

## Privacy statement

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## 1 Administrative procedure purpose

The purpose of this procedure is to:

Establish a best practice approach to the management of personal information to protect a person's privacy

Currently there is no privacy legislation which applies to councils in South Australia to regulate the manner in which personal information is managed. The City of Onkaparinga (the Council) is committed to maintaining a culture that respects an individual's right to privacy versus the requirement to share information in the interest of safety and wellbeing.

The privacy provisions in this procedure are based upon the Premier and Cabinet Circular- Information Privacy Principles (IPPs) Instruction (no.12- dated 20 June 2016). South Australian government agencies are required to comply with the IPPs to keep personal information safe from inappropriate collection, use or disclosure. Although the IPPs do not apply to councils it is acknowledged they guide decision making for collection, storage and disclosure of personal information.

This procedure is an internal control to promote best practice and good governance.

## 2 Scope

This procedure applies to the management of personal information held by the council. It excludes information sharing for promoting safety and wellbeing, which is contained in Council's Information Sharing for Promoting Safety and Wellbeing Procedure.

It is acknowledged that Acts and Regulations take precedence over this procedure.

## 3 Definitions

Access	means providing to an individual, information about himself or herself that is held by the Council which may include an individual inspecting their personal information held or to obtain a copy
Collection	means gathering, acquiring or obtaining of personal information from any source and by any means, including information that Council has come across by accident or has not asked for
Consent	means voluntary agreement to some act, practice or purpose
Disclosure	means the release of information to persons or organisations outside the Council. It does not include giving individuals information about themselves
Personal information	means 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

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information or opinion, including a photograph or other pictorial representation of a person, but does not include information that is in:

- Available publications; or
- Material kept in public records and archives such as the Commonwealth or State archives; or
- Anything kept in a library, art gallery or museum for the purpose of reference, study or exhibition.

## 4 Procedure

### 4.1 Collection of personal information

The Council will only collect personal information when:



Personal information may be collected directly from a person via documents such as application forms, statutory declarations, emails, internet marketing material, Council website, social media or face-to-face contact (not intended as an exhaustive list). In some circumstances the Council may collect personal information from a third party such as government bodies, conveyancers, neighbours or other community members. Where possible, the purpose for collecting personal information is made clear, for example, development applications, dog registrations, permit and licence applications. Where the reason is not clear if possible an explanation will be given.

Council also collects information as authorised and required under legislation. This information is used for the purpose of conducting council functions and providing council services. Council also holds personal information which it is lawfully required to make public.

Council employees, volunteers or persons applying for roles will have their personal information collected. It is used for recruitment, employment administration, workers compensation, payroll administration, statistical reporting and meeting Council's legislative obligations.

Council's website contains links to other websites. It should be acknowledged these links are provided for convenience only and the other websites' information handling practices may differ from that of Council.

For further details about privacy information collected via Council's website [click here](#).

#### **4.2 Use of personal information**

In the use of personal 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
- Residents and/or ratepayers have the necessary authority to provide any personal information submitted to Council.

Council will only use personal information in its possession for the intended purpose unless:

- Permission is gained to use it for another purpose (reasonable steps to obtain permission from the subject will be undertaken)
- It is necessary to information share for promoting safety and wellbeing
- It is required and authorised by law
- It is reasonably necessary for the enforcement of criminal law or law imposing a financial penalty.

Council will endeavour to assemble and record personal information in good faith, but cannot guarantee that it will necessarily involve a considered review of the information. It is the responsibility of persons to provide the Council with details of changes to their personal information.

#### **4.3 Disclosure of personal information**

Examples of when Council will provide access to personal information are contained in Appendix 1.

#### **4.4 Storage of personal information**

The Council will take reasonable steps to protect the personal information it holds from loss, unauthorised access, use, modification, disclosure and other misuse through security measures.

Council will endeavour to maintain its corporate systems to ensure all personal information in its possession or under its control is securely stored and complete.

As required under the *State Records Act 1997* archive information is held off site in secure storage facilities and some information is required to be kept permanently.

#### **4.5 Accessing or amending personal information**

Persons wishing to access their own personal information can do so by written request to the Council. Requests will be dealt with as soon as reasonably practical. The person making the request will need to satisfy Council of his/her identity prior to information being released and may have to pay a prescribed fee.

If a person can show that the personal information held by Council is inaccurate, out of date or incomplete, Council will take the appropriate steps to amend it.

Council cannot accept any responsibility or liability for any loss or damage suffered by a person because of their reliance on any personal information provided to them

by Council or because of Council's inability to provide persons with any requested personal information.

#### **4.6 Freedom of Information Act 1991**

Council may release personal information in accordance with the *Freedom of Information Act 1991*. This Act requires Council to consult with a third party prior to the release of 'personal affairs' to obtain their views. Persons have the right to request a review of a decision prior to release of such personal information. If 'personal affairs' are not being disclosed consultation may not be required.

#### **4.7 Independent Commissioner Against Corruption Act 2012**

Council will be obliged to provide information if requested in accordance with the *Independent Commissioner Against Corruption Act 2012* and as part of an investigation or examination.

#### **4.8 Ombudsman Act 1972**

Council may be required to provide information in accordance with the *Ombudsman Act 1972* (or other legislation which the Ombudsman has powers under) to investigate complaints.

#### **4.9 Copyright Act 1968**

Documents received by Council may be copyright protected under the *Copyright Act 1968*. It is an offence for Council to reproduce such documents without the written approval of the copyright owner. Refer to Council's 'Policy on the interaction of the *Development Act 1993*, the *State Records Act 1997* and the *Freedom of Information Act 1991* with the *Copyright Act 1968*' for further information.

#### **4.10 Water Industry Act 2012**

Certain information obtained under this Act must be regarded as confidential. Under the third party access regime the regulator of the Act may disclose confidential information to the public if it is in the public interest to do so.

#### **4.11 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 purposes of facilitating the claim to which the personal information relates, unless the person has specifically given permission to Council in writing for it to be used for other applications or to be provided to a third party.

#### **4.12 Suppression of personal information**

Section 172 of the *Local Government Act 1999* enables a person to request their name and address be suppressed from Council's assessment record on the grounds that it would unfairly place at risk the personal safety of that person, a member of that person's family or any other person. This knowledge may influence the way in which information sharing is managed.

Where persons have already been granted 'Silent Elector' status (i.e. details suppressed on the Electoral Roll) by the Australian Electoral Commission and they are enrolled to vote within our council area their details are automatically suppressed in the Council's assessment record.

Enquiries regarding the suppression of personal information should be directed to Council's rates officers on 8384 0666.

#### **4.13 Contract and tender information**

During procurement processes the Council may receive confidential information from third parties wishing to form contractual relationships with Council for the provision of goods and services. In accordance with the *Local Government Act 1999* and the *Freedom of Information Act 1991*, certain contract or tender information may become publicly available.

#### **4.14 Grievance process**

Further queries or concerns about Council's management of personal information may be managed under council's Customer Complaint Policy.

### **5 Relevant legislation and references**

*Copyright Act 1968*

*Development Act 1993*

*Freedom of Information Act 1991*

*Independent Commissioner Against Corruption Act 2012*

*Local Government Act 1999*

*Ombudsman Act 1972*

*State Records Act 1997*

*Water Industry Act 2012*

Information Privacy Principles (IPPs) Instruction- Premier & Cabinet Circular 12, dated 20/6/16

**6 Document control**

<b>Author (to whom changes are to be recommended):</b>				
<b>Position</b>		<b>Name</b>		
Senior Governance Officer		Nicole Roberts		
<b>Stakeholders (audience – engagement groups):</b>				
Governance, Community Capacity, Libraries, Community Rangers, Community Health, Community Relations, Information Governance, Field Operations and Development Services				
<b>Reviewed by:</b>				
<b>Position</b>		<b>Name</b>	<b>Date reviewed</b>	
Team Leader, Corporate Governance		Kathryn Brown	26/04/2017	
Team Leader, Information Governance		Yvette Van Berkel	22/05/2017	
Team Leader, Community Rangers		Peter Cookson	08/06/2017	
Team Leader, Community Health		Nicole Moore	04/05/2017	
Team Leader, Customer Relations		Julie Janssan	04/05/2017	
Team Leader, Compliance and Business Support		Dustin Georgeson	16/05/2017	
Manager, Governance		Desma Morris	19/06/2017	
Manager, Community Capacity		Terra Lea Ranson	22/05/2017	
Manager, Libraries		Judi Cameron	30/05/2017	
Manager, Development Services		Renee Mitchell	15/05/2017	
Director, Corporate & City Services		Alison Hancock	05/07/2017	
<b>Approved by (document owner):</b>				
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<b>Related documents: (internal documents that need to be reviewed when this document is amended)</b>			
<b>Title of document</b>			<b>Document number</b>
Information Sharing for Promoting Safety and Wellbeing Procedure			ECM 3988660
Policy on the interaction of the Development Act 1993, the State Records Act 1997 and the Freedom of Information Act 1991 with the Copyright Act 1968			ECM 3711651
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## Appendix 1- Examples where we provide access to personal information

(Not an exhaustive list)

A reasonable individual is likely to have been aware that his or her personal information would be disclosed in that way

The person has consented to or made a written request for personal information to be provided to a third party

The personal information is provided for the purpose of distributing materials on behalf of the Council

The third party has been contracted by Council to provide advice or services for the purpose of assisting the Council

The Council is required or authorised by law to disclose the personal information to a third party or to the public e.g. extract of dog register

The person has been advised of Council's usual practice of disclosing personal information to a third party for a particular purpose

A public consultation submission has been received by Council and is required to be included in a report to a Council meeting (e.g. respondents to a Development Application under the *Development Act 1993*)

The disclosure is part of an investigation into unlawful activity, or it is believed a person has engaged or may engage in illegal or serious misconduct

It is believed that disclosure on reasonable grounds is necessary to prevent or lessen a serious threat to life or health or safety of a person (information sharing)

For surveys to assist with improving services. Information to be masked and de-identified where possible.

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