

5.13. INFORMATION PRIVACY POLICY

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RECOMMENDATION

The Council adopt the Information Privacy Policy as presented.

EXECUTIVE SUMMARY

The Douglas Shire Council collects and manages personal information in the course of performing its activities, functions and duties. Council respects the privacy of the personal information held. The way in which the Council manages personal information is governed by the *Information Privacy Act 2009 (Qld)* (the Act).

BACKGROUND

The Information Privacy Policy has been reviewed and updated in accordance with the *Information Privacy Act 2009* and the introduction of the *Human Rights Act 2019*.

The policy has been expanded to show how council applies the policy to the Information Privacy principles:

- Identify the Roles and Responsibilities of Council
- Identify the use and disclosure of personal information
- Identify how to apply to or amendment of personal information
- Identify the review rights of individuals
- Identify the monitoring and evaluation process
- Identify reporting requirements

COMMENT

The Privacy Statement has also been reviewed and updated in accordance with the *Information Privacy Act 2009* and the introduction of the *Human Rights Act 2019* and this Information Privacy Policy. This Statement will be available on Councils website.

PROPOSAL

That Council adopt the Information Privacy Policy as presented.

FINANCIAL/RESOURCE IMPLICATIONS

Nil

RISK MANAGEMENT IMPLICATIONS

Failure to comply with statutory and legal organisational obligations and responsibilities.

SUSTAINABILITY IMPLICATIONS

Economic: Nil

Environmental: Nil

Social: Nil

CORPORATE/OPERATIONAL PLAN, POLICY REFERENCE

This report has been prepared in accordance with the following:

Corporate Plan 2019-2024 Initiatives:

Theme 5 - Robust Governance and Efficient Service Delivery

Strong governance and financial management are the foundations of the way in which Council will conduct its business and implement the initiatives of the Corporate Plan.

Goal 1 - *We will conduct Council business in an open and transparent manner with strong oversight and open reporting.*

Goal 3 - *We will make sound financial decisions by ensuring robust strategic planning, financial management and reporting.*

Operational Plan 2019-2020 Actions:

5.2.3 - *Implement continuous improvement program.*

COUNCIL'S ROLE

Council can play a number of different roles in certain circumstances and it is important to be clear about which role is appropriate for a specific purpose or circumstance. The implementation of actions will be a collective effort and Council's involvement will vary from information only through to full responsibility for delivery.

The following areas outline where Council has a clear responsibility to act:

Information Provider Council provides the community with important information on services, events, policies, rules, strategies, and any other relevant data that helps the community to stay informed. In performing this role, Council seeks to be open and transparent.

CONSULTATION

Internal: Nil

External: Office of the Information Commissioner

ATTACHMENTS

1. Information Privacy Policy [X3B3] [5.13.1 - 4 pages]

56. INFORMATION PRIVACY POLICY (COUNCIL)

Intent

In accordance with the *Information Privacy Act 2009* (the Act), Douglas Shire Council (Council) is responsible for administering the fair collection and handling of personal information and an individual's statutory right to access and amend their personal information held by Council.

Purpose

This policy applies to all personal information collected, used and stored by Council in every aspect of its operations and performance. All elected representatives and Council officers, regardless of their employment status, (full time, part time, casual, contract or volunteer) are bound by the principles of the Act.

Scope

Douglas Shire Council collects and manages personal information in the course of performing its activities, functions and duties. The way in which Council manages this information is governed by the *Information Privacy Act 2009*.

Information Privacy Principles

Council staff must comply with the eleven Information Privacy Principles (IPP) which govern how personal information is collected, stored, used and disclosed.

The IPPs deal with the following:

- Principle 1: Collection of personal information (lawful & fair)
- Principle 2: Collection of personal information (requested from individual)
- Principle 3: Collection of personal information (relevance etc.)
- Principle 4: Storage and security of personal information
- Principle 5: Providing information about documents containing personal information
- Principle 6: Access to documents containing personal information
- Principle 7: Amendment of documents containing personal information
- Principle 8: Checking of accuracy, etc., of personal information before use by agency
- Principle 9: Use of personal information only for relevant purposes
- Principle 10: Limits on use of personal information
- Principle 11: Limits on disclosure.

Roles and Responsibilities

Chief Executive Officer

The Chief Executive Officer is the principal officer of Council and is responsible for dealing with applications under the Information Privacy Act 2009. The Chief Executive Officer may delegate the power to deal with an application under the Information Privacy Act 2009 to another officer, being Council's Manager Governance.

Manager Governance

The Manager Governance is responsible for coordinating information privacy requests within Council and administering the key provisions under the Act.

Use and Disclosure of Personal Information

Personal information is not divulged to third parties outside of Council for their independent use unless the person to which the information relates has authorised, in writing, for Council to do so, or the disclosure is required or allowed by law. Personal information is not made available in the public forum without the express written permission of the customer and other individuals detailed in any correspondence or collected in any way.

Applying for access to or amendment of personal information

Council is committed to ensuring that individuals have the right of access to their personal records. To achieve this, Council will:

- Provide individuals with an avenue to make application to access and/or correct their personal information. The relevant application form is publicly available on Council's website at www.douglas.qld.gov.au.
- Where possible and upon submission of the relevant application form, allow individuals to access personal information about themselves.
- Where it is not possible for Council to allow an individual to access personal information about themselves, Council will provide reasons for refusal of access in writing.

Amendment of documents containing personal information

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 subject to any limitation in Queensland Law concerning the amendment of personal information held by Council.

Review Rights

An applicant has the right to request a review of Council's decision if they do not agree with the response. There are two (2) avenues available:

Internal – Council Review

A request for a review must be provided to Council, in writing, within twenty (20) business days from the date stated on the decision notice. The Chief Executive Officer has the power to delegate the review of this application to an officer who is to be no less senior than the original decision maker. The reviewing officer is required to remake the decision with fresh eyes. There are no additional charges to the applicant for this review to be undertaken.

External – Office of Information Commissioner

An applicant has the option to either:

- Firstly apply to Council for an internal review of its written decision and then make a further application to the Office of Information Commissioner (OIC) if they still do not agree with Council's decisions; or
- Forego the opportunity of an internal Council review and apply directly to the Office of Information Commissioner for an external review.

Details of how to apply for an external review are available on the OIC's website at www.oic.qld.gov.au

Monitoring and Evaluation

Council ensures that all staff receive regular training to identify their obligations with regard to the fair collection and handling of personal information in line with all relevant legislation and Council policies.

- Internal staff have access to an intranet site titled Legislative Compliance, within the Governance Department Portal (Info Expert)
- That the community are provided with an opportunity to make application to access and/or correct their personal information.

Reporting

Councillors and Council employees must immediately report all suspected or actual breaches of confidentiality or the IPPs to the Chief Executive Officer and/or Manager Governance. Governance will receive, assess and make a decision on all suspected or actual breach reports.

Definitions

TERM	DEFINITION
Confidential Information	is information generally not known by, or available upon request to, the public which: <ul style="list-style-type: none"> • identifies and relates to a particular individual; or • carries a risk that – if released or improperly used – would cause harm to the council or a member of the community, or give an unfair advantage to someone
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 of a person
Record	Includes paper and electronic documents, e-mails, video footage including CCTV, sound recordings and online content.
Routine personal work information	<p>Routine personal work information relates solely to the work duties of a public-sector employee and is found in almost all documents held by Council.</p> <p>When disclosing routine personal work information for a legitimate function of Council, the infringement of a public-sector employee's right to privacy would, generally, be minimal or non-existent as the disclosure would be a matter of expectation in the legitimate course of their employment.</p> <p>Routine personal work information includes:</p> <ul style="list-style-type: none"> • a work email address or work phone number • authorship of a work document, for example, where the person's name is listed as one of the authors of a report a professional opinion given wholly in a professional capacity • a position classification, for example, "planning officer" • a work responsibility, for example, that the officer is the contact person in response to a complaint or query from a member of the public; information about qualifications held where they are required for the officer's position, for example, where a Senior Engineer holds an engineering degree.

Consideration of Human Rights under Human Rights Act 2019.

In acknowledgement of the fundamental human rights recognised in International covenants this Council Policy has been developed and acknowledges a commitment to recognise the importance and protection of human rights in creating policies that serve to develop overarching frameworks, standards, behaviours or actions that affect the way in which Council serves the community of the Douglas Shire.

An assessment of this policy against the human rights determined that no human rights are limited or affected by this policy.

Related Legislation

Information Privacy Act 2009

Information Privacy Regulation 2009

Right to Information Act 2009

Right to Information Regulation 2009

Public Records Act 2002

Local Government Act 2009

Local Government Regulation 2012

Human Rights Act 2019

Related Documents

Douglas Shire Council Privacy Statement Doc #

Employee Code of Conduct Doc#

Councillor Code of Conduct Doc #

Policy Review

This policy is to be reviewed whenever legislation changes, or every 2 years if no changes have been required to be enacted, at the direction of the Chief Executive Officer.

Policy Details

Policy Name	Information Privacy Policy
Policy Number	56
Policy Version	3
Document Number	810430
Endorsed by	Chief Executive Officer
Policy Type	Council
Approval Authority	Council
Date Adopted	30 June 2020
Time Period	2 Years
Review Date	June 2022
Policy Department	Governance
Link to Corporate Plan	Robust Governance and Efficient Service Delivery
Revoked/Superseded	Nil