

Policy No. 67: Personal Information Protection

POLICY MANUAL

Policy No. 67	Personal Information Protection
Purpose	This Policy outlines how the Council collects, maintains, uses and discloses information in accordance with the <i>Personal Information Protection Act 2004</i> .
Department	Governance and Community Wellbeing
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POLICY

1. Definitions

<i>Council Worker</i>	Any person who has been engaged by, or is part of, the Council as any of the following: <ol style="list-style-type: none">an employee;a Councillor or any other elected official;a committee member or office holder, whether elected, appointed, or otherwise engaged;a volunteer;a contractor, subcontractor, or consultant; anda trainee, apprentice, intern, placement student, or any other person engaged in work experience.
<i>Personal Information</i>	See section 4.1 below.
<i>Sensitive Information</i>	See section 4.1 below.

2. Objective

The objectives of this Policy are:

- ensure compliance with the *Personal Information Protection Act 2004* (the Act);
- provide a clear framework for collecting, using, storing and disclosing Personal Information;
- inform individuals of their access and correction rights; and
- support consistent privacy practices across all the Council's functions.

3. Scope

Under the Act, the Council is a Personal Information custodian and must collect, maintain, use and disclose Personal Information and Sensitive Information in accordance with the Act. As such, this Policy applies to all:

- Council Workers; and
- activities and functions of the Council.

4. Policy

4.1 What is Personal Information and Sensitive Information?

Personal Information is defined in [section 3](#) of the Act to mean information or opinion, recorded in any format, about an individual whose identity is apparent or is reasonably ascertainable from the information or opinion. This includes information about individuals who have been deceased for less than 25 years. It does not include de-identified information nor information that is publicly available about a person.

Sensitive Information is defined in [section 3](#) of the Act to include things like health information, criminal record, racial origin and sexual preferences.

4.2 What information does Council collect?

The Council may collect Personal Information such as names, addresses, telephone numbers and any other specific information required to perform its functions, deliver a service, administer legislation and otherwise as permitted or required by law.

The Council will take reasonable steps to ensure that the Personal Information it holds is accurate, complete and up to date. Where practicable, the Council will check on the accuracy of your Personal Information before it is used.

Generally, the Council will only collect Sensitive Information if it is necessary and the person consents, or if the collection of that information is required or permitted by law.

4.3 Can you engage with the Council without sharing Personal Information?

The Council may be able to respond to general enquiries made anonymously; however, identification may be necessary to delivery services or to provide specific, accurate information.

4.4 Can you access or amend Personal Information the Council holds about you?

The Act provides that the Council may provide a person with access to their Personal Information held by the Council.

If a person considers that their Personal Information is incorrect, incomplete, out of date or misleading, they can request that the information be amended. Depending upon the nature of the request a fee may be charged for this service.

Requests to access or amend Personal Information held by the Council must be made in writing by email, post, or in person:

- send an email to mail@mvc.tas.gov.au with the subject line *Personal Information Request*
- post your request to PO Box 102, Westbury, Tasmania, 7303
- drop off your written request to 26 Lyall Street, Westbury, Tasmania, 7303

4.5 How does the Council use and disclose Personal Information?

The Council will use or disclose Personal Information only:

- for the primary purpose of collection, or
- for a related secondary purpose that individuals would reasonably expect (for Sensitive Information, this secondary purpose will be directly related to the primary purpose, unless consent or a specific lawful exception applies); or
- as otherwise required or authorised to do so by law.

The Council may use and disclose basic Personal Information (name, residential address, postal address, date of birth and gender) to other public authorities where reasonably necessary for the efficient storage and use of that information.

The Council may store or disclose Personal Information outside Tasmania (for example, on a cloud hosting service), if:

- the Council believes the information will be protected in a way that is substantially the same as required under the Act; or
- the person to whom the Personal Information relates has consented; or
- necessary for performance of a legal contract and that equivalent safeguards are applied; or
- doing so is otherwise permitted by law.

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.

The Council will not assign unique identifiers to individuals unless necessary to carry out the Council's functions efficiently or required by law.

The Council will not sell, trade or make Personal Information available to third parties for any commercial or other reason not permitted by law.

4.6 How does the Council secure the Personal Information it holds?

The Council uses 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 Workers are only provided with, or have access to, Personal Information that is necessary for them to carry out their role. They are required to maintain appropriate confidentiality in handling this information and carrying out their duties.

Council Workers undertake training and are subject to routine reminders about information security practices.

Generally, information is destroyed or permanently de-identified when no longer required. Some information is retained for specified periods or permanently under provisions of the *Archives Act 1983*.

4.7 What if you have a complaint about the Council's handling of Personal Information?

The Council is committed to working to resolve any concerns or complaints regarding its collection, handling and management of Personal Information effectively.

If a person is not satisfied with the Council's handling of their Personal Information or the outcome of their request for access to or amendment of Personal Information, a complaint can be lodged with the [Ombudsman](#).

A complaint about a specific Councillor's use or handling of Personal Information may be captured by the Meander Valley Code of Conduct for Councillors. Further information about the Code, including forms and information about how to lodge a complaint, is available on the Department of Premier and Cabinet website.

5. Legislation and Related Standards

Personal Information Protection Act 2004

Right to Information Act 2009

6. Responsibility

Responsibility for the operation of this Policy rests with the General Manager.