



# Brighton Council

**POLICY NAME:** Privacy

**POLICY No:** APO6

## **PURPOSE OF POLICY:**

Council is committed to upholding the right to privacy of all individuals who have business dealings with the Council. The Council will take the necessary steps to ensure that personal information that customers share with us remains confidential.

This policy will also serve to regulate and consolidate Council procedures in relation to the handling of personal information.

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.

## **SCOPE:**

Brighton Council employees, elected representatives and contractors of the Council.

## **DEFINITIONS:**

*"Personal information"* is defined as - information or an opinion (including information forming part of a database), whether true or not, and whether recorded in a material form or not, about an individual whose identity is apparent, or can reasonably be ascertained, from the information or opinion. It is therefore, any information which can be used to identify an individual.

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; rates information; and sensitive information such as health details collected on the THAC membership form.

*"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, health information and financial status.

## **POLICY:**

### **The Collection of Personal Information:**

It is the policy of the Council to collect personal information only 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 may be shared with customers upon request. Requests of this nature are to be forwarded to the Council's Privacy Officer.

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.

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

#### **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 by law. The Council and its employees will not sell, trade or make available personal information to others. Information provided by members or the public will only be shared with other Departments within the Council where necessary.

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 privacy standards. The Council will require that these contractors maintain the confidentiality of this information and abide by all applicable laws. The Council will not permit third parties to sell or use the information for their own purposes.

#### **Data Security:**

The Council will take steps to protect the personal information it holds from misuse and loss and from unauthorised access, modification or disclosure.

Employees are responsible for protecting personal information from misuse, loss, corruption or disclosure. Personal information will be handled with care and only used for authorised purposes.

All employees must maintain public confidentiality and respect the privacy of individuals who have dealings with the Council. Employees must treat all personal information as confidential, and sensitive information as highly confidential. Council employees will not disclose any confidential information, use any information to their personal advantage or permit unauthorised access to information.

Requests for information from police, government agencies or anyone outside the Council, regarding customers, is to be directed to the Privacy Officer.

Council files are strictly confidential and under no circumstances should a member of the public have access to files without an employee being present. Employees must also be conscious of security within the office environment when members of the public are present. External customers must not be left unattended with Council files.

Where a complaint or objection is received by the Council by way of letter or verbally or through a Councillor, the identity of the complainant shall not be disclosed to any outside party, without the consent of the complainant or objector.

Disciplinary measures may be taken in the event that employees act in contravention of this policy and fail to accede to the principles of confidentiality and privacy.

Destruction of records containing personal information, including personal records is by secure means. Ordinarily, garbage disposal or recycling of intact documents are not secure means of destruction and should only be used for documents that are already in the public domain. Reasonable steps to destroy paper documents that contain personal information should be shredded. All computers that are removed from use and made available for non-council purposes should have all data removed from the hardware.

**Openness:**

Council has a Privacy Statement (Attachment 'A'), which is a summary of this policy, which is available and accessible to the public. There is a link to the Privacy Statement on the Internet and Intranet. Hard copies of the Privacy Statement can also be obtained from the Privacy Officer.

**Access and Correction:**

Individuals are entitled to access personal information about them that is held by the Council. Individuals are entitled to know generally what sort of personal information the Council holds about them, for what purposes, and how it collects, holds, uses and discloses that information.

Requests for access to such information are to be made in writing and forwarded to the Privacy Officer for action. The Privacy Officer must establish the identity of the individual asking for the information.

If an individual has made a written request for access, the Privacy Officer will acknowledge the request as soon as possible or at least within 7 days of the request. If granting access is straight forward, it may be appropriate to grant access within 14 days, or if providing access is more complicated, within 30 days.

The Council will respond to public requests to correct information in a timely manner.

The Council will provide written reasons when a request for access or correction of personal information is refused.

**ROLES & RESPONSIBILITIES:**

The Governance Manager has been appointed the Privacy Officer to oversee the operation of the Privacy Policy in consultation with the Senior Management Team. The Privacy Officer will liaise with customers with respect to requests, enquiries and complaints regarding personal information kept by the Council.

**REFERENCES:**

*Personal Information Protection Act 2004*

**ADMINISTRATIVE DETAILS:**

Policy compiled:	September 2009
Adopted:	OCM 15/9/09
Reviewed:	September 2011, June 2015, August 2019; August 2021
To be reviewed:	August 2023
Responsibility:	Governance Manager



GENERAL MANAGER

## ATTACHMENT A

## Privacy Statement

The Brighton Council is committed to upholding the right to privacy of all individuals who have dealings with Council. Council will take necessary steps to ensure that personal information that members of the public share with Council remain confidential.

- Personal information is any information, which can be used to identify an individual.
- Council collects, retains, stores and uses personal information where it is necessary for one or more of the Council's functions or activities. Certain information is collected in order to comply with laws and regulations. Whenever Council collects information it will gladly share the reasons with you upon request.
- Council only uses personal information provided by you for the purposes for which it was collected and for any other use authorised or required by law, including law enforcement and compliance activities.
- Council will not collect sensitive information about you without your express consent and unless the collection is required by law.
- Council is committed to maintaining the accuracy of our customers' information. Council will respond to your requests to correct inaccurate information in a timely manner.
- Council has procedures in place to limit access to your personal information to those employees with a business reason for knowing such information. Council employees are educated about the importance of confidentiality and customer privacy.
- Council maintains appropriate security standards and procedures to help prevent access to your confidential information by anyone not authorised to access such information. Examples of these security procedures include, the use of computer passwords; firewalls; network security; restricted access to hard copy records; removal of information from computers when they are displaced from service and shredding of unnecessary documents etc.
- Council will not reveal information about you or your accounts (including statutory planning representations) 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 allowed by law. The Council does not sell, trade or make available your personal information to others.

Sometimes it is necessary to provide information about you, your accounts, or property to a service company that the Council hires to help provide services to you. Where the Council outsources functions that involve the collection, utilisation and/or holding of personal information, contractual measures are taken to ensure that the contractors and subcontractors do not act in a way that would amount to a breach of privacy standards. These contractors are required to maintain the confidentiality of this information and abide by all applicable laws. Council does not permit third parties to sell or use the information for their own purposes.

Please contact the Council if:

- You wish to change your contact details;
- You wish to place a written information access request; or
- You wish to discuss a privacy concern.

Council's contact details are as follows:

Privacy Officer

Brighton Council

1 Tivoli Road

GAGEBROOK TAS 7030

Ph: (03) 6268 7027 or Fax: (03) 6268 7013

E-mail – [admin@brighton.tas.gov.au](mailto:admin@brighton.tas.gov.au)