



**APPLIES TO ADMINISTRATIVE POLICIES ONLY**

This an official copy of the **Information Privacy Policy**, made in accordance with the provisions of *Local Government Act 2009, Local Government Regulation 2012, Information Privacy Act 2009, Right to Information Act 2009* and current Council Policies. The **Information Privacy Policy** is approved by the Chief Executive Officer of Mount Isa City Council as an **Administrative Policy** for the operations and procedures of Council.

This Policy serves as Staff Instruction and is not a Council Policy adopted by Council resolution. It does not therefore form part of the Council Policy Register. It is recorded under the Administrative Policy Register and is managed by the Chief Executive Officer and distributed to staff for their instruction.

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 Sharon Ibardolaza  
**Chief Executive Officer**

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## 1. PURPOSE

Mount Isa City Council ("Council") collects and manages personal information in the course of performing its activities and duties. Council respects the privacy of all the personal information it holds. The way in which Council manages the personal information it holds is governed by the *Information Privacy Act 2009* (QLD) ("the IP Act"). This policy outlines how Council will manage personal information in accordance with the requirements of the IP Act.

## 2. COMMENCEMENT

This policy will commence on and from 4 June 2018. It replaces all other policies or arrangements governing information privacy (whether written or not).

## 3. APPLICATION

This policy applies to employees, agents and contractors (including temporary contractors) of Council, collectively referred to in this policy as "employees" in their handling of personal information.

## 4. WHAT IS PERSONAL INFORMATION

4.1 Personal Information is any information about an individual, which allows their identity to be reasonably determined. It is defined in the IP Act;

*'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'.*

Examples of personal information include a person's;

- a) Name or address;
- b) Signature;
- c) Email address;
- d) Date of birth;
- e) Drivers licence number or details;
- f) Unlisted phone numbers;
- g) Physical characteristics such as height, tattoos, birthmarks and psychological profiles;
- h) Sensitive information such as political beliefs, medical records, disabilities or sexual preferences.

## 5. PRIVACY OBLIGATIONS

5.1 Council collects and uses personal information of residents and Council employees for the purpose of ensuring that Council business is conducted efficiently and effectively and to meet our statutory obligations. Council only collects personal information that is directly relevant and necessary for its operations.

5.2 Council will comply with the Information Privacy Principles ("IPP's") contained in the IP Act; more specifically;

- 1) Collection of Personal Information (lawful and fair);
- 2) Collection of Personal Information (requested from an individual);
- 3) Collection of Personal Information (relevance);
- 4) Storage and Security of Personal Information;
- 5) Providing Information about Documents containing Personal Information;
- 6) Access to Documents Containing Personal Information;
- 7) Amendment of Documents Containing Personal Information;

- 8) Checking of Accuracy of Personal Information before use by Council;
- 9) Use of Personal Information only for Relevant Purpose;
- 10) Limits on Use of Personal Information;
- 11) Limits on Disclosure.

5.3 In accordance with the IP Act, Council aims to ensure that all personal information held by Council or under the control of Council, is collected and managed in accordance with the IPP's prescribed by the IP Act.

Council is committed to meeting its legal requirements under the IP Act by;

- a) Complying with the Information Privacy Principles;
- b) Not transferring personal information out of Australia unless the transfer complies with s33 of the IP Act; and
- c) Taking reasonable steps to make contractors subject to the IP Act where required by Chapter 2, Part 4.

## **6. ACCESS TO NON-PERSONAL INFORMATION**

- 6.1 The *Right to Information Act 2009* ("RTI Act") extends a right of access to information in the government's possession or under the government's control unless, on balance, it is contrary to public interest to give the access.
- 6.2 Council is subject to the RTI Act and accordingly acknowledges the right of the public to obtain information about Council's structure, policies and activities unless disclosure would, on balance, be contrary to the public interest and is committed to ensuring that personal information held about them by Council is up-to-date, accurate and complete.
- 6.3 Council is committed to providing, as far as possible, an open, accountable and transparent environment which enables members of the public access to Council documents which do not require recourse to formal procedures in the RTI Act. However, there will be occasions when it is necessary or appropriate to make an application under the RTI Act, for instance, where third party or sensitive non-personal information is requested, or where there are grounds for considering that the documents may be exempt from access under the RTI Act.

## **7. DISCLOSURE STATEMENT ON COUNCIL DOCUMENTS**

- 7.1 All forms used by Council collect information, where such information includes personal information about an individual, the form will carry the following notice;

*"Mount Isa City Council is collecting your personal information on this form in order to comply with its responsibilities and obligations as a Local Government. The information will only be accessed by authorised Council employees who have a legitimate need for the information to process applications, requests etc. Your personal information will not be given to any other person or agency unless you have given us permission to do so or we are required to do so by law".*

## **8. ANONYMITY**

- 8.1 Wherever it is lawful and practicable, individuals will have the option of not identifying themselves when entering into transactions with the Council.

## **9. COMPLAINTS**

- 9.1 Where an individual is not satisfied with the manner in which Council has handled the collection, management, use or disclosure of their personal information, they may lodge a formal complaint under Councils Privacy Complaints Policy. A copy of the Privacy Complaints Policy can be found on our website.

## 10. COLLECTION OF PRIVATE INFORMATION

- 10.1 Council will only collect personal information if it is relevant and required for a lawful purpose relating to a Council business function or service delivery.
- 10.2 When Council collects personal information and if requested, we will let the person providing the information know;
- The reason the information is being requested;
  - The law (if any) requiring the collection; and
  - Who the information may be disclosed to (if any).

## 11. STORAGE AND SECURITY

- 11.1 Once Council receives personal information, we become responsible for protecting that information from loss, unauthorised dealings and any other misuse. Council will take all reasonable steps to protect all personal information from;
- Unauthorised access;
  - Inappropriate use;
  - Inappropriate modification;
  - Inappropriate disclosure; and
  - Loss.

## 12. VARIATIONS

- 12.1 Council reserves the right to vary, replace or terminate this policy from time to time.

### ASSOCIATED LEGISLATION AND POLICIES

- Information Privacy Act 2009*
- Right to Information Act 2009*
- Information Privacy Complaints Policy