

	<b>CENTRAL HIGHLANDS REGIONAL COUNCIL POLICY</b>	
	Privacy Policy	<b>POLICY REF NO</b> CHRCP: 0057

## 1.0 Policy Purpose

- 1.1 This policy sets out council’s legislative obligations and establishes a framework for the responsible collection and handling of personal information by council. This policy also affirms council’s commitment to ensuring that personal information held by council is up-to-date, accurate and respected.
- 1.2 The way in which council manages personal information is governed by the *Information Privacy Act 2009* (Qld) (**IP Act**).
- 1.3 This policy provides an overview of the council’s approach in managing personal information in accordance with the requirements of the IP Act.

## 2.0 Policy Statement

- 2.1 Council is committed to managing the personal information that it holds in accordance with the requirements of the IP Act.
- 2.2 Council will comply with the Information Privacy Principles (IPP) contained in the IP Act, namely:
  - 2.2.1 IPP 1: Collection of Personal Information (lawful and fair);
  - 2.2.2 IPP2: Collection of Personal Information (requested from an individual);
  - 2.2.3 IPP3: Collection of Personal Information (relevance);
  - 2.2.4 IPP4: Storage and Security of Personal Information;
  - 2.2.5 IPP5: Providing Information about Documents Containing Personal Information;
  - 2.2.6 IPP6: Access to Documents Containing Personal Information;
  - 2.2.7 IPP7: Amendment of Documents Containing Personal Information;
  - 2.2.8 IPP8: Checking of Accuracy of Personal Information before use by Council;
  - 2.2.9 IPP 9: Use of Personal Information; and
  - 2.2.10 IPP 10: Limits on Use of Personal Information; and
  - 2.2.11 IPP 11: Limits on Disclosure.

## 3.0 Anonymity

- 3.1 Council will, where it is lawful and practicable, offer individuals the option of not identifying themselves when entering into transactions with the council.

## 4.0 Personal Information

- 4.1 Council collects personal information so that it can properly carry out its functions, powers, operations and commercial activities. This means that the council collects personal information for a range of purposes including:

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Adoption Date: 20/10/2021	Amended Date:	Document Name:
Revolves: Document Set ID: 899234	Review Date:	Page 1 of 6

- 4.1.1 To review and consider any applications or submissions you have submitted to council (e.g. development and building applications, applications for food or entertainment permits);
- 4.1.2 To process any council related payments or transactions which you make with us (e.g. payment of your council rates), and to identify you and protect you from unauthorised access to your person or council account information;
- 4.1.3 To carry out any council inspections (e.g. building inspections or health inspections);
- 4.1.4 To facilitate and organise civic and council's community, cultural, corporate, local, national and international events, functions, forums and programs (including citizenship, prizes and awards ceremonies), and where necessary to check your eligibility and record your attendance at such events;
- 4.1.5 To inform you of council and local news and developments or to notify you of council related developments or events which you have requested to be notified of (e.g. council newsletters and notices);
- 4.1.6 A council volunteer, and to administer and coordinate council's volunteer programs and to communicate with our volunteers;
- 4.1.7 To answer any search requests submitted by a member of the public for publicly available information (e.g. property-related searches);
- 4.1.8 To register your pets and animals;
- 4.1.9 To respond to any communications and correspondence you send us (which includes answering any queries, and dealing with any feedback or complaints you have);
- 4.1.10 If you are a council employee or have applied for employment at council – to process your employment application, and to process any employment related tasks at any time (e.g. to verify employment related matters and information, grant you building and IT access, to manage your salary arrangements);
- 4.1.11 To investigate any complaints lodged by you in connection with council, its employees, or its functions and activities;
- 4.1.12 To provide you with any council information, services or products you have requested or are designed to better serve or promote the Central Highlands Region;
- 4.1.13 To assist us to determine your needs and requirements to enable us to provide you with the appropriate council services and information you have requested (e.g. to direct your call or enquiry to the relevant council department who can assist you);
- 4.1.14 To maintain any council information databases, records or registers including those that are required under Federal or State legislation;
- 4.1.15 To administer and enforce any legislation which council is required to administer and enforce;
- 4.1.16 To verify any information you have provided to us;
- 4.1.17 To get in touch with you should we need to;
- 4.1.18 To provide services in respect of council-owned software;
- 4.1.19 To take any other further action which we are required or authorised by law to take, including any investigative, enforcement and recovery action; and
- 4.1.20 To otherwise perform our functions, duties and activities.

4.2 For council to properly carry out its functions, powers, operations and commercial activities listed in paragraph 4.1 Council may collect a range of personal information including:

- 4.2.1 Names;
- 4.2.2 Residential Address;
- 4.2.3 Dates of birth and gender;
- 4.2.4 Contact details including email addresses and telephone numbers;

Electronic version current – uncontrolled copy valid only at time of printing

Adoption Date: 20/10/2021	Amended Date:	Document Name:
Revolves: Document Set ID: 899234	Review Date:	Page 2 of 6

4.2.5 Photo and video images (for example, from security cameras at council controlled venues or the use of body worn cameras); and

4.2.6 Employment related personal information including personnel files.

4.3 Visits to council's website are monitored to assist in understanding the areas of interest to visitors of our website. For statistical and site design purposes, council makes a record of your visit in log files on the server. The information collected about site visits is usually in the form of "cookies".

4.4 The information council collects on site visits includes:

4.4.1 Your server address;

4.4.2 Your top-level domain name (e.g. .com, .gov, .au, .org, etc);

4.4.3 The date and time of your visit to our website;

4.4.4 The pages you accessed and the documents you downloaded;

4.4.5 The previous site visited; and

4.4.6 Your browser type.

4.5 All electronic mail messages sent to enquiries@chrc.qld.gov.au or other council email address ending in @chrc.qld.gov.au become part of Council's records and may be retrieved by a keyword searchable archive in accordance with the *Public Records Act 2002* (Qld). Further, persons other than the intended recipient may access your electronic mail messages under the *Right to Information Act 2009* (RTI Act).

4.6 As far as possible, council will collect personal information directly from you (e.g., during personal meetings, phone conversations, from the council's website or social media or during Council's interactions with you including by correspondence or when considering your enquiries, complaints or applications.)

4.7 However, in certain circumstances, we may collect your personal information from a third party:

4.7.1 If you are a minor – your parents or guardian;

4.7.2 Other Government departments and bodies (e.g. the Department of Communities); and

4.7.3 Your current or former employer or relevant person (e.g. to obtain a reference check if you are applying for employment with the Council).

## 5.0 Privacy obligations

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

5.1.1 Complying with the Information Privacy Principles (IPPs);

5.1.2 Not transferring personal information out of Australia unless the transfer complies with section 33 of the IP Act; and

5.1.3 Taking reasonable steps to make contractors subject to the IP Act where required by Chapter 2, Part 4.

## 6.0 Disclosure of personal information

6.1 Council will not disclose your personal information unless:

6.1.1 Council has obtained your express or implied consent;

6.1.2 Disclosure is required or authorised by law;

6.1.3 The information is necessary for council or a law enforcement agency to perform its functions, duties and activities (including, but not limited to, the prevention, detection, investigation, prosecution or punishment of criminal offences);

Electronic version current – uncontrolled copy valid only at time of printing

Adoption Date: 20/10/2021

Amended Date:

Document Name:

Replaces:  
Document Set ID: 899234

Review Date:

Page 3 of 6

- 6.1.4 Disclosure is necessary for research, or the compilation or analysis of statistics in the public interest (in which case your personal information will be de-identified); or
- 6.1.5 Council believes that the disclosure is necessary to lessen or prevent serious through to the life, health, safety of a person, or to public health, safety or welfare.

6.2 In carrying out council’s functions, duties and activities your personal information may be disclosed to:

- 6.2.1 Internal council departments;
- 6.2.2 Elected Councillors and the office of the Mayor;
- 6.2.3 Council’s related entities which are controlled by council;
- 6.2.4 Bodies council is authorised or required by law to disclose such information (e.g. law enforcement agencies, the Courts, Federal and State Departments, public sector bodies and government agencies);
- 6.2.5 Other public or private sector bodies who provide funding to council in connection with certain council initiatives or with whom council partners to deliver certain services;
- 6.2.6 To our professional advisers, contractors or service providers who we have engaged or appointed to carry out, or advise us on, council’s functions, duties or activities. Provided that our professional advisers, contractors or service providers adhere to the relevant provisions of the IP and RTI Act;
- 6.2.7 Any parties with whom council has entered into an arrangement (e.g. a joint venture partner or contractor) for the carting out of council’s functions, duties or activities;
- 6.2.8 Any specific parties which council has advised you of at the time the relevant personal information is collected; and
- 6.2.9 Any other entities, with your express or implied agreement.

## 7.0 Storage of personal information

7.1 Council stores the personal information it collects in secure locations and databases. Council takes precautions to protect your personal information against loss, and unauthorised access, use, modification, disclosure or other forms of misuse. Some examples of the safeguards Council uses to protect your personal information include:

- 7.1.1 Password protection on council computers;
- 7.1.2 Restricted access to documents within council computers and databases;
- 7.1.3 Restricted access to council offices;
- 7.1.4 Induction and training council employees on council’s information security and confidentiality procedures;
- 7.1.5 Regular back up of council databases; and
- 7.1.6 Council policies on the use and storage of data.

## 8.0 Access to your personal information

- 8.1 If you wish to have access to any documents held by council which contain your personal information, please contact us.
- 8.2 Council may ask you to make your request in writing and provide us with evidence of your identity.
- 8.3 Under certain circumstances under the IP Act Council may not be able to provide you with the access you requested.

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Adoption Date: 20/10/2021	Amended Date:	Document Name:
Replaces: Document Set ID: 899234	Review Date:	Page 4 of 6

## 9.0 Information Security

9.1 Council will adhere to the mandatory principles on Information Standard 18 – Information Security for the protection of its information assets. Council will develop, document, implement, maintain and review appropriate security controls to protect the information held.

## 10.0 Complaints

10.1 If an individual is not satisfied with the manner in which council has handled the collection, management, use or disclosure of their personal information, you may lodge a formal complaint under the Administrative Action Complaints Policy, a copy of which can be found on council's website.

10.2 Council will:

10.2.1 Within seven (7) days of receiving your complaint – acknowledge receipt of your complaint; and

10.2.2 Within forty-five (45) business days of receiving your complaint – investigate the circumstances of your complaint and provide you with a response.

10.2.3 Despite the above, endeavour to respond, investigate and resolve your complaint in a prompt manner, within a reasonable timeframe.

## 11.0 Access (Non-personal information)

11.1 The RTI Act extends a right of access to information in council's possession or under council's control unless, on balance, it is contrary to the public interest to give the access.

11.2 Council 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.

## 12.0 Definitions

12.1 **Cookies** means small pieces of information (text) which a website can transfer to an individual's computer hard drive for record keeping. Cookies can reside on an individuals machine for a fixed period or expire at the end of an internet session.

12.2 **Document** means documents in the possession of, or under the control of, council whether created or received by council. Documents may be in the possession of, or under the control of, a Councillor or staff member of council in that person's official capacity. Documents may be items in hard copy or electronic format, including files, reports, emails or other correspondence, computer printouts, maps, plans, photographs, and recordings.

12.3 **IP Act** means the *Information Privacy Act 2009*.

12.4 **Personal Information** means any information or opinion (including information or an opinion forming part of a database) about an individual whose identity is apparent or can reasonably be ascertained from the information or opinion – whether the information or opinion is true or not, and whether or not the information or opinion is recorded in a material form. Information about a company or someone deceased is not regarded as personal information. Information generally available to the public (magazines, newspapers, annual reports etc) is not considered personal information.

12.5 **RTI** means the *Right to Information Act 2009*.

Electronic version current – uncontrolled copy valid only at time of printing

Adoption Date: 20/10/2021	Amended Date:	Document Name:
Replaces: Document Set ID: 899234	Review Date:	Page 5 of 6

12.6 **Individual** means a natural person.

<b>Strategic Link</b>	<a href="#">Chapter 2, Information Privacy Act 2009</a> Information Privacy Regulation 2009 <a href="#">s 3, Right to Information Act 2009</a> Public Records Act 2002 Office of the Information Commission
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<b>Record Keeping</b>	ECM, Council Website, Vine
<b>Related Documents</b>	Records Governance Policy (Queensland State Archivist)

Electronic version current – uncontrolled copy valid only at time of printing

Adoption Date: 20/10/2021	Amended Date:	Document Name:
Revolves: Document Set ID: 899234	Review Date:	Page 6 of 6
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