



PRIVACY POLICY

Policy Type:	Council
Responsible Department:	Business Support & Improvement
Responsible Officer:	Manager Business Systems and Solutions
Related Policies and Procedures	<ul style="list-style-type: none"> • Freedom of Information Statement • Open Data Policy • Information Management Policy • Information Classification Procedure • Employee Code of Conduct • Model Behavioural Management Policy • Customer Complaint Policy • Procurement Policy
Community Plan Link	Civic Leadership 4.1 We have strong leadership and governance Civic Leadership 4.3 Our business systems are effective and transparent
Date Adopted	26 June 2023
Last review date	
Next review date	March 2026
Reference/Version Number	Version 3
ECM Doc set I.D.	2293471

1. PURPOSE

City of Unley ('Council') recognises the importance of protecting the privacy of our community, staff, and stakeholders. This policy outlines Council's position on the collection, use, storage, and disclosure of personal information, and how Council will adopt a best practice approach to managing personal information and data to ensure the protection of privacy.

2. SCOPE

This policy applies to:

- Council staff
- Elected members
- Volunteers
- Work experience placements
- Trainees
- Software vendors

- Independent contractors and consultants, and all people with access to Council information systems and stores, whether electronic or physical.

3. POLICY

Council is committed to maintaining a culture that values and protects privacy. Council acknowledges that the principles outlined in the below legislation, while not directly applicable to Councils in South Australia, provide appropriate standards for privacy protection and will be applied within Council:

- Privacy Act 1988
- Australian Privacy Principles (APPs)
- Department Premier and Cabinet Information Privacy Principles (IPPS) Instruction 2020

3.1. Collection of personal information

All information will be collected in a fair and lawful manner as required / permitted by Local Government legislation or other legislation relevant to Local Government services. Where reasonable and practical, the purpose for collecting personal information will be made clear and that the collection is authorised and / or required by legislation.

Where reasonable to do so, information will be obtained directly from the person to which the information pertains, however information may also be received via other agencies or avenues including but not limited to:

- Other Local, State, or Federal Government agencies
- Third parties such as conveyancers, community, or health care organisations
- SA Water
- Market or customer research organisations
- Forms, communications, and enquiries
- Administration of Council activities
- Other ratepayers, residents, or members of the broader community

The type of personal information that is collected and held will depend on the services provided to residents, rate payers, and the broader community, and may include but is not limited to:

- Name and address (including postal, residential, social media, and / or email addresses)
- Telephone numbers
- Age and / or date of birth
- Property ownership and / or occupier details
- Details of resident's / ratepayer's spouse, partner, family, or household members
- Health and disability information
- Animal ownership
- Electoral roll details
- Financial, rental, or income details
- Pensioner / concession information
- Payment history and financial information, including bank account details
- Community service membership details

In collecting personal information, Council assumes that:

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

Council will record such personal information in good faith and endeavour to ensure that personal information is up to date and accurate, however this may not involve a considered review. It is the responsibility of the resident and / or ratepayer to provide Council with details of any changes to their personal information as soon as practicable following such a change.

3.2. Maintenance and Storage of Personal Information

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

Council will maintain its corporate and record keeping systems to ensure that all personal information collected is up to date and complete as is reasonably practical.

If personal information is no longer required for the purpose of conducting Council business and the information is:

- a) Not contained in a Commonwealth record; and
- b) Not required by or under an Australian Federal, State, or Local court / tribunal order; and
- c) Not required to be retained under Federal, State, or Local legislation

Council will take such steps as are reasonable to destroy the information or to ensure that it is de-identified.

3.3. Use of personal information

All personal information collected by Council is to be used only for the purpose of conducting and enabling Council business in accordance with the Local Government Act 1999 and other relevant Acts under which Council is charged with any responsibility, and in the provision of Council services or community engagement.

Council is committed to only using information for the purpose of conducting Council business. Personal information collected by one department is held by Council as an agency and may be used in carrying out functions or services in other areas of Council.

Any person who, on behalf of Council, uses or discloses personal information held by the Council must have appropriate authorisation to do so.

3.4. Disclosing or releasing information

Council will not provide personal information it holds on residents, ratepayers, or the community to third parties except where:

- a) The person to which the information relates has expressly or implied consent to the disclosure
- b) The provision of personal information is for the purpose of distributing materials or information related to Council business (e.g., the provision of information relevant for the distribution of Rates Notices)

- c) The third party has been contacted by Council to provide advice or services for the sole purpose of assisting Council to undertake its business and / or provide benefits to residents and / or ratepayers (e.g., State Electoral Office, Office of the Valuer General, insurers)
- d) Council is required by court order or legislation to provide personal information to a third party (e.g., provision of personal information to the Electoral Commission SA, Ombudsman enquiries, Dog Register etc) or to the public at large 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
- e) Where the resident and / or ratepayer has been advised of Council's usual practice of disclosing personal information to that third party or a third party of that type for a particular purpose and the disclosure is consistent with that purpose
- f) Council is required under a funding agreement
- g) It pertains to public notification required and related to lodgement of a development application
- h) Disclosure is required to prevent or lessen a serious threat to the life or health of some person(s)
- i) Disclosure is part of an investigation into unlawful or suspected unlawful activity, or it is believed that a person has engaged or may engage in illegal or serious misconduct
- j) A document containing personal information is tabled at a Council or Council Committee meeting (which may be publicly available on Council's website e.g., petitions)

As a matter of principle, Council will not include personal details in public reports but rather extract a summary of the contents for use in the report, unless the relevant legislation requires such information to be declared (e.g., respondents to a development application under the Planning, Development and Infrastructure Act 2016). When a person elects to bring a matter to Council, their name and address may be used in public reports as required under Council, using open and transparent meeting and reporting principles, to ensure Council is fully informed.

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.

Council does not accept any responsibility for any loss or damage suffered by a person or persons 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.

Council will take reasonable steps to ensure that personal information is not provided to a third party located overseas unless required by law or court / tribunal order.

Council collects personal information through the provision of programs and services to children, young people, people living with a disability, elderly people, and other members of the community. This information will not be shared without the individuals / groups consent unless there is a legitimate reason to share information without consent if it is believed that failure to share information will lead to risk of serious harm.

3.5. Accessing or amending personal information

A person wishing to access the personal information that Council holds in relation to them can do so by contacting Council. The person making the request will need to satisfy Council of their identity prior to information being released and may need to pay a prescribed fee. Requests for access to personal information that is not publicly available will be responded to in a timely manner, having regard to the nature of the information requested.

If the resident and / or ratepayer can show that the personal information held by Council is inaccurate or incomplete, Council will take the appropriate steps to have it amended.

3.6. Suppression of personal information

Personal information may be suppressed from Council's Assessment Record and from Council's Voters Roll where the Chief Executive Officer of Council is satisfied that the inclusion of the name and / or address on the Assessment Records 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 Experience staff.

3.7. Information and data sharing

Council aims to proactively share and publish non-sensitive or personal information and data which can be used and reused for the benefits of individuals, the community, other government agencies, researchers, and businesses. This includes information both in physical and various electronic formats.

Information may be released where it does not breach the principles outlined within this policy and where Council is the custodian, or licenced user of the information. For further information on how Council publishes and shares information, refer to the Open Data Policy.

3.8. Freedom of Information

Council may release personal information to others if requested in accordance with the Freedom of Information Act 1991 (FOI). The FOI applicant will be required to satisfy Council as to their identity, the purpose of the request, and pay the prescribed fee. In some circumstances, the Act requires Council to consult with a person to obtain their view on the release of the information. 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.

3.9. Contract and tender information

During procurement processes Council may receive confidential information from third parties wishing to form contractual relationships with Council for the provision of goods, works 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.

3.10. Grievance and complaints process

Persons that have any concerns regarding how Council handles personal information or required further information should contact the Customer Experience staff in the first instance.

If Customer Experience staff cannot satisfy the persons concerns, the person may lodge a formal complaint. Formal complaints should be made in writing to:

Chief Executive Officer

City of Unley

PO Box 1

Unley SA 5061

4. DEFINITIONS

Access	The provision of personal information to a person in any manner the Council deems fit and in accordance with this Policy.
Collection	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.
Consent	Voluntary agreement to some act, practice or purpose.
Disclosure	The release of information to persons or organisations outside Council. It does not include giving individuals information about themselves.
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 in: <ul style="list-style-type: none">a) Generally available publicationsb) Material kept in public records and archives such as the Commonwealth or State archivesc) Anything kept in a library, art gallery or museum for the purpose of reference, study or exhibition
Sensitive Information	<ul style="list-style-type: none">a) Information or an opinion about an individual's:<ul style="list-style-type: none">i. racial or ethnic origin; orii. political opinions; oriii. membership of a political association; or

	<ul style="list-style-type: none"> 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 orientation or practices; or ix. criminal record; <p>that is also personal information; or</p> <ul style="list-style-type: none"> b) Health information about an individual; or c) Genetic information about an individual that is not otherwise health information; or d) Biometric information that is to be used for the purpose of automated biometric verification or biometric identification; or e) Biometric templates; or f) Employment; or g) Financial status
Use	The handling of personal information within Council including the inclusion of information in a publication.

5. LEGISLATION

- *Local Government Act 1999*
- *Freedom of Information Act 1991*
- *Planning, Development and Infrastructure Act 2016*
- *State Records Act 1997*

6. AVAILABILITY OF POLICY

The Policy can be downloaded, free of charge, from Council's website www.unley.sa.gov.au.

A printed copy can be provided free of charge on request at:

The Civic Centre,
181 Unley Road
Unley SA 5061

7. DOCUMENT HISTORY

Date	Ref/Version No.	Comment
11 August 2014	New policy	Policy endorsed C1223
29 June 2023	Updated policy	Policy endorsed C1072/23