

<b>Purpose</b>	This Policy sets out Flinders Council’s approach to managing, handling and protecting the personal information of elected members, customers and staff. 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 to protect the privacy of individuals, in accordance with the <i>Personal Information Protection Act 2004</i> .
<b>Department</b>	Corporate Services
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**1. Definitions**

<u>Basic personal information.</u> (i.e. name, residential or postal addresses, date of birth and gender of an individual)	Can be used and disclosed to other Government bodies without consent in certain limited circumstances.
<u>Personal Information</u>	Is any information or opinion in any recorded format about an individual whose identity is apparent or is reasonably ascertainable from the information or opinion.
<u>Sensitive Information</u>	Is personal information or an opinion relating to personal information about an individual’s racial or ethnic origin, political opinions, membership of a political association, religious beliefs or affiliations, beliefs, membership of a professional or trade association, membership of a trade union, preferences or practices, criminal record and health information about an individual.

For the avoidance of doubt both Personal Information and Sensitive Information constitute confidential information in respect of all other Council policies and procedures.

**2. Objective**

The objectives of this policy are:

- to provide guidance to elected members, Council staff, contractors and volunteers of the Council 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 Personal Information Protection Policy applies to all elected members, employees, contractors and volunteers of 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 can include 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 but are not limited to:

- information relating to individual properties and property owners;
- the names of complainants and objectors;
- dog registration information;
- personal details within representations received regarding discretionary planning applications;
- 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 that the personal information we hold is accurate, complete and up to date. Where practicable, we will check on the accuracy of personal information before we use it.

### 5. The Collection of Personal Information

- 5.1. 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.
- 5.2. Whenever the Council collects personal information on a person, the information and the reasons for its collection will be shared with that person upon request.
- 5.3. All staff are bound to maintain appropriate confidentiality in relation to information acquired in carrying out their duties. 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.

- 5.4. Upon request, an individual will be provided with a copy of this Policy which will be readily available and accessible to the public, including on the Council website.
- 5.5. Sensitive information shall not be collected without express consent and unless the collection is required by law.

## 6. Use and Disclosure

- 6.1. 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 for any commercial or other reason not permitted by law.
- 6.2. It is Council's policy that personal information gathered or provided within representations whilst Council is acting as a Planning Authority under the *Land Use Planning and Approvals Act 1993*, pursuant to Section 25 of the *Local Government (Meeting Procedures) Regulations 2015*, will not be published or disclosed to third parties unless disclosure is required by law.
- 6.3. Where the Council outsources functions that involve the collection, utilisation and/or holding of personal information, the Council will put in place contractual measures that require these contractors and subcontractors to maintain the confidentiality of this information and abide by all applicable laws. The 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.

## 7. Access to and Correction of Information Collected

- 7.1. Individuals are entitled to access personal information about themselves which is held by the Council.
- 7.2. 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*.
- 7.3. To access or amend personal information held by Council, contact the Corporate Services Coordinator in the first instance. Access will be provided except in the circumstances outlined by the Act, for example, where the *Right to Information Act 2009* applies.

## 8. Data Security

- 8.1. The Council will take all reasonable steps to protect the personal information it holds from misuse and loss and from unauthorised access, modification or disclosure.
- 8.2. All elected members, employees, contractors and volunteers of the Council:
  - must maintain public confidentiality and respect the privacy of individuals who have dealings with the Council.

- must treat all personal information as confidential, and sensitive information as highly confidential.
- will not disclose any confidential information, use any information to their personal advantage or permit unauthorised access to information.

8.3. Requests for information from police, government agencies or anyone outside the Council, in regard to customers, should be directed to the Corporate Services Coordinator.

8.4. 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.

8.5. 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. When disposal of paper documents containing personal information is required, they are shredded. All electronic devices that are removed from use and made available for non-council purposes will have all data removed from the hardware.

## 9. Legislation

- *Personal Information Protection Act 2004*
- *Privacy Act 1988*
- *Right to Information Act 2009*
- *Local Government Act 1993*
- *Public Interest Disclosure Act 2002*

## 10. Responsibility

The responsibility of ensuring that the policy is adhered to is the responsibility of all elected members, staff, contractors and volunteers.

Responsibility for the implementation of this policy rests with the Corporate Services Coordinator.