

# PRIVACY STATEMENT

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1. DOCUMENT CONTROL

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## 2. DEFINITIONS

Access	Allowing an individual, to view or obtain a copy of their personal information held by Council.
Collection	Gathering, acquiring or obtaining of personal information (including sensitive information) from any source and by any means, including information that council has come across by accident or has not asked for. Gathering personal information from any source, whether solicited or unsolicited.
Consent	Voluntary agreement to the collection, use or disclosure of information.
Council	Refers to the City of Onkaparinga
Disclosure	Release of information to individuals or organisations outside the Council. It does not include giving individuals' information about themselves.
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.
File number recipient	Any individual who is in possession or control of a record that contains TFN information which includes council as an employer.
Notifiable Data Breach (NDB) Scheme	Councils are subject to the NDB Scheme under the <i>Privacy Act 1988</i> (Cth) to the extent that TFN information is involved in an eligible data breach.
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 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>• publicly available or</li><li>• kept in public records and archives such as Commonwealth or State archives or</li><li>• kept in a library, art gallery or museum for reference, study or exhibition.</li></ul>
Sensitive information	Is a sub-set of personal information which is considered sensitive in nature and given a higher level of protection (not intended as an exhaustive list) such as information or an opinion about an individual's: <ul style="list-style-type: none"><li>• racial or ethnic origin</li><li>• political opinions</li><li>• membership of a political association, a professional or trade association or a trade union</li><li>• religious beliefs or affirmations</li><li>• philosophical beliefs</li><li>• sexual preferences or practices</li><li>• gender</li><li>• criminal record</li><li>• health data</li><li>• alleged behaviour</li><li>• video footage or</li><li>• biometrics</li></ul>

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TFN information	Information that records the Tax File Number (TFN) of a person in a manner connecting it with a individuals' identity (e.g. name or date of birth).
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### 3. STATEMENT PURPOSE

Council is committed to maintaining the privacy of individuals while fulfilling its duties. The protection of personal information and maintaining privacy is recognised as an individual human right. Everyone has the right not to have their personal information unlawfully or randomly interfered with.

When providing personal information about yourself for the use by our agency, individuals need to feel confident that their information is safe, that it will be handled appropriately, and that the collection is limited to what is needed.

Although there is no specific privacy legislation for councils in South Australia, this statement aligns with the principles from the *Privacy Act 1988* (Cth), South Australia Information Privacy Principles (IPPS) Instruction, and past Ombudsman SA findings related to Freedom of Information requests.

### 4. SCOPE

This statement covers the management of all personal information collected, stored, used or disclosed by council. It applies to all individuals with access to council information, including staff, elected members, volunteers and contractors.

However, it does not cover information sharing for promoting safety and wellbeing, which is addressed within the Information Sharing Guidelines (SA Government Guidelines) and council's Information Sharing for Promoting Safety and Wellbeing Procedure (our ISG Appendix).

It is acknowledged that legislation takes precedence over this procedure.

### 5. RESPONSIBILITIES

All staff, elected members, volunteers, and contractors are required to ensure compliance with this statement at all times, when undertaking activities in the performance of their functions and duties.

This includes considering the primary purpose of the personal information and using it only for that purpose unless consent is obtained for a secondary purpose.

Corporate Governance will provide support or guidance on the application of this statement as required.

## 6. COLLECTION OF PERSONAL INFORMATION

(including sensitive information)

In accordance with the *Local Government Act 1999*, all personal information collected by council is used only for conducting council business and in the provision of council services. The type of personal information that is collected and held by council includes, but is not limited to:

Type	Example
Basic details	name, address, contact details, date of birth, and age.
Property information	ownership and occupancy details
Family information	details of spouse, partner, or family members
Health information	health and disability details
Financial information	payment history, bank account details, pensioner/concession information, insurance details
Business information	market research, intelligence and survey responses
Other information	pet ownership, electoral roll details, library membership, CCTV images, drivers licence, employment details, land valuation, development applications etc.

Information is collected directly from individuals through forms, emails, websites, or face-to-face interactions. In some circumstances, council may also collect information from third parties like government bodies or community members.

The purpose of collecting this information is made clear whenever possible, such as for customer service requests, development applications, dog registrations, permit applications, employment purposes etc. If the purpose is unclear, an explanation can be provided.

The council will only collect sensitive information in the following circumstances:

- The individual has given consent.
- It is required by law.
- It is necessary to prevent serious harm.
- It is needed for legal or equitable claims.

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.

### Sensitive Information

Sensitive Information is subject to a higher level of privacy protection than other personal information. Sensitive information will only be collected with consent, except in exceptional circumstances.

## 7. USE OF PERSONAL INFORMATION

When using personal information, Council assumes that:

- The information provided is accurate, not misleading and free of errors.
- The individual providing the information has the authority to provide it.

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

- Consent is gained to use it for another purpose (reasonable steps to obtain consent from the individual will be taken);
- The individual would reasonably expect council to use or disclose the information for another purpose and the other purpose is directly (for sensitive information) or indirectly related (for any other information) to the intended purpose;
- It is necessary to share information for promoting safety and wellbeing in accordance with council's Information Sharing for Safety and Wellbeing procedure;
- It is required and authorised by law; or
- It is necessary for law enforcement or impose a financial penalty.

Council collects and records personal information in good faith but cannot guarantee its accuracy. Individuals must inform council of any changes to their personal information.

Personal information related to disability benefits and financial hardship claims will be used solely for the purposes for processing those claims unless the individual has specifically given permission to council in writing for other uses.

Any individual or company who, on behalf of council, uses or discloses personal information held by council must have appropriate authorisation to do so.

Sensitive Information will not be used for a secondary purpose unless the secondary purpose is directly related to the primary purpose of collection and within the reasonable expectation of the individual.

Sensitive Information will not be used for a secondary purpose of direct marketing.

If the Council collects sensitive information about an individual in accordance with the provisions of this Policy, the Council will take reasonable steps to de-identify the information before the Council discloses it.

## 8. DISCLOSURE OF PERSONAL INFORMATION

Council will not share personal information with third parties unless required by law or in the following cases:

- The individual has given consent or made a written request.
- Information is provided for distributing Council materials.
- A third party is contracted by the Council to provide advice or services.
- The individual has been informed that their information will be shared for a specific purpose.
- As part of a public consultation report (e.g., petitions or Development Applications).
- As part of an investigation into unlawful activities or serious misconduct.
- For surveys to improve services (with de-identified information where possible).

### *Freedom Of Information Act 1999*

Council may release personal information in accordance with the *Freedom of Information Act 1991*. An FOI applicant is required to provide the details outlined on council's website. In certain circumstances, this Act requires council to consult with a third party prior to the release of 'personal affairs' information to obtain their views on the release of such information. Persons have the right to request a review of a decision prior to the release of

such personal information. If 'personal affairs' are not being disclosed consultation may not be required.

*Independent Commissioner Against Corruption (ICAC) Act and Ombudsman Act*  
ICAC or the Ombudsman may require Council to provide personal information in accordance with their legislative powers under the *Ombudsman Act 1972* and *Independent Commission Against Corruptions Act 2012* as part of an investigation or examination.

#### Suppression of Personal Information

Personal information including name and/or address may be suppressed from council's Assessment Record and from the council Voters Roll (via the Australian Electoral Commission), if the Chief Executive Officer believes it could endanger someone's safety. For more information contact a council's rates officer on 08 8384 0666.

#### *Water Industry Act 2012*

Certain information obtained under the *Water Industry Act 2012* must be regarded as confidential. However, the regulator of this Act may release information if it deems it is in the public's interest.

### 9. MAINTENANCE AND STORAGE OF PERSONAL INFORMATION

Council takes steps to protect personal information from loss, unauthorised access, misuse, or disclosure. It also works to keep personal information accurate and up to date.

Council has a notification obligation when a data breach is an eligible data breach for the purposes of the Notifiable Data Breach Scheme. For more information regarding NDB scheme click [here](#).

In the event of a data breach involving TFN information, council will notify the Office of the Australian Information Commissioner (OAIC) and affected individuals where there is an eligible data breach; and takes steps to protect and contain personal information from loss, unauthorised access, misuse or disclosure.

Sensitive information will be stored in council's information management system (currently CiAnywhere) and information considered sensitive will be stored in a 'class name' which has restricted access to relevant persons and not in 'Open Access'.

### 10. ACCESSING OR AMENDING PERSONAL INFORMATION

Individuals can request access to their personal information by submitting a written request through the *Freedom of Information Act 1991* process. If the information is inaccurate or incomplete, individuals can request an amendment through the same process. More details are available on the [Council's website](#).

In some cases, through the Freedom of Information process council may consult with third parties before sharing personal information. If no personal information is shared, consultation might not be necessary.

### 11. INFORMATION AND RECORDS MANAGEMENT

Official records must be disposed of in compliance with the General Disposal Schedule No. 40 (GDS 40) for Local Government Authorities in South Australia. GDS 40 is accessible via the State Records website at <http://www.archives.sa.gov.au>. Transitory or temporary

records, as well as personal or private records, may be destroyed following normal administrative practices.

Records will be sentenced in accordance with the latest State Records General Disposal Schedule 40, considering any other relevant schedules like GDS 41. For source records scanned into the Electronic Document and Records Management System (EDRMS) by the Information Management Team or other departments, GDS 40 will apply.

## 12. BUSINESS INFORMATION

In accordance with the *Local Government Act 1999* and the *Freedom of Information Act 1991*, certain contract or tender information may become publicly available. For more details, see the Procurement Policy.

## 13. THIRD PARTY PRIVACY PRACTICES

Our Internet Service Provider collects and maintains a record of anonymous traffic data for statistical purposes.

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.

Council uses a range of third-party software. By using these services, you will be bound to the privacy statements and terms and conditions of those sites, and therefore we encourage you to read and have a full understanding of what their policies are, for example:

- Mailchimp is used for electronic newsletters provided to subscribers about the Council and goods and services supplied by the Council. For further information about the type of information Mailchimp collects, refer to Mailchimp's Privacy Policy and Terms of Use.
- Mentimeter may be used for online questionnaires which allow us to engage with our community through presentations on smart devices. For further information about the type of information Mentimeter collects, refer to Mentimeter's Privacy Policy and Terms and conditions.

## 14. GRIEVANCE PROCESS

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

## 15. RELEVANT LEGISLATION

*Copyright Act 1968 (Cth)*

*Freedom of Information Act 1991*

*Independent Commission Against Corruption Act 2012*

*Local Government Act 1999*

*Ombudsman Act 1972*

*State Records Act 1997*

*Water Industry Act 2012*

*Privacy Act 1988 (Cth)* (limited to *Privacy (Tax File Number) Rule 2015* and *Notifiable Data Breaches Scheme*)

*Premier and Cabinet Circular PC012 - Information Privacy Principles (IPPS) Instructions*