

Flinders Council Policy Manual

HR15

SUBJECT: <i>PERSONAL INFORMATION PROTECTION POLICY</i>	FILE NO:	PER/0500
ADOPTED BY COUNCIL ON:	MINUTE NO:	
AMENDED BY COUNCIL ON:	MINUTE NO:	

1. Introduction

This Policy sets out Flinders Council's approach to managing, handling and protecting the personal information of customers, staff and elected members. The Council collects and uses personal information about individuals to enable it to carry out its functions under the *Local Government Act 1993* and other legislation and regulations. As a personal information custodian, Council has the responsibility to keep information securely so as to protect the privacy of individuals, in accordance with the *Personal Information Protection Act 2004*.

2. Objectives

The objectives of this policy are

- to provide guidance to Council staff, elected members and contractors in relation to the management, handling and protecting of personal information;
- to document Council's policy on management of personal information and to make that document available to any person who requests it, as required by Clause 5(1) Schedule 1 of the *Personal Information Protection Act 2004*; and
- to demonstrate Council's commitment to upholding the right to privacy of all individuals who have business dealings with Council and that Council will take the necessary steps to ensure that the personal information provided to us remains confidential.

3. Scope

This Policy applies to all employees, elected members and contractors of the Council and 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. Personal information is defined as information or opinion in any recorded format, including photographs, sound and video recordings, about an individual that readily identifies that individual. Examples of personal information held by the Council include; information relating to individual properties and property owners; the names of complainants and objectors; dog registration information; rates information; and sensitive information such as health details collected on survey forms. Personal information does not include information that is contained in a publicly available record or publication.

4. Policy

Flinders Council (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.

4.1 The Collection of Personal Information

- 4.1.1 It is the policy of the Council to collect personal information only if it is necessary for one or more of its functions or activities or to comply with laws and regulations.
- 4.1.2 Whenever the Council collects personal information, the information and the reasons for its collection will be shared with customers upon request.
- 4.1.3 The Council will only use personal information collected for the purposes for which it was collected and for any other use authorised or required by law, including law enforcement and compliance activities.
- 4.1.4 Upon request, an individual will be provided with a copy of this Policy which will be readily available and accessible to the public.
- 4.1.5 Sensitive information shall not be collected without express consent and unless the collection is required by law. Sensitive information is defined as information or opinion about an individual's racial or ethnic origin, political opinions, membership of a political association, religious beliefs or affiliations, philosophical beliefs, membership of a professional or trade association, membership of a trade union, sexual preferences or practices, criminal record, health information and financial status.

4.2 Use and Disclosure

- 4.2.1 It is the Council's policy that personal information will not be divulged to third parties outside the Council for their independent use unless the person to which the information relates has authorised the Council in writing to do so, or the disclosure is required or allowed by law. The Council and its employees will not sell, trade or make available personal information to others.
- 4.2.2 Where the Council outsources functions that involve the collection, utilisation and/or holding of personal information, the Council will require that these contractors and subcontractors maintain the confidentiality of this information and abide by all applicable laws. This Council will not permit third parties to sell or use the information for their own purposes and contracts with third parties will include clear provisions about the use and security of the information collected.

4.3 Access to and Correction of Information Collected

- 4.3.1 Individuals are entitled to access personal information about themselves which is held by the Council.
- 4.3.2 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*.
- 4.3.3 To access or amend personal information held by Council, contact the Corporate Services Manager in the first instance.

4.4 *Data Security*

- 4.4.1 The Council will take steps to protect the personal information it holds from misuse and loss and from unauthorised access, modification or disclosure. Personal information will be handled with care and only used for authorised purposes.
- 4.4.2 All employees and elected members must maintain public confidentiality and respect the privacy of individuals who have dealings with the Council. Employees must treat all personal information as confidential, and sensitive information as highly confidential. Council employees and elected members will not disclose any confidential information, use any information to their personal advantage or permit unauthorised access to information.
- 4.4.3 Requests for information from police, government agencies or anyone outside the Council, in regard to customers, should be directed to the Corporate Services Manager.
- 4.4.4 Council files are strictly confidential and under no circumstances will a member of the public have access to files. Employees are also conscious of security within the office environment when members of the public are present. External customers will not be left unattended with Council files.
- 4.4.5 When disposal of paper documents containing personal information is required, they are shredded. All computers that are removed from use and made available for non-council purposes will have all data removed from the hardware.

5. **Related Legislation, Regulations and Policies**

- *Personal Information Protection Act 2004*
- *Privacy Act 1988*

6. **Responsibilities**

- The responsibility of ensuring that the policy is adhered to is the responsibility of all staff, elected members and contractors.
- Responsibility for the implementation of this policy rests with the Corporate Services Manager.