

## 1. RATIONALE

The City of Marion (Council) is committed to ensuring openness and transparency of governance to stakeholders while protecting the privacy of individuals. This policy outlines how Council will approach the collection, storage, disclosure and use of personal and commercial information.

## 2. POLICY STATEMENT

The City of Marion 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. 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.

## 3. OBJECTIVES

The following principles apply when personal and commercial information is being considered and handled by Council:

- Only information reasonably required for the operation and effective delivery of Council programs and services is collected and maintained.
- Wherever possible the full purpose for information collection is disclosed at the time of collection. At times that purpose may be broad, for example to enable the effective communication with residents and stakeholders regarding policy, projects and programs occurring within the Council area.
- Council is a file number recipient for the purposes of the Commonwealth *Privacy Act 1988*. A file number recipient is any person who is in possession or control of a record that contains Tax File Number (TFN) information. Breaches are reported to the Office of the Australian Information Commissioner in compliance with the national Notifiable Data Breach scheme and as set out in Council's Procedures.
- Council is subject to the *Freedom of Information Act 1991*. The objects of the *Freedom of Information Act 1991* are:
  - To promote openness in government and accountability; and
  - To facilitate more effective participation by members of the public in the processes involved in making and administration of laws and policies.

These objects are to be achieved as follows:

- Ensuring that information concerning the operations of Council is readily available to members of the public and to Members of Parliament;
- Promoting a legally enforceable right to be given access to documents held by government, subject to restrictions that are consistent with the public interest and the preservation of personal privacy; and
- Enabling each member of the public to apply for the amendment of such government records concerning his or her personal affairs as are incomplete, incorrect, out-of-date or misleading.

## 4. POLICY SCOPE AND IMPLEMENTATION

This policy and related procedures apply to all people 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.

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

### 4.1. Collection and Use of Personal Information

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.

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

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.

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.

## 4.2. Maintenance and Storage of Personal Information

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.

In the event of a security breach, Council's procedures enable prompt action to be taken to investigate the incident and determine whether a Notifiable Data Breach of Personal Information has occurred. This will enable Council to take the necessary steps to complete the investigation and notify the relevant bodies.

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.

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.

## 4.3. Disclosure of Personal Information

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:

- 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;
- 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);
- 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;
- 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;
- Where the resident and/or ratepayer has been advised of Council's usual practice of disclosing personal information (through Council's Privacy Statements);
- As part of the public notification required and related to lodgement of a development application;
- If personal information is received as part of a Petition to Council, this will be dealt with in accordance with the *Local Government Act 1999* and as set out in Council's Petition Policy.
- 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;
- The use of the personal information is required and authorised by law; or
- The use of the personal information for that other purpose is reasonably necessary for the enforcement of the criminal law or law imposing a pecuniary penalty.

Before Council will provide personal information to a third party service provider that is subject to the provisions of the *Privacy Act 1988*, 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.

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.

#### 4.4. Access to, and Amendment of, Personal Information

Residents and/or ratepayers who wish to access the personal information that Council holds in relation to them can do so by contacting [Customer service employees](#).

If a resident and/or ratepayer can show that the personal information held by Council is not accurate or complete, it will be amended by the [Customer service employees](#).

Council acknowledges that it has certain personal information in its possession that it is legislatively required to make available for access by members of the public. There is also provision under the *Freedom of Information Act 1991* for members of the public to apply for information from Council.

#### 4.5. Privacy Statement

In addition to our privacy policy, we may need to explain specific privacy practices in more detail at other times. In such circumstances we develop and provide separate privacy notices to describe how we will handle the personal information that we collect. This separate privacy notice where issued, will detail our personal information handling practices in relation to that particular service or function.

#### 4.6. Suppression of Personal Information

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.

Enquiries regarding the suppression of information should be directed to Customer Service employees.

#### 4.7. Complaints

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.

If Customer service employees cannot satisfy the residents and/or ratepayers concerns, the person may lodge a formal complaint. Complaints should be made in writing to:

#### Manager Information Technology and Transformation

City of Marion  
PO Box 21  
Oaklands Park SA 5046

## 5. DEFINITIONS

Key Term – Acronym	Definition
<b>Access</b>	Providing to an individual, information about himself or herself that is held by Council. This may include allowing that individual to inspect personal information or to obtain a copy of the personal information.
<b>Collection</b>	Gathering, acquiring or obtaining personal information from any source and by any means, including information that Council has come across by accident or has not asked for.
<b>Consent</b>	Voluntary agreement to some act, practice or purpose.
<b>Disclosure</b>	The release of information to persons or organisations outside the Council. It does not include giving individuals information about themselves.
<b>Eligible Data Breach</b>	The unauthorised access, disclosure or loss of TFN information that is likely to result in serious harm to one or more individuals.
<b>Notifiable Data Breach (NDB) Scheme</b>	Councils are subject to the NDB Scheme under the <i>Privacy Act 1988</i> (Cwth) to the extent that TFN information is involved in an eligible data breach.
<b>Personal information</b>	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: <ul style="list-style-type: none"> <li>• in generally available publications;</li> <li>• kept in public records and archives such as the Commonwealth or State archives; or</li> <li>• kept in a library, art gallery or museum for the purpose of reference, study or exhibition.</li> </ul>
<b>TFN (Tax File Number)</b>	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.
<b>Use</b>	The handling of personal information within a Council including the inclusion of information in a publication.

## 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 a political association, a professional or trade association or a trade union;
- religious beliefs or affirmations;
- philosophical beliefs;
- sexual preferences or practices;
- gender;
- criminal record; or
- health.

## 6. ROLES AND RESPONSIBILITIES

The departments responsible for the security of Council-held information, accurate electronic recordkeeping and maintenance are Information Technology and Transformation and Corporate Governance.

## 7. REFERENCES

This Privacy 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.

Although this legislation and administrative instructions do not directly apply to councils within South Australia, principles from within each have been adopted to ensure a suitable standard is applied.

In developing this policy, the additional following legislative instruments were considered:

- Local Government Act 1999
- Freedom of Information Act 1991
- State Records Act 1997
- Office of the Australian Information Commissioner - Notifiable Data Breach Scheme

In addition, other local government bodies' policies were considered, mainly our partner Council City of Charles Sturt, but also City of Mitcham.

## 8. REVIEW AND EVALUATION

It is proposed that the policy be reviewed every four years in line with Council's Policy Framework, or earlier should legislative or technological changes require it.