	Function: CORPORATE SERVICES (RECORDS MANAGEMENT)	Adopted: 2 nd December 2009 Resolution No.:
	Policy Number: RM002	Last Review: 13 th January 2022 Resolution No.: C41:0222
	Version Number: 2	Next Review: As Required
PRIVACY POLICY		

Policy Statement

1. Introduction

- 1.1. Copper Coast Council (Council) is committed to ensuring openness and transparency of governance to stakeholders while protecting the privacy of individuals.

2. Scope

- 2.1. Council recognises that personal and commercial information is provided with the expectation that Council protects this information against loss, unauthorised access, modification, disclosure and all other misuse.
- 2.2. Personal information will only be collected for a lawful purpose that is directly related to the conduct of Council business and in the provision of Council services to its customers.
- 2.3. This Privacy Policy (policy) outlines how Council will approach the collection, storage, disclosure and use of personal and commercial information.

3. Applicable Legislation

- 3.1. The following legalisation applies to this Policy:
 - Local Government Act 1999
 - Local Government (Elections) Act 1999
 - State Records Act 1997
 - Planning, Development and Infrastructure Act 2016
 - Freedom of Information Act 1991
- 3.2. This Policy has adopted principles and approaches from:
 - The Commonwealth Privacy Act 1988; (Australian Privacy Principal Guidelines)
 - Previous Ombudsman's finding in relation to Freedom of Information Request reviews;
 - The South Australian Department of the Premier and Cabinet's Information Privacy Principles Cabinet Administrative Instruction.
- 3.3. Although the legislation and administrative instructions listed in 3.2 above, do not directly apply to councils within South Australia, principles from within each have been adopted to ensure a suitable standard is applied.
- 3.4. This Policy is not a mandatory requirement but essential for good governance.

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4. Integration with Corporate Objectives

4.1. This Policy supports Council's Strategic Plan 2019 - 2029

4.1.1. Governance Objective – Leadership

Goal 5 - To provide leadership and ensure resources are managed efficiently and effectively.

5.3 Legislation – To adhere to the requirements of the Local Government Act 1999, regulations and other legislation that influences the operations of Council.

5.5 Administration - To provide a responsible and responsive administrative service to Council and the community.

5. Definitions

For the purposes of this Policy, the following definitions apply:

- 5.1. **Access** – Providing a copy or for inspection, to an individual, information held by Council, to about them.
- 5.2. **Collection** - Gathering, acquiring or obtaining personal information from any source or means.
- 5.3. **Consent** - Voluntary agreement to some act, practice or purpose.
- 5.4. **Disclosure** - The release of information to persons or organisations outside the Council. It does not include giving individuals information about themselves.
- 5.5. **Eligible Data Breach** - The unauthorised access, disclosure or loss of TFN information that is likely to result in serious harm to one or more individuals.
- 5.6. **Notifiable Data Breach (NDB) Scheme** - Councils are subject to the NDB Scheme under the Privacy Act 1988 (Cwth) to the extent that TFN information is involved in an eligible data breach.
- 5.7. **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, but does not include information that is generally available in publications; kept in public records and archives such as the Commonwealth or State archives; or kept in a library, art gallery or museum for the purpose of reference, study or exhibition.
- 5.8. **Sensitive Information** - Information or an opinion that may give rise to discriminatory practices based on an individual's racial or ethnic origin, political opinions, membership of political, professional or trade association or union, religious beliefs or affirmations, philosophical beliefs, sexual preferences or practices, gender, criminal record or health.
- 5.9. **Tax File Number (TFN)** - Information, whether recorded in a material form or not, that records the tax file number of a person in a manner connecting it with a person's identity (e.g. a person's name and date of birth). Council, as an employer, is in receipt of TFN information.
- 5.10. **Use** – The handling of personal information within a Council including the inclusion of information in a publication.

6. Application

6.1. This Policy applies to all persons with access to Council information, information systems and information stores (computer-based or otherwise), including:

- Council Employees;
- Council Members;
- Volunteers;
- Work experience placements; graduates and trainees; and
- Independent contractors and consultants.

6.1.1. Relevant training will be provided by Council to ensure these people can reasonably meet the requirements of this Policy.

6.2. Collection and Use of Personal Information

6.2.1. All personal information collected by the Council is used only for the purpose of conducting Council business and in the provision of Council services to its customers.

6.2.2. The type of personal information that may be collected and held by the Council includes, but is not limited to:

- Names and addresses (postal, residential and email addresses);
- Telephone numbers;
- Age and/or date of birth;
- Property ownership and/or occupier details;
- Dog ownership;
- Electoral Roll details;
- Payment history;
- Financial, rental or income details;
- Pensioner/Concession information;
- Library membership details.
- Business data / Market intelligence

6.2.3. When collecting information, Council assumes that any personal information provided by residents and/or ratepayers is free from errors and omissions, is not misleading or deceptive and complies with all relevant laws; and residents and/or ratepayers have the necessary authority to provide any personal information submitted to the Council.

6.2.4. All information is collected in a fair and lawful manner and as required/permitted by law. Council is committed to ensuring that residents and/or ratepayers are aware of the purpose of collection of their personal information and, where possible, will provide a privacy statement explaining the purpose. Council will take all reasonable steps to apply the objects and methods of the Freedom of Information Act 1991 in such a way to favour the disclosure of information without infringing the right to privacy while meeting legal requirements.

6.3. Maintenance and Storage of Personal Information

6.3.1. Council will take reasonable steps and use appropriate security mechanisms to ensure that the personal information held by Council is protected from misuse and loss, and from unauthorised access, modification or disclosure.

- 6.3.2. Council will maintain its record keeping systems to ensure that all personal information collected is up to date and complete as is reasonably practical, in accordance with the State Records Act 1997 as applicable to local government bodies.
- 6.3.3. Any person who, on behalf of Council, uses or discloses personal information held by Council must have appropriate authorisation to do so. Failure to adhere to this requirement may result in disciplinary action.

6.4. Disclosure of Personal Information

- 6.4.1. Council will not provide personal information it holds on residents and/or ratepayers to third parties, unless specifically required to by law and after following relevant consultation requirements, except:
 - 6.4.1.1. After Council first takes reasonable steps to obtain the consent of the person concerned to use his or her personal information for that other purpose;
 - 6.4.1.2. Where the provision of personal information is for the purpose of distributing materials for the sole purpose of and on behalf of the Council (e.g. for use to distribute Rates Notices);
 - 6.4.1.3. Where the third party has been contracted by Council to provide advice or services for the sole purpose of assisting the Council to provide benefits to residents and/or ratepayers;
 - 6.4.1.4. Where the Council is required by legislation to provide personal information to a third party (e.g. provision of personal information to the State Electoral Office) or to the public at large in accordance with legislation where the information is not otherwise exempt;
 - 6.4.1.5. As part of the public notification required and related to lodgment of a development application;
 - 6.4.1.6. Council believes, on reasonable grounds, that use of the personal information is necessary to prevent or lessen a serious and imminent threat to the life or health of the subject or of some other person;
 - 6.4.1.7. The use of the personal information is required and authorised by law; or other purpose reasonably necessary for the enforcement of the criminal law or law imposing a pecuniary penalty.
- 6.4.2. Before Council will provide personal information to a third party, that is subject to the Privacy Act 1988 provisions, that supplier will be required to provide a signed Privacy Undertaking to Council that it will comply with the Privacy Act 1988 and the National Privacy Principles in respect to the collection, use and handling of personal information supplied by Council.
- 6.4.3. Council may supply personal information about an individual to that individual as part of a standard communication or pursuant to a request made by the individual.

6.5. Access to, and Amendment of, Personal Information

- 6.5.1. Residents and/or ratepayers who wish to access the personal information that Council holds in relation to them can do so by contacting Council on 88281200 or info@coppercoast.sa.gov.au.

- 6.5.2. Where Council holds personal information about an individual, it must provide the individual with access to that information upon request by the individual, unless:
- 6.5.2.1. providing access would have unreasonable impact upon the privacy of other individuals; or
 - 6.5.2.2. providing access would pose a serious and imminent threat to the life or health of any individual; or
 - 6.5.2.3. the information relates to existing or anticipated legal proceedings between Council and the individual, and the information would not be accessible by the process of discovery in those proceedings; or
 - 6.5.2.4. providing access would reveal the intentions of Council in relation to negotiations with the individual in such a way as to prejudice those negotiations; or
 - 6.5.2.5. providing access would be unlawful; or
 - 6.5.2.6. denying access is required or authorized by or under law; or
 - 6.5.2.7. providing access would be likely to prejudice an investigation of possible unlawful activity; or
 - 6.5.2.8. the request for access is frivolous or vexatious.
- 6.5.3. Where Council has in its possession or under its control records of personal information, Council should consider all access requests in accordance with the Freedom of Information Act 1991.
- 6.5.4. Where Council holds personal information about an individual and that individual is able to establish that the information is not accurate, complete and up-to-date, Council must take reasonable steps to correct the information so that it is accurate, complete and up-to-date.
- 6.5.5. If Council and the individual disagree about whether the information is accurate, complete and up-to-date the individual may request Council to associate with the information a statement claiming that the information is not accurate, complete or up-to-date.
- 6.5.6. Council acknowledges that it has certain personal information in its possession that is legislatively required to make available for access by members of the public. Under the Freedom of Information Act 1991 provisions, members of the public can to apply for information from Council.
- 6.6. Privacy Statement
- 6.6.1. In addition to the Privacy Policy, Council may, at times, be required to explain specific privacy practices in further detail. In such circumstances, Council Employees will provide a written statement describing the management of personal information, detailing Council's personal information handling practices in relation to that particular service or function.
- 6.7. Storage and Security
- 6.7.1. Council must take reasonable steps to ensure personal information in its possession or under its control is securely stored.
- 6.7.2. Council must take reasonable steps to protect personal information in its possession or under its control from misuse, loss and from unauthorized access, modification or disclosure in accordance with State Records Act 1997.

6.8. Suppression of Personal Information

6.8.1. A person’s name and/or address may be suppressed from the Council’s Assessment Record and Voters Roll where Council’s Chief Executive Officer is satisfied that the inclusion of the name and/or address on the Assessment Record and/or Voters Roll would risk the personal safety of that person, a member of the person’s family, or any other person.

6.8.2. Enquiries regarding the suppression of information should be directed to Council on 88281200 or info@coppercoast.sa.gov.au.

6.9. Eligible Data breach

6.9.1. Any potential eligible data breach will be investigated, assessed and managed in accordance with the Office of the Australian Information Commissioner (Privacy Impact Assessments).

6.10. Complaints

6.10.1. Residents and/or ratepayers who have any concerns regarding how Council handles personal information or require further information should contact the Customer Service Employees in the first instance.

6.10.2. If Council Employees cannot satisfy the individuals concerns, the person may lodge a formal complaint in writing to Council’s Chief Executive Officer.

7. Delegation

7.1. Pursuant to section 44 of the Local Government Act 1999, Council delegates to the Chief Executive Officer authority to administer Council’s policies.

7.2. The Directors shall ensure the implementation and compliance of the Policy, through resource allocation, in respect of personal information which Council is responsible.

8. Adoption and Review

8.1. This Policy shall be reviewed every four (4) years, or earlier should legislative or technological changes require it by the Corporate Services Department and a report shall provide to Council for consideration and adoption.



9. Records Management

9.1. Official records will be retained and stored in accordance with Council’s Records Management Policy as required by section 125 of the Local Government Act 1999.

10. Availability of Policy

10.1. This Policy will be available for inspection without charge at the Council’s Principal Office during normal business hours and via the Council’s website www.coppercoast.sa.gov.au.

10.2. A copy of this Policy may be obtained on payment of a fee in accordance with Councils’ Schedule of Fees and Charges.

Signed		
	Mayor	Chief Executive Officer
Date	2 nd February 2022	

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