

	<h1>District Council of Coober Pedy</h1>	<p>Issued: 16/07/2013</p> <p>Next Review: 2016</p>
---	--	--

Policy Name **Privacy Policy**

---

**1. Purpose**

The District Council of Coober Pedy is committed to a culture that protects privacy and will endeavour to protect the personal information it collects, stores, discloses and uses. This Policy outlines Council's approach to the management of personal information.

**2. Power to Make the Policy**

The Commonwealth Privacy Act 1988 sets out the principles which must be followed in relation to the collection, use, storage and disclosure of personal information.

The provisions of the Privacy Act do not apply to the District Council of Coober Pedy or any other local government body in South Australia. However Council acknowledges that the Information Privacy Principles contained within the Privacy Act 1988, the National Privacy Principles inserted into the Privacy Act by the Privacy Amendment (Private Sector) Act 2000, and the Information Privacy Principles Instruction (Cabinet Administrative Instruction No.1 of 1989) issued by the Government of South Australia, set an appropriate standard for privacy protection.

**3. Strategic Plan Link**

This Policy has the following link to Council's Strategic Plan 2013/14 – 2017/18:

**Leadership (Goal 5) -**  
Sustain Local Government services.

**4. Principles**

Council will only collect personal information for a lawful purpose that is directly related to or necessary for the performance of its functions and activities and in doing so will use lawful and fair means.

Council will only collect sensitive information where consent has been given or otherwise as permitted by law.

Council staff will treat personal information confidentially. If Council needs to share personal information for any purpose other than for which it was collected, the consent of the person who is the subject of the personal information will be sought before doing so (unless otherwise required by law).

Council will maintain secure systems for storing personal information. Council will also maintain operational policies and procedures to protect personal information from misuse and loss and from unauthorised modification or disclosure.

## 5. Definitions

Definitions for the purpose of this Policy are:

**Access:** means providing to an individual, information about himself or herself that is held by the Council. This may include allowing that individual to inspect personal information or to obtain a copy.

**Collection:** means gathering, acquiring or obtaining personal information from any source and by any means, including information that the Council has come across by accident or has not asked for.

**Disclosure:** means the release of information to persons or organisations outside the Council. It does not include giving individuals information about themselves.

**Personal Information:** is defined by the Privacy Act 1988 as '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 an individual whose identity is apparent, or can reasonably be ascertained, from the information or opinion'.

Personal information can include written records about a person, a photograph or image of a person, or information about a person that is not written down but is in the possession or control of the Council. Even if the person is not named the test is whether or not the person's identity can 'reasonably be ascertained' from the information. As long as information is being communicated to someone who can identify the person it is about, the information may meet the definition of 'personal information'.

Personal information does not include:

- (a) generally available information;
- (b) material kept in public records and archives, such as the State and Commonwealth Archives;
- (c) anything kept in a library, art gallery or museum for the purpose of reference, study or exhibition.

**Sensitive Information:** is defined by the Privacy Act 1988 as:

- '(a) information or an opinion about an individual's:
  - (i) racial or ethnic origin; or
  - (ii) political opinion; or
  - (iii) membership of a political party; or
  - (iv) religious beliefs or affiliations; or
  - (v) philosophical beliefs; or
  - (vi) membership of a professional or trade association; or
  - (vii) membership of a trade union; or
  - (viii) sexual preference or practice; or
  - (ix) criminal record;

- that is also personal information; or
- (b) health information about an individual
  - (c) genetic information about an individual that is not otherwise health information'.

**Use:** means the handling of personal information within Council including the inclusion of information in a publication.

## 6. Policy

### 6.1 Collection and Use of Personal Information

All personal information collected by the Council is to be used only for the purpose of conducting business in accordance with the Local Government Act 1999 (and other relevant Acts under which the Council is charged with any responsibility) and in the provision of Council services to the City's residents and ratepayers.

All personal information will be collected for a lawful purpose directly related to a legislative function or power of the Council where the personal information is necessary for or directly related to that purpose. The Council is committed to ensuring that its residents and ratepayers are aware of the purpose for which the personal information is being collected and aware that its collection is authorised or required by law. The Council will take reasonable steps to inform a resident or ratepayer whose personal information it collects:

- a) of the purpose(s) for which the personal information is being collected, unless that purpose is obvious;
- b) whether the collection of the personal information is authorised or required by law; and
- c) in general terms, of its usual practices with respect to the use and disclosure of personal information of the kind collected.

The Council will take reasonable steps to ensure that the collection of personal information does not unreasonably intrude upon an individual's personal affairs.

Council will not use personal information for purposes other than that for which it was originally collected unless:

- permission has been sought from the resident, ratepayer or other person providing the information, or
- the provider of the information might reasonably expect the organisation to use or disclose the information for a secondary purpose within the Council, or
- staff are required to collect, use or disclose the information collected by law.

### **6.1.1 Type of Information Collected**

The type of personal information that is collected and held will depend on the services provided to residents and ratepayers, but may include:

- Telephone numbers
- Name and address (including postal, residential, email or social media addresses)
- Age and/or date of birth
- Property ownership and/or occupier details
- Details of the resident's or ratepayer's spouse or partner
- Development applications including plans of buildings
- Dog ownership
- Electoral Roll details
- Pensioner/Concession information
- Payment history
- Images
- Recordings (including oral history)

### **6.1.2 Accuracy of Information Collected**

In satisfying the collection and use of personal information obligations, which the Council has to its residents and ratepayers, the Council assumes that:

- a) any personal information provided by residents, ratepayers and other persons is free from errors and omissions, is not misleading or deceptive and complies with all relevant laws; and
- b) residents, ratepayers and other persons have the necessary authority to provide any personal information submitted to the Council.

The Council relies on the personal information provided to it. While the Council will make every effort to ensure that its records of an individual's personal information are up to date and accurate, this may not always be the case.

It is the responsibility of residents, ratepayers and other persons to provide the Council with details of any changes to their personal information as soon as reasonably practicable following such change.

### **6.1.3 Information Obtained from Third Parties**

The Council may obtain information concerning residents, ratepayers and other persons from a number of sources including Centrelink, Electoral Offices, Office of the Valuer General, SA

Water, Telstra, and from other residents, ratepayers or other persons. The Council will not check or verify the accuracy of any personal information it obtains from other residents, ratepayers or other persons.

In some instances the personal information held by the Council about residents, ratepayers and other persons may incorporate or summarise views, guidelines or recommendations of third parties. The Council will endeavour to assemble and record such personal information in good faith but cannot guarantee that it will necessarily involve a considered review of the information.

#### **6.1.4 Use of Council's Website**

The Council will use a person's email address to respond to their enquiry if they choose to contact the Council via the Internet.

### **6.2 Disclosure of Personal Information**

#### **6.2.1 Distribution to Third Parties**

The Council will not permit the provision of personal information it holds on residents, ratepayers and other persons to third parties except where:

- the resident, ratepayer or other person has made a written request for personal information to be provided to a third party;
- the resident, ratepayer or other person has given consent for the personal information to be available to a wider audience (for example, oral history recordings);
- the provision of personal information is for the purpose of distributing materials of and on behalf of the Council (eg. the provision of address data for use by a mailing service provider to post Rate Notices);
- the third party has been contacted by the Council to provide advice or services for the sole purpose of assisting the Council to provide benefits to residents, ratepayers and other persons (eg. State or Federal Electoral Offices, Office of the Valuer General, insurers);
- the Council is required or authorised by law to provide personal information to a third party (eg. provision of personal information to the State Electoral Office) or to the public at large (eg. in accordance with the Local Government Act 1999 or to an applicant under the Freedom of Information Act 1991 where the information is not otherwise exempt);
- the provision is in accordance with clause 7 of this Policy; or
- the resident, ratepayer or other person has been advised of the Council's usual practice of disclosing personal information to that third party or a third party of that type for

a particular purpose and where the disclosure is consistent with that purpose.

### **6.2.2 Distribution to Individuals**

The 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.

### **6.2.3 Disclaimer**

The Council does not accept any responsibility for any loss or damage suffered by residents, ratepayers or other persons because of their reliance on any personal information provided to them by the Council or because of the Council's inability to provide residents, ratepayers or other persons with any requested personal information.

Before relying on any personal information that the Council provides it is expected that the resident, ratepayer or other person will first seek confirmation from the Council about the accuracy and currency of the personal information.

## **6.3 Maintenance and Storage of Personal Information**

The Council will take reasonable steps to protect the personal information it holds from loss and from any unauthorised access, use, modification, or disclosure and from other misuse. Council will maintain systems to ensure that all personal information collected is, as far as possible, up to date, accurate and complete. Council will ensure that any person who, on behalf of the Council, uses or discloses personal information held by the Council has appropriate authorisation to do so.

### **6.3.1 E-Services**

The Council uses software that contains a form of encryption (encoding software) to protect credit card personal information that is emailed to Council's e-services web page.

## **6.4 Disability Claims and Financial Hardship Applications**

Personal information obtained in relation to claims for disability benefits and financial hardship claims will be used solely for the purpose of facilitating the claim to which the personal information relates, unless the resident, ratepayer or other person has specifically given permission in writing for it to be used for other applications or to be provided to a third party.

## **6.5 Access to Personal Information**

Residents, ratepayers or other persons who wish to access the personal information that the Council holds in relation to them can do so by contacting the Freedom of Information (FOI) Officer at the Council

Office. These requests will be dealt with as soon as it is reasonably practicable, having regard to the nature of the information requested but, in any event, in accordance with the obligations imposed on the Council by the Freedom of Information Act 1991. The person making the request will need to satisfy the FOI Officer as to his/her identity and may need to complete a Freedom of Information *Request for Access* application and pay the relevant fee.

If a resident, ratepayer or other person can show that the personal information held by Council is not accurate or complete they may apply in writing for the amendment of Council's records.

#### **6.5.1 Access to Property Files**

Owners of properties within the town of Coober Pedy, and agents authorised in writing for this specific purpose, will be given access to the Council file relating to their property for perusal only. Proof of identity such as a rate notice or driver's licence is required. Copies of documents on the file will be provided at Council's standard photocopy charge, subject to any limitations under the Copyright Act 1968 (Cth).

Before a file is given to a property owner for perusal it is to be viewed by Council's FOI Officer to assess whether there are any documents which could be considered exempt. Any such documents are to be removed from the file prior to it being viewed by the owner. Application for access to these documents must be made in accordance with the FOI provisions.

### **6.6 Suppression of Personal Information**

Personal information may be suppressed from the Council's assessment record and from the Council's Voters' Roll if inclusion in these records would place at risk the personal safety of a resident, ratepayer or other person, a member of that person's family, or any other person.

Enquiries regarding suppression of personal information on Council's assessment record and/or Voters' Roll should be directed to the Electoral Commission of South Australia.

### **6.7 Grievances**

Residents, ratepayers or other persons that have any concerns regarding how the Council handles their personal information, or require further information, should contact the Chief Executive Officer in the first instance.

A formal complaint may be lodged in writing to:

Chief Executive Officer  
District Council of Coober Pedy  
PO Box 425  
Coober Pedy SA 5723

## **7. Closed Circuit Television (CCTV) Recording**

The Council has installed a number of CCTV recording devices throughout the Council's area for the purpose of crime prevention, crime detention, investigations and enforcement. These devices capture and record video footage of locations, including persons present in those locations from time to time.

The Council acknowledges that, to the extent that this footage identifies a person, it may constitute personal information and will, subject to this clause, deal with the footage in accordance with this Policy.

Since the Council has installed the CCTV recording devices for the purposes of crime prevention, crime detention, investigations and enforcement, the Council will, if requested, provide access to certain footage to the South Australian Police to assist them in their investigations or other initiatives. The Council may also use the footage for their own investigations relating to carrying out their regulatory functions, or enforcing their own legal rights.

## **8. Review & Evaluation**

This Policy will be reviewed every two years. The Chief Executive Officer will report to Council on the outcome of the review and make recommendations for amendment, alteration or a substitution of a new Policy if considered necessary.

## **9. Availability of the Policy**

This Policy will be available for inspection at Council's principal office during ordinary business hours and at Council's website <http://www.cooberpedy.sa.gov.au>. Copies will also be provided to interested members of the community upon request, and upon payment of a fee in accordance with Council's Schedule of Fees and Charges.