:

- The number of data breaches and eligible data breaches recorded in Council's Data and Privacy Breach Register.
- The number of privacy and data breach complaints received.

9 DEFINITIONS

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

Term	Definition
Data	The representation of facts, concepts or instructions in a formalised (consistent and agreed) manner suitable for communication, interpretation or processing by human or automatic means. Typically comprised of numbers, words or images. The format and presentation of data may vary with the context in which it is used. Data is not information until it is utilised in a particular context for a particular purpose.
Data Breach	As defined in Schedule 5 of the <i>Information Privacy Act 2009</i> .

³ Includes 'affected individuals' as defined under the *Information Privacy Act 2009*

⁴ Where it is not 'reasonably practicable' a website notice will be published in accordance with the *Information Privacy Act 2009*

Eligible Data Breach Information	As defined in Section 47 of the <i>Information Privacy Act 2009</i> .
Permitted General Situation	Data and knowledge that is generated, collected, stored or obtained which can be shared through the act of communicating, whether verbally, nonverbally, visually, electronically or in hardcopy documents.
Personal Information	As defined in Schedule 4, Part 1 of the <i>Information Privacy Act 2009</i> .
Public Record	As defined in Section 9 of the <i>Public Records Act 2023</i> .
QPPs	Queensland Privacy Principles as defined in the <i>Information Privacy Act 2009</i> .
Sensitive Information	As defined in Schedule 5 of the <i>Information Privacy Act 2009</i> being a category of personal information.

10 REVIEW

This policy is to be reviewed upon the earlier of:

1. Five years from the date of adoption of the most recent version;
2. Any relevant statutory review periods;
3. The related legislation or governing documents are amended or repealed; or
4. A request from the Chief Executive Officer or Council.

11 DOCUMENT CONTROL

Version	Reason/Change	Date	Council Resolution
1	Adoption		