



George Town Council

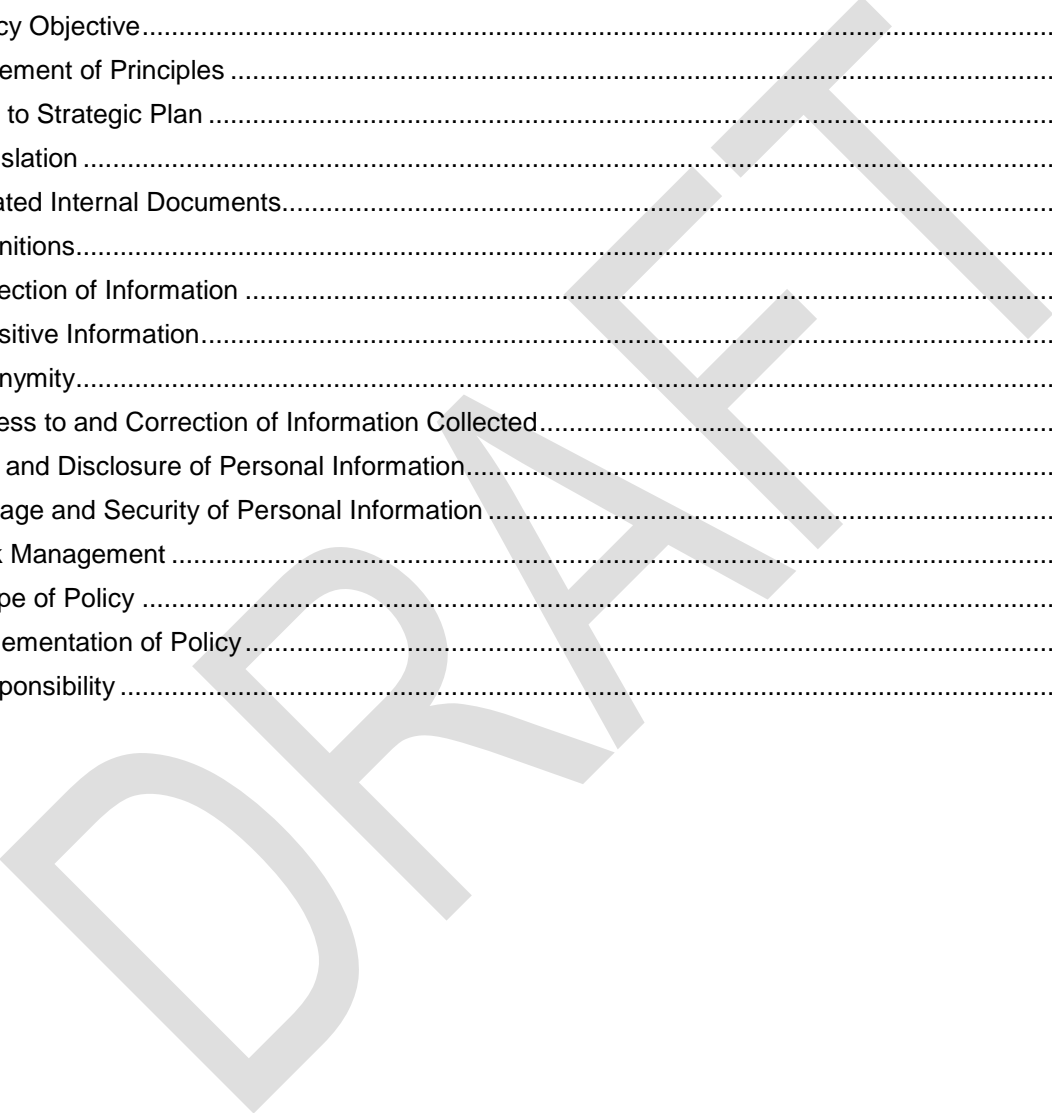
DRAFT Personal Information Protection Policy

Policy No. 2 - Version 2

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Introduction

Council collects, retains, stores and uses personal information where it is necessary for one or more of Council's functions and activities.

Under the Personal Information Protection Act 2004 (*the Act*), Council is the custodian of that information and the collection, use and disclosure of information which is to be used by Council is governed by the Act.

Background

The Personal Information Protection Act 2004 regulates the collection, maintenance, use and disclosure of personal information by individuals and organisations specified in the Act as "personal information custodians". Council is the custodian of that information and the collection, use and disclosure of information which is to be used by Council is governed by the Act.

Policy Statement

Council has a statutory requirement to observe and apply the Privacy and Personal Information Protection Act for the provision of personal information to the public and customers of Council.

Policy Objective

In accordance with Personal Information Protection Principle 5 (Schedule 1 of the Act), this Policy contains the practices put in place by Council for the management and protection of personal information collected in accordance with the Personal Information Protection Act 2004.

Statement of Principles

Council agrees to collect, use and disclose information provided to it in accordance with the ten Personal Information Protection Principles (PIPPs) contained within Schedule 1 of the Act, namely:

1. Collection.
2. Use and Disclosure.
3. Data Quality.
4. Data Security.
5. Openness.
6. Access and Correction.
7. Identifiers.
8. Anonymity.
9. Disclosure of information outside Tasmania.
10. Sensitive Information.

Link to Strategic Plan

Key values of Council detailed in the Strategic Plan have relevance to the collection and management of personal information namely, accountability, openness and responsibility.

Link to Strategic Plan (Cont.)

George Town Council Strategic Plan 2012-2017

Goal 1: To be a responsible, accountable local government.

Strategy: Providing and maintaining a high standard of governance and accountability.

Objective: Ensure best practice and risk management processes are observed.

Legislation

The following legislation should be considered in conjunction with this policy:

- Personal Information Protection Act 2004;
- Privacy Act 1988;
- Right to Information Act 2009; and
- Local Government Act 1993.

Related Internal Documents

- George Town Council Right to Information Policy No. 28
- George Town Council Risk Management Policy No. 33

Definitions

“workers” means all Council employees, elected members, contractors and volunteers.

“the Act” in this instance refers to the Personal Information Protection Act 2004.

Other key terms mentioned within this Policy are contained within the Personal Information Protect Act 2004.

Collection of Information

The type of personal information collected by the Council includes names, addresses and telephone numbers, together with any specific information about a person that may be required for the purpose of discharging our functions across the organisation.

Council is committed to upholding the right to privacy of all individuals who have dealings with the Council and endeavours to ensure that the personal information we hold is accurate, complete and up to date. Where practicable, we will check on the accuracy of your personal information before we use it.

Sensitive Information

Sensitive Information can include information relating to health, criminal record, racial origin and sexual preferences.

Generally, the Council will only collect sensitive information with consent of the person if it is necessary, or if the collection of that information is required or permitted by law.

Anonymity

If a member of the general public is making a general enquiry, it may not be necessary for them to identify themselves. However, identification may be required if a person is making a specific enquiry, wishing to use a Council service, or making an application to Council.

Access to and Correction of Information Collected

The Act provides that members of the general public can access their personal information that is held by Council in accordance with the provisions of the Right to Information Act 2009 (Section 13).

Requests to access or correct, personal information held by the George Town Council will be processed in accordance with the provisions of the Right to Information Act 2009. For further information see www.georgetown.tas.gov.au or contact Council on 6382 8800 or refer to Council's Policy "Right to Information Policy" for further information.

Depending upon the nature of the request a fee may be charged for this service.

If a person is not satisfied with the handling or outcome of a request for access to, or correction of, their personal information, a complaint can be lodged with the Ombudsman. The Ombudsman's Office can be contacted on 03 6233 6217, or 1800 001 170 (cost of local call outside Hobart area), and by email at ombudsman@ombudsman.tas.gov.au

Use and Disclosure of Personal Information

Council will only use personal information for the purposes for which it was collected or for other purposes only when it has the consent of the person or if it is required or authorised by Law.

It will not reveal personal information to third parties outside the Council for their independent use, unless authorised to do so, or the disclosure is required by a Court or Tribunal or otherwise allowed by Law. Council will not sell, trade or make available personal information to others.

Personal information will be used only for the purpose described in the Collection of Information section above. Otherwise, your personal information will only be disclosed with your consent, or if it is required by or authorised by law.

The Act permits the disclosure of "basic personal information" (that is, name, address, date of birth and gender) to other public sector bodies where necessary for the efficient storage and use of information.

Use and Disclosure of Personal Information (Cont.)

Some personal information we have collected may be used in research, statistical analysis, awareness programs, public statements or training, but not in a way which would identify the person to whom it relates.

Personal information in written submissions on policy matters or matters of public consultation may be disclosed in reports that are made public, unless the submission was submitted and/or accepted on a confidential basis.

Storage and Security of Personal Information

Council uses a number of procedural, physical and technical safeguards, including access controls, secure methods of communication and back-up and recovery systems to protect information from misuse and loss, unauthorised access, modification and disclosure.

Council officers will only be provided with access to the information that is necessary for them to carry out their functions within the Council and will be made aware of the importance of confidentiality and customer privacy.

Generally, information is destroyed or permanently de-identified when it is no longer required. However, under the Archives Act 1983, some information is required to be kept for specific periods or permanently.

Risk Management

This Policy aligns itself with objectives for risk management at George Town Council, namely:

- To promote and raise the awareness of risk management practices throughout the organisation; and
- Protect Council's corporate image as a professional, responsible and ethical organisation.

Scope of Policy

This Policy applies to George Town Council workers and the public.

Implementation of Policy

This Policy rescinds Council's previous Personal Information Protection Policy No. 2.

This Policy shall be reviewed every two years by the General Manager and the Executive Team to ensure its continued suitability and effectiveness against relevant legislation and the requirements of Council's Risk Management Strategy.

Responsibility

Responsibility for the operation of this policy rests with the General Manager.