

## Personal Information Protection Policy

Approved By: **Council**  
Doc Controller: **Director Corporate and  
Commercial Services**  
File: 4/14/2

Document Code: **CP-CCS-CG-008**  
Version: **4.0**  
Approved Date: **23-Aug-22**  
Next Review Date: **23-Aug-25**

### 1 PURPOSE

The Council is committed to upholding the right to privacy of all individuals who have dealings with the Council. Council is a Personal Information Custodian under the *Personal Information Protection Act 2004*.

This policy sets out the Burnie City Council's approach to managing, handling and protecting the personal information of individuals in accordance with the *Personal Information Protection Act 2004* and relevant State and Federal legislation. This policy does not apply to public information or information within the public domain.

### 2 OBJECTIVE

To inform those who have dealings with Council of the Council's policy on how personal information will be managed.

### 3 SCOPE

The policy covers personal information that is collected, retained, stored and used by the Council where it is necessary for one or more of the Council's functions or activities.

#### What is Personal Information?

Personal information means any information or opinion in any recorded format about an individual –

- (a) whose identity is apparent or is reasonably ascertainable from the information or opinion; and
- (b) who is alive or has not been dead more than 25 years

Examples of personal information held by the Council include; information relating to individual properties and property owners; the names of complainants and objectors; dog registration information; parking infringement information; rates information; and sensitive information such as tax file numbers and health details.

### 4 POLICY

#### 4.1 Appointment of Personal Information Protection Officers

The General Manager will appoint Personal Information Protection Officers to oversee the operation of the Personal Information Policy in consultation with the relevant Director and the General Manager. The Personal Information Protection Officers will liaise with individuals with respect to requests, enquiries and complaints regarding personal information kept by the Council.

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It is appropriate that the Right to Information Officer be appointed to a position of Personal Information Protection Officer. This officer/s will receive customer requests for access to personal information and action these requests; respond to requests in writing; amend personal contact information; and liaise with the relevant departments/sections in relation to information requests and amendments. The Personal Information Protection Officers will consult with the relevant Director and/or the General Manager where appropriate.

### 4.2 Personal Information Protection Principles (PIPP)

#### 4.2.1. Collection

Council will only collect personal information if it is necessary for one or more of its functions or activities. Certain information is collected in order to comply with laws and regulations.

Whenever the Council collects personal information, the information and the reasons for its collection will be shared with the individual upon request. Any written requests for personal information by an individual are to be forwarded to the Council's Personal Information Protection Officer.

Personal information may be obtained from other government bodies to allow Council to undertake its functions under various legislation.

The Council will only use personal information for the purposes for which it was collected and for any other use authorised or required by law, including law enforcement and compliance activities.

At the time that personal information is collected, or as soon as practicable after collection, an individual will be provided with a copy of the Council's Privacy Statement. The Privacy Statement is a summary of the Personal Information Protection Policy and will be readily available and accessible to the public.

#### 4.2.2. Use and Disclosure

It is the Council's policy that personal information will not be divulged to third parties outside the Council for their independent use unless the person to which the information relates has authorised the Council to do so, or the disclosure is required or allowed under the Act or by law.



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The Council and its employees will not sell trade or make available personal information to others.

Information provided by individuals will only be used for the purpose in which it was collected, or a related purpose that could be reasonably expected.

Where the Council out-sources functions that involve the collection, utilisation and/or holding of personal information, contractual measures shall be taken to ensure that the contractors and subcontractors do not act in a way that would amount to a breach of personal information standards. The Council will require that these vendors and service companies maintain the confidentiality of this information and abide by all applicable laws. The Council will not permit third parties to sell or use information for their own purposes.

Contracts with third parties will include clear provisions about the purposes for which the contractor is to use the information and other provisions necessary to ensure the contractor does not make unauthorised disclosures. They will also contain provisions about how the contractor is to keep the information secure, and what it must do with the information when it has completed the contracted out activity.

### **4.2.3. Data Quality**

The Council will take all reasonable steps to ensure that personal information held is accurate, complete and up to date by reviewing its personal information on a regular basis.

### **4.2.4. Data Security**

Personal information will be handled with care and only used for authorised purposes. The Council will take steps to protect the personal information it holds from misuse and loss and from unauthorised access, modification or disclosure.

The Council maintains appropriate security standards and procedures to help prevent access to confidential information by anyone not authorised to access such information. Employees, Councillors, contractors and volunteers are obliged to assist in maintaining security standards and procedures.

Examples of the types of security measures that Council has implemented and will continue to support include:

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- Physical security – Council has adopted measures to prevent unauthorised entry to premises, systems to detect unauthorised access and secure containers for storing paper-based personal information;
- Computer and network security – Council has adopted measures to protect computer systems and networks for storing, processing and transmitting personal information from unauthorised access, modification and disclosure;
- Personnel security – Council has adopted procedural and personnel measures for limiting access to personal information by authorised staff for approved purposes, and implemented controls to minimise security risks to the organisation’s IT systems.

Destruction of physical records containing personal information, including personal records is undertaken in a timely manner in accordance with an approved disposal schedule and by secure means. Reasonable steps to destroy paper documents that contain personal information include shredding, pulping or the disintegration of paper.

All computers and office equipment that are removed from use will have all data removed from the hardware. All reasonable steps will be taken to destroy or permanently de-identify electronic personal information that is no longer needed for any purpose.

### 4.2.5. Openness

The Council has a Privacy Statement, which is a summary of this policy, readily available and accessible to the public. There is a link to the Privacy Statement on Council’s website.

This policy is available to the public at any time.

### 4.2.6. Access and Correction

An individual has a right of access to and right to correct information that Council holds about them. An individual can request access to or amendment of personal information held about them by the Council. The Council will respond to any requests to correct inaccurate information in a timely manner.

Verification of the individual’s identity must be ascertained prior to the provision to them of the information sought. A request must be in writing and sent to the Personal Information Protection Officer,

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### 4.2.7. Unique Identifiers

Unique identifiers are used by council to ensure information passed between systems is correct and to enable council to carry out its functions efficiently. Council's unique identifier will not be disclosed unless required to by law.

### 4.2.8 Anonymity

Wherever it is lawful and practicable to do so, customers will be given the option of not identifying themselves when dealing with Council. However if Council does not receive all of the personal information requested, Council may not be able to adequately respond to correspondence, process applications, or provide services or facilities that have been requested.

### 4.2.9 Disclosure of Information outside Tasmania

Personal information can be disclosed outside Tasmania if authorised by law, as per 4.3 Use of Basic Information, or with the consent of the individual.

### 4.2.10. Sensitive information

Sensitive information is defined as; information or opinion about an individual's racial or ethnic origin, political opinions, membership of a political association, religious beliefs or affiliations, philosophical beliefs, membership of a professional or trade association, membership of a trade union, sexual preferences or practices, criminal record, tax file numbers, health information and financial status.

Sensitive information shall not be collected without express consent and unless the collection is required by law.

## 4.3. Use of basic information

Basic personal information includes an individual's name, address, published phone number or date of birth. Staff need to be aware that some phone numbers are private and consultation with a Personal Information Protection Officer is recommended prior to any release.

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Council may use or disclose personal information about an individual for a purpose other than the primary purpose of collection without the individual's consent if –

- (a) It is a public authority; and
- (b) The information is basic personal information; and
- (c) The use or disclosure is reasonably necessary for the efficient storage and/or use of that information; and
- (d) The information is only used by, or disclosed to, another public sector body.

### 5 LEGISLATION

**Personal Information Protection Act 2004** sets out rules about information handling, including how the Council may collect, use, store and disclose personal information.

**Right to Information Act 2009** provides for greater access to information held by Tasmanian government bodies and encourages proactive disclosure of information held by the Council as well as giving the public access to information upon request.

### 6 RELATED DOCUMENTS

Privacy Statement

| Policy Endorsement          |   |
|-----------------------------|---|
| Responsibility:             | It is the responsibility of the General Manager to appoint Personal Information Protection Officers.<br>It is the responsibility of the Director Corporate and Commercial Services to operationalise and review this policy.<br>The Information Management Coordinator acts as the primary Personal Information Protection Officer. |
| Minute Reference:           | AO156-22  |
| Council Meeting Date:       | 23-Aug-2022   |
| Strategic Plan Reference:   | Strategy 7.3.1<br>Ensure Council remains compliant with all its statutory and regulatory enforcement in a fair and effective manner.  |
| Previous Policies Replaced: | This policy replaces the previous Personal Information Protection Policy CP-CCS-CG-008 version 3.0, approved on 18 July 2017, Item AO172-17.  |
| Date of Commencement:       | 23 Aug 2022   |
| Publication of policy:      | Members of the public may inspect this policy at the City Offices or accessed on Council's website: <a href="http://www.burnie.tas.gov.au">www.burnie.tas.gov.au</a>  |