

Privacy Policy

Classification	Council Policy		
Responsible Officer	Chief Executive Officer (CEO)		
Relevant Legislation	<i>Privacy Act 1988 (Cth)</i> , <i>Local Government Act 1999</i> , <i>Freedom of Information Act 1991</i> , and Information Privacy Principles.		
Related Policies	Surveillance Devices Policy, Records Management Policy, Request for Services and General Complaint Handling Policy		
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1. Introduction

- 1.1. Local Government delivers a diverse range of services, many of which require the collection and storage of information, including personal information. In some cases, the disclosure of this information is also necessary. This Policy establishes Town of Walkerville's (TOW) official position on the collection, use, storage and disclosure of personal information by the Council.
- 1.2. This Policy outlines the Council's approach to managing personal information and data to safeguard privacy.

2. Purpose

- 2.1. The *Privacy Act 1988 (Cth)* establishes principles that govern how Commonwealth Government agencies and many private entities collect, use, store and disclose personal information.
- 2.2. While the provisions of the *Privacy Act 1988 (Cth)* do not apply to Local Government in South Australia, TOW is committed to ensuring its policies and practices align, as far as reasonably practicable, with the Australian Privacy Principles outlined in the Act. These principles provide a strong standard for privacy protection.
- 2.3. This Policy aims to implement best practices for managing personal information and data in alignment with these standards. The Council acknowledges that, in some instances, legislative obligations may require personal information to be included in public documents.
- 2.4. Despite clause 2.2, the Council acknowledges its obligations under the Privacy (Tax File Number) Rule 2015 (the TFN Rule), issued under the *Privacy Act 1988 (Cth)*, on account of it receiving tax file number information from workers and sometimes contractors.

3. Scope

- 3.1. While there is no specific privacy legislation in South Australia that applies to Council, the Department of Premier and Cabinet has issued the Information Privacy Principles Instruction (Premier and Cabinet Circular 12).
- 3.2. Council is not bound by the Information Privacy Principles Instruction. However, in adopting this Policy, Council aims to align with the principles of the Instruction as far as reasonably practicable.

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3.3. This Policy applies to everyone who has access to the Council's information systems and storage, whether computer-based or otherwise, including but not limited to:

- Council staff;
- Elected Members;
- volunteers;
- work experience placements students;
- trainees; and
- independent contractors and consultants.

4. Policy statement

- 4.1. 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.
- 4.2. Only information reasonably required for the operation and effective delivery of Council programs and services will be collected and maintained.
- 4.3. Where possible, the full purpose for information collection will be disclosed at the time of collection.
- 4.4. Information is stored within the Council's systems, having regard to any requirements for security and confidentiality.
- 4.5. 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.

5. Collection of personal information

- 5.1. 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.
- 5.2. The type of personal information that may be collected and held by the Council may include, but is not limited to:
- names and addresses (postal, residential and email addresses);
 - telephone numbers;
 - age and/or date of birth;

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- information about dealings with Council (e.g. records of telephone, email or online interactions);
 - property ownership and/or occupier details;
 - development applications including plans of buildings;
 - animal ownership;
 - electoral roll details;
 - payment history;
 - financial, rental or income details;
 - pensioner/concession information;
 - library membership;
 - insurance details;
 - details of employment (including TFNs); and/or
 - details of land valuation.
- 5.3. In limited circumstances, we may also collect sensitive information from residents/ratepayers, such as information about financial hardship and related circumstances.
- 5.4. The Council may collect and retain personal information about residents and ratepayers within its area, as well as current and prospective workers, contractors, suppliers and other individuals who interact with the Council. We will protect this type of information and will not provide it to any third parties unless authorised by the individual (or as required by law).
- 5.5. All information will be collected fairly, lawfully and in accordance with legal requirements or permissions. The Council is dedicated to ensuring that residents and/or ratepayers are informed about the purpose of collecting their information.
- 5.6. To meet its obligations regarding the collection and use of personal information from residents and ratepayers, Council operates on the following assumptions:
- 5.6.1. all personal information provided by residents and ratepayers is accurate, complete, free from errors or omissions, not misleading or deceptive and complies with all applicable laws;
 - 5.6.2. residents and ratepayers have the necessary authority to provide any personal information submitted to the Council;

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- 5.6.3. wherever reasonable and practicable, we will collect personal information directly from individuals, such as in person, by telephone or through written submissions or forms provided. In certain circumstances, we may collect personal information from third parties, including ratepayers' or residents' spouses or partners, government agencies (e.g. Centrelink, the Electoral Office or the Office of the Valuer General), service providers (e.g. SA Water or telecommunications companies) and other residents or ratepayers. The Council will take reasonable steps to verify the accuracy of any personal information obtained from these sources; and
- 5.6.4. it is the responsibility of residents and ratepayers to provide the Council with details of any changes to their personal information as soon as reasonably practicable.

6. Use of information

6.1. Personal information

- 6.1.1. All personal information collected by the Council will be used solely for conducting business in accordance with the *Local Government Act 1999* and other applicable legislation governing the Council's responsibilities. This includes delivering services to the Town's residents, ratepayers and members of the public who utilise Council facilities and services.
- 6.1.2. In general, we will only use and disclose personal information for the following purposes:
- to provide our services and events;
 - to respond to enquiries and provide you with any information that has been requested;
 - to provide news, updates and information about our services and our community;
 - to conduct general administrative, business and management functions; and
 - to provide the information to third parties (such as our agents, contractors and suppliers) for the above purposes.
- 6.1.3. Council will endeavour to keep databases and systems secure.

6.2. Sensitive information

- 6.2.1. If sensitive information is collected (e.g. health information as part of a job application), it will be used exclusively for the purpose for which it was

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collected, for any purpose to which consent is provided, or as required or permitted by law.

6.3. CCTV (Closed-Circuit Television)

- 6.3.1. The Council is dedicated to ensuring a safe and secure environment where residents, ratepayers, businesses and visitors can enjoy the amenities of the Council area without disruption or fear of harm. To support this, strategies have been implemented to prevent disorderly behaviour and detect crime, including the use of CCTV.
- 6.3.2. Information, disclosure and management relating to CCTV is specified in the related Surveillance Devices Policy and Record Management Policy.

7. Tax File Numbers

- 7.1.1. The Council recognises its obligations under the Tax File Number (TFN) Rule, which governs the collection, storage, use, disclosure, security and disposal of individuals' TFN information.
- 7.1.2. In the event of a data breach involving TFN information, the Council will take the following steps:
 - 7.1.2.1. contain the breach to prevent further compromise of information;
 - 7.1.2.2. assess, within thirty (30) days of the breach, whether it qualifies as an eligible data breach;
 - 7.1.2.3. implement measures to prevent unauthorised access or disclosure of TFN information;
 - 7.1.2.4. notify the Australian Information Commissioner and affected individuals if the breach is deemed eligible; and
 - 7.1.2.5. conduct a review of the incident, report to relevant bodies and take preventative actions to mitigate the risk of similar occurrences in the future.

8. Disclosure of personal information

- 8.1. The Council will not disclose personal information it holds about residents, ratepayers and/or workers to third parties, except in the following circumstances:
 - 8.1.1. when the resident, ratepayer or worker has submitted a written request for their personal information to be provided to a third party;

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- 8.1.2. when the personal information is provided to facilitate the distribution of materials exclusively for and on behalf of the Council (e.g., supplying address data to a mailing service provider for sending rates notices);
 - 8.1.3. when a third party is contracted by the Council to deliver advice or services solely to assist the Council in providing benefits to residents and/or ratepayers (e.g., the Electoral Commission SA, Office of the Valuer General or insurers);
 - 8.1.4. when the Council is required by law to provide personal information to a third party (e.g. to the Electoral Commission of South Australia) or to the public in compliance with the *Local Government Act 1999* or to an applicant under the *Freedom of Information Act 1991* where the information is not exempt;
 - 8.1.5. when the resident, ratepayer or worker has been notified of the Council's usual practice of disclosing personal information to that third party, or similar parties, for a specific purpose, and the disclosure is consistent with that purpose;
 - 8.1.6. as part of the public notification process required for the lodgement of a Development Application;
 - 8.1.7. when the Council reasonably believes that using the information for a secondary purpose is necessary to prevent or reduce a serious or imminent threat to the life or health of the individual concerned or another person;
 - 8.1.8. a document containing personal information is tabled at a Council or Council Committee meeting (which may be publicly available on Council's website, e.g. petitions);
 - 8.1.9. when the use of the information for a secondary purpose is required or authorised by law; and/or
 - 8.1.10. when the use of the information for a secondary purpose is reasonably necessary for the enforcement of criminal law or a law imposing a financial penalty.
- 8.2. Prior to providing personal information to a third party service provider subject to the provisions of the *Privacy Act 1988 (Cth)*, the Council will require the supplier to sign a privacy undertaking. This undertaking will confirm the supplier's compliance with the *Privacy Act 1988 (Cth)* and the Australian Privacy Principles regarding the collection, use and handling of personal information provided by the Council.
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- 8.3. Personal information about an individual may be provided to that individual as part of routine communications or in response to a request they have made.
- 8.4. We do not accept any responsibility for any loss or damage suffered by residents and ratepayers because of their reliance on any personal information provided to them by Council, or because of the Council's inability to provide individuals with any requested personal information.

9. Maintenance and storage of personal information

- 9.1. Council will take reasonable steps and use appropriate security mechanisms to ensure that the personal information held by Council is protected from misuse, loss, and unauthorised access, modification or disclosure. These steps include:
 - 9.1.1. implementing physical security measures, such as locked filing cabinets, secured records room and restricted access to office spaces;
 - 9.1.2. using technical security measures, such as multifactor authentication, encryption and secure passwords; and
 - 9.1.3. conducting regular security audits and risk assessments to identify and address potential vulnerabilities.

10. Freedom of Information

- 10.1. Council may release personal information to others if requested in accordance with the *Freedom of Information Act 1991*. The applicant will be required to satisfy Council as to their identity, the purpose of the request and pay the prescribed fee. In some circumstances, the Act requires Council to consult with a person to obtain their view on the release of the information. Persons have the right to request a review of a decision prior to release of such personal information. If personal affairs are not being disclosed, consultation may not be required.

11. Access and correction of personal information

- 11.1. Individuals may request access to personal information held by the Council by making a written application under the *Freedom of Information Act 1991*.
- 11.2. If you believe the personal information we hold about you is inaccurate, incomplete or out of date, please contact us at the details shown below. If you satisfy us that any personal information we hold about you is not accurate, complete or up to date, we will amend our records accordingly.

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12. Suppression of personal information

- 12.1. An individual's name and/or address may be suppressed from the Council's Assessment Record and/or 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. Complaint

- 13.1. Residents and ratepayers 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.
- 13.2. If the person's concerns cannot be satisfied, they may lodge a formal complaint addressed to:

Chief Executive Officer
Town of Walkerville
PO Box 55
WALKERVILLE SA 5081

14. Availability of Policy

- 14.1. This Policy will be available for inspection at Council's principal office during ordinary business hours and on Council's website: www.walkerville.sa.gov.au
- 14.2. Copies will also be provided to interested members of the community upon request and payment of associated fees in accordance with Council's schedule of fees and charges.

15. Review

- 15.1. This Policy shall be reviewed once every council term, or more frequently if required by legislation or Council.

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16. Appendix

Term	Definition
Access	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.
Collection	Gathering acquiring or obtaining personal information from any source and by any means, including information that the Council has been provided.
Town of Walkerville /TOW/Council/We/Our	Corporation of the Town of Walkerville
Disclosure	The release of information to persons, organisations or entities outside the Council. It does not include giving individuals' information about themselves.
Personal information	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: • generally available to publications; • material kept in public records and archives such as the Commonwealth or State archives; or • anything kept in a library, art gallery or museum for the purpose of reference, study or exhibition.
Sensitive information	Information or an opinion that may give rise to discriminatory practices based on an individual's: • racial or ethnic origin; • political opinions; • membership of a political association, a professional or trade association or a trade union; • religious beliefs or affirmations; • philosophical beliefs; • sexual preferences; • criminal record; and/or • health.
Worker/s	Person engaged to carry out work in Council including permanent, contract, full-time, part-time, casual, elected Council Members, Mayor, work placement students, contractors, consultants and volunteers.