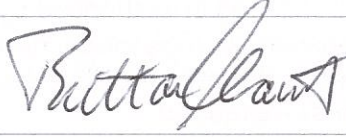


Organisational Policy

INFORMATION PRIVACY

Corporate Plan Reference:	A Sustainable Council
Endorsed by Chief Executive Officer:	
Policy Author:	Executive Office, Governance

POLICY BACKGROUND

A key aspect of good governance is the responsible handling of personal information and Noosa Council (Council) is strongly committed to protecting the individual's right to privacy and protecting the personal information of individuals.

The Information Privacy Act 2009 (**Act**) regulates how personal information is managed within councils and government agencies.

The 11 Information Privacy Principles (**IPPs**) contained in the Act, details council's obligations about the collection, access, amendment, use and disclosure of information. Attachment A

Personal Information held by council will be responsibly and transparently collected and managed in accordance with the Information Privacy Principles in the Act. This includes transfer of personal information held by council to other agencies, other levels of government and to the community and private sectors.

POLICY STATEMENT

'Council will take all reasonable and appropriate steps to protect the privacy of individuals having regard to the requirements of the Information Privacy Act 2009 and the 11 Information Privacy Principles.'

The aim of this policy is to both assist and assure members of the public in understanding how their personal information is managed within the Council and in accordance with the Act. Based on the Act, this policy outlines the framework to collect and manage personal information responsibly for the Council.

This policy applies to all personal information, including employee records, collected, stored, used and disclosed by Council, its employees, Councillors, contractors and consultants, unless otherwise exempted by legislation. It provides a summary of legislative obligations and commitments in relation to privacy of personal information.

Policy

1. **Information Privacy Principles** Council staff, Councillors and contractors will adhere to the Information Privacy Principles (IPPS) contained in the Information Privacy Act 2009 and take all reasonable actions necessary in the collection, use, disclosure and handling of personal information (Attachment A).
2. **Transfer of personal information outside Australia**

In complying with its obligations under s33 of the Information Privacy Act 2009, Council will transfer an individual's personal information to someone outside Australia only if:

 - the individual agrees to the transfer; or
 - the transfer is required or authorised by law; or
 - Council is satisfied on reasonable grounds that the transfer is necessary to lessen or prevent a serious threat to the life, health, safety or welfare of an individual, or to public health, safety or welfare; or
 - two or more of the following apply:
 - Council reasonably believes that the recipient is subject to a law, binding scheme or contract that effectively upholds principles for the fair handling of personal information that are substantially similar to the IPPs;
 - the transfer is necessary for the performance of Council's functions in relation to the individual;
 - the transfer is for the benefit of the individual and it is impracticable to seek their consent, but if it were practicable, the individual would be likely to consent;
 - Council has taken reasonable steps to ensure that personal information it transfers will not be held, used or disclosed by the recipient in a way that is inconsistent with the IPPs.
3. **Breaches of the Information Privacy Act and complaints**

In order to fulfil its obligations under Chapter 5 of the Information Privacy Act 2009, Council will maintain a privacy complaints function with an officer to deal with privacy complaints. If not resolved internally, complaints can be escalated through Council's General Complaints Management Process.

Readers are strongly advised to refer to the following additional material for specific guidance:

- Information Privacy Act 2009
- The Office of the Information Commissioner website, which contains information and advice, including guidelines and case notes.

ROLES AND RESPONSIBILITIES

Mayor, Councillors and Council Employees

When dealing with personal information, Council's Mayor, Councillors and Council employees will comply with the IPPs (Attachment A) outlined in this Policy as well as complying with the Contractor provisions of the Act.

Contractors and Consultants to Council

Council regularly enters into contracts with external bodies for the supply of goods and services. Some of these contracts require the disclosure of personal information to third parties, or the collection of personal information by third parties on behalf of the Council.

The Act requires personal information to be managed in accordance with the Principles and in regard to any outsourcing arrangements, contracts and licences entered into after 1 July 2010 Council will take all reasonable steps to ensure contractors agree to comply with these Principles.

RELEVANT LEGISLATION

Information Privacy Act 2009

Definitions

Access - providing an individual with personal information about themselves that is held by council. This may include allowing that individual to inspect or obtain a copy of their personal information.

Personal Information - personal information is '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'. In short form – personal information is any information about an identifiable

Disclosure - the release of personal information to persons or organisations outside of council. This does not include giving individuals personal information about themselves.

ATTACHMENT A

IPP 1, 2 and 3 - Collection of personal information

In complying with its obligations under IPPs 1-3, Council will:

- a. only collect personal information for a lawful purpose directly related to its functions or activities
- b. only collect such personal information as is needed to fulfil the purpose, or directly related to the purpose
- c. only collect personal information by transparent, lawful and fair means and not in an unreasonably intrusive way
- d. at collection time, or as soon as practical thereafter, take reasonable steps to ensure that the person is generally aware of:
 - the purpose of the collection
 - if the collection is authorised or required under a law
 - if it is Council's usual practice to disclose this type of personal information, and to whom it is disclosed.
- e. The taking of these reasonable steps (however that occurs) constitutes a collection notice. Exemptions to (d):
 - personal information collected in the context of emergency service delivery
 - if Council reasonably believes there would be little practical benefit to the individual
 - the individual would not reasonably expect to be made aware of these matters
 - law enforcement activities.
- f. ensure personal information collected is complete, relevant to the purpose for which it is collected and up to date.

Additionally, Council will:

- a. at collection time, obtain an individual's consent, where Council wishes to use the personal information collected for purposes other than its normal business activities and allow individuals to change their consent anytime thereafter; and
- b. make an individual aware at the time of collection when Council knows that the personal information collected will be transferred to a third-party (i.e. service provider), and/or stored outside of Australia, to allow individuals to consent to this; and
- c. collect personal information about an individual directly from the individual or from the individual's activities (including from the use of cookies, web bugs and smartcards), without unreasonably intruding on the personal affairs of an individual; and
- d. make the individual aware when Council has collected information about the individual from a third party.

IPP 4 - Storage and security of personal information

In complying with its obligations under IPP 4, Council will:

- a. take all reasonable and appropriate steps to protect from misuse and loss, and from unauthorised access, modification and disclosure of any personal information collected; and
- b. take all reasonable and appropriate steps to ensure that the confidentiality, integrity, and availability of Council's information is not compromised; and
- c. take reasonable, appropriate and adequate steps to ensure that personal information is securely stored and transmitted via secure means, as would be reasonably expected; and
- d. take all reasonable and appropriate steps to prevent unauthorised use or disclosure of personal information, if it is necessary for the personal information to be given to a person or contracted service provider in connection with the provision of a service to Council.

Additionally, Council will take reasonable and legal steps to ensure that personal information is appropriately disposed of when it is no longer required for any purpose.

IPP 5 - Providing information about documents containing personal information

In complying with its obligations under IPP 5, Council will take reasonable steps to allow individuals to find out:

- generally what sort of personal information it holds;
- what main purposes personal information is held; and
- an individual should do to obtain access to documents containing personal information about them.

Additionally, Council will:

- a. make its Privacy Statement accessible to the public;
- b. make its Privacy Policy available upon request;
- c. regularly review and audit its Privacy Policy, Procedures and Guidelines; and
- d. keep a record of all sales of personal information in appropriate registers.

IPP 6 - Access to documents containing personal information

In complying with its obligations under IPP 6, Council will:

- a. inform individuals of the avenues available to allow them, and what they should do, to access and correct their personal information;
- b. where possible and upon reasonable request allow individuals to access personal information about them;
- c. where it is not possible for Council to allow an individual to access personal information about them, Council will provide reasons for refusal of access.

IPP 7 Amendment of documents containing personal information

In complying with its obligations under IPP 7, Council will take reasonable steps to correct/update the personal information of individuals when Council is informed that such information is irrelevant, inaccurate, incomplete or out of date. This is subject to any legislative limitations.

Council has a number of administrative access avenues for individuals to amend their personal information.

IPP 8 - Checking of accuracy of personal information before use by Council

In complying with its obligations under IPP 8, Council will take reasonable steps to ensure that personal information it collects, uses or discloses is accurate, relevant, complete and up to date.

IPP 9 - Use of personal information only for relevant purpose

In complying with its obligations under IPP9, when Council proposes to use personal information for a particular purpose, Council will only use those parts of the personal information collected that are directly relevant to fulfilling the particular purpose.

IPP10 - Limits on use of personal information

In complying with its obligations under IPP 10, Council will ensure that when it collects personal information for a particular purpose, it will not use that information for another purpose unless:

- a. the individual has expressly or impliedly agreed to the use of the information for the other purpose; or
- b. Council reasonably believes that the use is necessary to lessen or prevent a serious threat to the life, health, safety or welfare of an individual, or to public health, safety or welfare; or
- c. the use is authorised or required under a law; or
- d. Council is satisfied on reasonable grounds that the use is necessary for law enforcement purposes; or
- e. the other purpose is directly related to the purpose for which the information was collected; or
- f. all of the following apply—
 - the use is necessary for research, or the compilation or analysis of statistics, in the public interest;
 - use does not involve the publication of all or any of the personal information in a form that identifies any particular individual the subject of the personal information;
 - is not practicable to obtain the express or implied agreement of each individual the subject of the personal information before the use.

IPP 11 - Limits on disclosure of personal information

In complying with its obligations under IPP 11, Council will not disclose personal information to someone other than the individual identified by the information, unless:

- a. the individual is reasonably likely to have been aware, or made aware that it is Council's usual practice to disclose that type of personal information; or
- b. the individual has expressly or impliedly agreed to the disclosure; or
- c. Council reasonably believes that the disclosure is necessary to lessen or prevent a serious threat to the life, health, safety or welfare of an individual, or to public health, safety or welfare; or
- d. the disclosure is authorised or required under a law; or
- e. Council is satisfied on reasonable grounds that the use is necessary for law enforcement purposes; or
- f. all of the following apply—
 - the disclosure is necessary for research, or the compilation or analysis of statistics, in the public interest;
 - the disclosure does not involve the publication of all or any of the personal information in a form that identifies any particular individual the subject of the personal information;
 - it is not practicable to obtain the express or implied agreement of each individual the subject of the personal information before the disclosure;
 - Council is satisfied on reasonable grounds that the receiving entity will not disclose the personal information to anybody else.

Where Council discloses personal information to a third party as above, it will take all reasonable steps to ensure that the third party will not use or disclose the information for a purpose other than what it was disclosed for.

Where Council uses and discloses personal information to provide individuals with information about Council's services/products and initiatives, and it is impractical to seek the consent of those individuals before the information is used for marketing purposes, Council will obtain individuals' consent at the time of first contact and enable them to change their consent anytime thereafter.

Additionally, Council will:

- a. exercise its right to disclose any personal information collected/obtained in a manner which does not identify individuals (e.g. anonymous aggregate information);
- b. upon request suppress personal information from being disclosed from publicly available databases (e.g. Land Register);
- c. recognise that some persons seek information about individuals in order to stalk, harass or commit assault upon them and recognises its responsibility to protect such individuals.

Version control:

Version	Reason/ Trigger	Change (Y/N)	Endorsed/ Reviewed by	Date
1.0	New	N	CEO	23/06/2014