

## POLICY MANUAL

**Policy Number: 67**

### **Personal Information Protection**

**Purpose:** This Policy sets out Council's approach to managing, handling and protecting the personal information of customers.

**Department:** Governance  
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**Next Review Date:** **November 2021**

### **POLICY**

#### **1. Definitions**

**"Personal Information"** – personal information means any information or opinion in any recorded format about an individual.

- a. whose identity is apparent or is reasonably ascertainable from the information or opinion; and
- b. who is alive or has not been dead for more than 25 years.

#### **2. Objective**

The objective of this policy is to provide guidance to Council staff, elected members and contractors in relation to the management of personal information.

#### **3. Scope**

This Policy applies to all employees, elected members and contractors of the Council.

This Policy covers personal information that is collected, retained, stored and used by Council where it is necessary for one or more of Council's functions or activities.

This Policy uses the Personal Information Protection Principles at Schedule 1 of the *Personal Information Protection Act 2004* as a framework for the collection, management and disclosure of personal information.

## **4. Policy**

### **Intent**

Council will only collect, use and disclose of personal information as required to perform its functions and as permitted or required by law. All Council staff, elected members and contractors handling such information collected by Council will be advised of their responsibilities in this regard.

### **General - Information Collected**

Personal Information Protection Principle 5 requires that a personal information custodian must set out in a document its policies on the management of personal information, and that the document is to be made available to any person who requests it.

The functions of the Meander Valley Council (the Council) are many and varied as provided under the *Local Government Act 1993* and other legislation and regulations made there under as well as By-laws made by the Council from time to time.

The Council collects, retains, stores and uses personal information where it is necessary for one or more of the Council's functions and activities.

Under the *Personal Information Protection Act 2004* (the Act), the Council is the custodian of that information and the collection, use and disclosure of information which is to be used by the Council is governed by the Act.

The type of personal information collected by the Council includes names, addresses and telephone numbers, together with any specific information about a person that may be required for the purpose of discharging our functions across the organisation.

The Council is committed to upholding the right to privacy of all individuals who have dealings with the Council and endeavours to ensure that the personal information we hold is accurate, complete and up to date. Where practicable, we will check on the accuracy of your personal information before we use it.

### **Sensitive Information**

Sensitive Information includes information relating to health, criminal record, racial origin and sexual preferences.

Council will not collect sensitive information with consent of the person, unless the collection of that information is required by law.

### **Anonymity**

If a person is making a general enquiry, it may not be necessary to identify themselves however, identification may be required if a person is making a specific enquiry, wishing to use a Council service or making an application to the Council.

### **Access to and Correction of Information Collected**

The Act provides that a person can access personal information about them that is held by the Council.

A person who considers the personal information to be incorrect, incomplete, out of date or misleading, can request that the information be amended which will be processed in accordance with the provisions of the *Right to Information Act 2009*.

Depending upon the nature of the request a fee may be charged for this service.

A person who is not satisfied with the handling or outcome of a request for access to or correction of personal information, can lodge a complaint with the Ombudsman.

### **Use and Disclosure of Personal Information**

The Council will only use personal information for the purposes for which it was collected unless with the consent of the person or if it required or authorised by law.

The Council will not reveal personal information to third parties outside the Council for their independent use unless authorised to do so, or the disclosure is required by a Court or Tribunal or allowed by law.

For example, there may be a need or requirement to disclose some or all information Council collect to contractors and agents of the Council, law enforcement agencies, courts, or other public sector bodies, or other authorised organisations under any relevant legislation.

The Council does not sell, trade or make available personal information to others.

The Act permits the disclosure of "basic personal information" (that is, name, address, date of birth and gender) to other public sector bodies where necessary for the efficient storage and use of information.

Some personal information Council has collected may be used in research, statistical analysis, state or national reporting, awareness programs, public statements or training, but not in a way which would identify the person to whom it relates.

Personal information in written submissions on policy matters or matters of public consultation may be disclosed in reports that are made public, unless the submission was submitted and/or accepted on a confidential basis.

### **Security of Personal Information**

The Council uses a number of procedural, physical, and technical safeguards, including access controls, secure methods of communication and back-up and recovery systems to protect information from misuse and loss, unauthorised access, modification and disclosure.



Council Officers are only provided with access to the information that is necessary for them to carry out their functions within the Council and Council Officers are made aware of the importance of confidentiality and customer privacy.

Generally, information is destroyed or permanently de-identified when it is no longer required. However, under the *Archives Act 1983*, some information is required to be kept for specified periods or permanently.

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## **5. Legislation**

- Privacy Act 1988
- Personal Information Protection Act 2004

## **6. Responsibility**

Responsibility for the implementation of this policy rests with the General Manager.