



PERSONAL INFORMATION PROTECTION

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*This Policy has been reclassified under GTC 12 – Policy Governance. A cover sheet with the new title and classification is provided. The content of the previous policy No.2 V.3 remains extant until review.

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1. Introduction

The George Town Council (the Council) collects, retains, stores and uses personal information where it is necessary for one or more of the Council's functions and activities. The Council is the custodian of that information and the collection, use and disclosure of information which is to be used by the Council is governed by the *Personal Information Protection Act 2004 (the Act)*.

The Personal Information Protection Act 2004 Schedule 1 Clause (5)(1) through (3) requires that a personal information custodian must clearly set out in a document its management of personal information. A personal information custodian must make the document available to anyone who asks for it. On request by a person, a personal information custodian must take reasonable steps to advise the person, in general terms, of:

- The sort of personal information it holds; and
- The purposes for which it holds the information; and
- How it collects, holds, uses and discloses that information.

2. Type of Policy

This Policy is recognised as a "Statutory" Policy in accordance with the requirements of Council's Policy Development, Approval and Review Policy No. 9. Council is the approval authority for this Policy.

3. Policy Objective

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

4. Link to Strategic Plan

Goal 05

Ensure Council listens to and understands community needs and continues to make responsible decisions on behalf of the community.

Key Objective 4

Consistently achieve a high standard of internal financial and governance arrangements.

5. Legislative Requirements

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

6. Risk Considerations

A recognised risk would be the Non-compliance with the Personal Information Protection Principles (PIPPs) contained within Schedule 1 of the Act.

Compliance with the PIPPs, the Act and this Policy thereby reduces any risk to Council and therefore the risk is considered to be low.

7. Definitions

“**Council**” means the George Town Council.

“**Personal information custodian**” means a public authority in this instance Council

“**Personal information**” is information or opinion in any recorded format, including photographs, sound and video recordings, about an individual that readily identifies that individual. Information such as a person’s name and address is personal information. Personal information does not include information that is contained in a publicly available record or publication.

“**personal information protection principles**” means the personal information protection principles referred to in section 16 of the Act.

“**PIPPs**” means personal information protection principles

“**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 Protection Act 2004.

8. Policy

Statement of Principles

The 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. Unique identifiers
8. Anonymity
9. Disclosure of information outside Tasmania
10. Sensitive Information

8. Policy (Cont.)

Principle 1 - Collection of Information

In accordance with the requirements of Schedule 1 Clause 1(1) and (2) of the Act, Council will not collect personal information unless the information is necessary for one or more of its functions or activities. Council will only collect personal information by lawful means.

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 will provide details of:

- why it is collecting personal information;
- how that information can be accessed;
- the purpose for which the information is collected;
- with whom Council shares this information;
- any relevant laws; and
- the consequences for the individual if all or part of the information is not collected.

The 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.

Principle 2 – Use and Disclosure

Council will not use or disclose personal information for any purpose other than the primary collection purpose except where permitted in the Act. Where Council outsources or contracts its functions that involve the collection, utilisation and/or holding of personal information, contractual measures shall be taken to ensure that contractors and subcontractors do not act in a way to breach the Act.

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. The Council will not sell, trade or make available personal information to others.

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.

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.

Principle 3 – Data Quality

Council will take reasonable steps to make sure that the personal information it collects uses or discloses is accurate, complete, accurate, up to date and relevant to its functions or activities.

8. Policy (Cont.)

Principle 4 – Data Security

Council will use 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.

Principle 5 – Openness

Council will make publicly available its policy relating to the management of personal information. The Policy will provide general information on the types of personal information Council holds and the purposes for which that information is held and how the Council collects, holds, uses and discloses that information.

Principle 6 – Access and Correction

An individual may request amendment of his or her personal information, if that information is incorrect, incomplete, out of date or misleading.

Requests to access or correct, personal information held by the Council must be in writing by the individual and will be handled in accordance with the provisions of Part 3 of the Act “**Amendment of Personal Information**”.

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 or 1800 801 170 or by email to ombudsman@ombudsman.tas.gov.au

Principle 7 – Unique Identifiers

Council will not assign, adopt, use or disclose or require unique identifiers from individuals other than for the course of Council carrying out any of its functions or it has obtained the consent of the individual to the use of the unique identifier or required by law.

Council will only use or disclose unique identifiers assigned to individuals by other organisations if the individual consents to the use of the unique identifier.

Council will not require an individual to provide a unique identifier in order to obtain a service unless the provision is required or authorised by law or is in connection with the purpose, or a directly related purpose, for which the unique identifier was assigned.

8. Policy (Cont.)

Principle 8 - Anonymity

Council will wherever it is lawful and practicable, provide individuals the option of not identifying themselves when entering transactions with Council.

Principle 9 – Disclosure of Information outside Tasmania

Council will only transfer personal information outside Tasmania if Council believes that the recipient of that information is subject to a law, binding scheme or contract that has principles for fair handling of that information that are substantially similar to the personal information protection principles or if the individual consents to the disclosure.

Council will take all reasonable steps to ensure that the information which it has disclosed is not to be held, used or disclosed by the recipient of the information inconsistently with the personal information protection principles or the disclosure is authorised or required by any other law.

Principle 10 – Sensitive Information

Council will not collect sensitive information about an individual unless the individual has consented or the collection is required or permitted by law.

9. Implementation of Policy

Responsibility for the implementation of this Policy rests with the General Manager.

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Related Council Documents:	<ul style="list-style-type: none">• Policy Development, Approval and Review Policy No. 09• Information Disclosure Strategy (Procedures) No. 6• George Town Council Customer Service Charter Policy No. 8• Information Disclosure Policy No. 28• Risk Management Policy No. 33
Next Review Date:	July 2021 or as required by legislative changes
Publication of Policy:	This Policy will be made publicly available via Council's website.