



## **Privacy Policy**

Adopted	17 August 2016
Recommendation Number	19 / 0816
Review Date	August 2018

## **1 Purpose**

The Southern Mallee District Council ('Council') is committed to protecting the privacy of individuals. This Policy outlines how the Council will approach the collection, storage, disclosure and use of personal information.

## **2 Scope**

This policy applies to all people with access to Council information systems and stores (computer-based or otherwise):

- Council staff;
- Council members;
- Volunteers;
- Work experience placements;
- Trainees; and
- Independent contractors and consultants.

## **3 Policy Statement**

This Privacy Policy has adopted principles from the:

- Commonwealth Privacy Act 1988; and
- Department of the Premier and Cabinet's Information Privacy Principles Cabinet Administrative Instruction.

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

Members of the public should be aware that the following principles apply when personal information is being considered and handled within the Southern Mallee District Council.

1. Only information reasonably required for the operation and effective delivery of Council programs and services is collected and maintained.
2. Where possible the full purpose for information collection is disclosed at the time of collection.
3. Information is stored within Council's systems taking into account its need for security and confidentiality.
4. Outside of standard council operations, Council will not, without prior consent, sell or provide personal information unless required to do so by law.

### **3 Policy Statement**

#### **3.1 Collection 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 information
- Property ownership and/or occupier Details
- Dog ownership
- Electoral Roll details
- Payment history
- Financial, rental or income details
- Pensioner/Concession information
- Payment history
- Child Care Forms

All information is collected in a fair and lawful manner and as required/permitted by law. The Council is committed to ensuring that residents and/or ratepayers are aware of the purpose of collection of the information.

In satisfying the collection and use of personal information obligations the Council has to its residents and/or ratepayers, the Council assumes that:

- a. 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
- b. residents and/or ratepayers have the necessary authority to provide any personal information submitted to the Council.

The Council may obtain information concerning ratepayers or residents from a number of sources including Centrelink, the State Electoral Office, Office of the Valuer General, SA Water and from ratepayers and residents. The Council may not necessarily check or verify the accuracy of any personal information it obtains from residents and/or ratepayers or other persons.

It is the responsibility of residents and/or ratepayers to provide the Council with details of any changes to their personal information as soon as reasonably practicable.

### **3 Policy Statement**

#### **3.2 Maintenance and Storage of Personal Information**

The Council will take reasonable steps and use appropriate security mechanisms to ensure that the personal information held by the Council is protected from misuse and loss, and from unauthorised access, modification or disclosure.

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

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

#### **3.3 Use of Personal Information**

The Council will take reasonable steps to:

- use personal information only for a purpose for which it was collected and is relevant; and
- ensure that the information is accurate, up to date and complete prior to use;
- Council will not disclose personal information for a purpose that is not relevant or incidental to, or connected with that purpose, unless:
- Council first takes reasonable steps to obtain the consent of the person concerned to use his or her personal information for that other purpose;
- 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.

### **3 Policy Statement**

#### **3.4 Disclosure of Personal Information**

The Council will not provide personal information it holds on residents and/or ratepayers to third parties, except:

- where the resident and/or ratepayer has made a written request for personal information to be provided to a third party;
- where the provision of personal information is for the purpose of distributing materials for the sole purpose of and on behalf of the Council (eg the provision of address data for use by a mailing service provider to post Rates Notices);
- where the third party has been contracted by the Council to provide advice or services for the sole purpose of assisting the Council to provide benefits to residents and/or ratepayers (eg State Electoral Office, Office of the Valuer General, insurers);
- where the Council is required by legislation to provide personal information to a third party (eg provision of personal information to the State Electoral Office) or to the public at large in accordance with the Local Government Act or to an applicant under the Freedom of Information Act where the information is not otherwise exempt; and
- where the resident and/or ratepayer has been advised of the 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.
- As part of the public notification required and related to lodgement of a development application.

Before the Council will provide personal information to a third party service provider that is subject to the provisions of the Privacy Act, that supplier will be required to provide a signed Privacy Undertaking to Council that it will comply with the Privacy Act and the National Privacy Principles in respect to the collection, use and handling of personal information.

The 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.

The Council does not accept any responsibility for any loss or damage suffered by residents and/or ratepayers because of their reliance on any personal information provided to them by the Council or because of the Council's inability to provide residents and/or ratepayers with any requested personal information.

Before relying on any personal information the Council provides to residents and/or ratepayers, the Council expects that residents and/or ratepayers will first seek confirmation from the Council about the accuracy and currency of such personal information.

### **3 Policy Statement**

#### **3.5 Access to, and Amendment of, Personal Information**

Residents and/or ratepayers who wish to access the personal information that the Council holds in relation to them can do so by contacting the Customer Service staff at either of the Council's Administration Offices. These requests will be dealt with as soon as is reasonably practical, based on the nature of the information requested. The person making the request will need to satisfy Customer Service staff of his/her identity.

For enquires not made in person (e.g. via phone, fax or email), information will only be sent to a currently held postal or residential address, not to return fax, email account or provided over the phone. Information may also be collected from Administration Customer Service staff with prior arrangement, provided that suitable identification is provided at time of collection.

If residents and/or ratepayers can show that the personal information held by Council is not accurate or complete, it will be amended by the Customer Service staff.

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 for members of the public to apply for information from Council.

#### **3.6 Suppression of Personal Information**

A person's name and/or address may be suppressed from the Council's Assessment Record and Voters Roll where the Chief Executive Officer of the Council 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 staff.

#### **3.7 Complaints**

Residents and/or ratepayers who have any concerns regarding how the Council handles personal information or require further information should contact the Customer Service staff at either of the Council's Administration Offices in the first instance.

If Customer Service staff cannot satisfy the residents and/or ratepayers concerns, the person may lodge a formal complaint.

### 3 Policy Statement

#### 3.7 Complaints

Complaints should be made in writing to:

Chief Executive Officer  
Southern Mallee District Council  
Day Street  
Pinnaroo SA 5083.

### 4 Definitions

#### Key Term – Acronym Definition

Access	Providing to an individual, information about himself or herself that is held by the Council. This may include allowing that individual to inspect personal information or to obtain a copy of the personal information.
Collection	Gathering, acquiring or obtaining personal information from any source and by any means, including information that the 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 the 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"><li>➤ generally available publications;</li><li>➤ material kept in public records and archives such as the Commonwealth or State archives; or</li><li>➤ anything kept in a library, art gallery or museum for the purpose of reference, study or exhibition.</li></ul>
Sensitive information	Information or an opinion that may give rise to discriminatory practices based on 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></ul>

- religious beliefs or affirmations;
- philosophical beliefs;
- sexual preferences or practices;
- criminal record; or
- health.

Use                      The handling of personal information within a Council including the inclusion of information in a publication.

## **5 Further Information**

Members of the public may inspect this Policy on Council's website [www.southernmallee.sa.gov.au](http://www.southernmallee.sa.gov.au) and at the principal office of the Southern Mallee District Council at Day Street, Pinnaroo SA 5304.

On payment of a fee, a copy of this Policy may be obtained from the Council, or otherwise may be downloaded for free from the Council's website.

Any queries in relation to this Policy should be directed to the Chief Executive Officer contactable at the principal office on 8577 8002.

## **6 Policy Review**

This policy will be reviewed within two years or as Council requires.

The Council may at any time alter this policy, or substitute a new policy.

## **7 Other Relevant Policies/Procedures**

Nil