General Policy

Policy Title: **Information Privacy**

Policy No: 118

Directorate: Executive Services
Responsible Officer: Chief Executive Officer

Adopted Date: General Meeting 15/03/2017
Review Date: 15/03/2019

VERSION	MEETING APPROVED	MEETING DATE	HISTORY
1	General Meeting	11/05/2010	Adopted
2	Policy & Planning	02/04/2013	Reviewed
3	Policy & Planning	01/03/2017	Reviewed

Authorities: *Information Privacy Act 2009*

1. INTRODUCTION

The *Information Privacy Act 2009* outlines the principles regarding privacy of information that must be adhered to by local governments within Queensland.

The *Information Privacy Act 2009* aims to protect the personal information of individuals, as well as provide the right for such information held by the North Burnett Regional Council to be accessed and amended.

Schedule 3 of the Act provides the 11 Information Privacy Principles to provide direction for the collection, storage, security, access, amendment, use and disclosure of personal information and the obligations of Council regarding such information. A summary of these 11 Information Privacy Principles are provided in Attachment A to this Policy.

2. OBJECTIVES

To ensure that Council manages the use, disclosure, quality, security, access and amendment of any personal information in a structured way and in accordance with *Information Privacy Act 2009*.

3. SCOPE

This policy is applicable to every aspect of Council operation and performance pertaining to the collection, use and storage of all personal information and is

applicable to all Council employees, Councillors, volunteers, contractors, consultants and all joint business partners.

4. POLICY STATEMENT

The principles to direct the implementation of this policy are:

- Council will collect, use and store all personal information in accordance with the *Information Privacy Act 2009;*
- Council is responsible for providing information to its staff and community regarding the requirements of personal information protection;
- Council will make the application of the 11 Information Privacy Principles a fundamental aspect of all business operations and performance; and
- All Council employees, Councillors, volunteers, contractors, consultants and joint business partners are required to adhere to the principles of the *Information Privacy Act 2009.*

Chapter 5 of the *Information Privacy Act 2009* provides for an individual to make a complaint about an agency's breach of the privacy. If the complaint is not resolved to the individual's satisfaction, and more than 45 business days has passed since the complaint was made, the individual can take their complaint to the Office of the Information Commissioner.

Council may transfer personal information outside of Australia if there is an agreement with the individual the information is about. The agreement must be fully informed, voluntary, specific, current and given by the individual with the legal capacity to do so. The individual should also be told of any privacy risks that could result from the transfer. An example of transferring information outside of Australia would be placing personal information on the Council website.

5. DEFINITIONS

Personal Information is information or an opinion, including information or an opinion forming a 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 (from S12 of the *Information Privacy Act).*

Appendix A
INFORMATION PRIVACY PRINCIPLES (IPP's)

IPP 1 – Collection of Personal Information is Lawful and Fair

It is important to be as clear and specific as possible about the purpose of collecting the information. This should be communicated to the individual from whom personal information is being collected. Asking for irrelevant personal information will breach **IPP 1** because the irrelevant information is not necessary to fulfil the purpose.

Examples

- collecting information about a group of people when information is only needed about some of the people in the group;
- taking copies of identification where it is only necessary to see it.

IPP 2 – Collection of Personal Information (Requested from Individual by Collection Notice)

Council must give a notice of collection when collecting personal information, or collecting general information that is likely to include personal information, or the information collected is to be included in an internal document or generally available publication. If a collection notice has not been provided at the time of the information collection, then a verbal collection notice may be given. If a verbal notice is given, then a written record of the verbal notice should be documented.

The content of the collection notice must include:

- the purpose of the information collection;
- details of the law that allows or requires the collection of personal information;
- details of any other department or agency that are aware of this information.

IPP 3 – Collection of Personal Information (Relevance)

IPP 3 applies when Council collects personal information by asking for it. **IPP 1** requires Council to identify a specific purpose, one which directly relates to an activity or function whereas **IPP 3** requires that the information be relevant for that purpose.

IPP 4 – Storage and Security of Personal information

Council must ensure that a document containing personal information is protected against loss, unauthorised access, use, modification or disclosure and any other misuse.

IPP 5 – Providing Information about Documents containing Personal Information

Council must take all reasonable steps to ensure that a person can find out –

(a) whether Council has control of any documents containing personal information; and

(b) the type of personal information contained in the documents; and
(c) the main purposes for which the personal information is used;
(d) what the individual could do to obtain access to the document containing such information

IPP 6 & 7 – Access to, and Amendment of, Documents containing Personal Information

IPP 6 – When Council is in control of document containing personal information, it must give the individual access to the document if requested under the formal mechanism. Additionally, there is discretion to refuse access if Council is authorised or required to refuse to give access or the document is excluded from the operation of an access law.

IPP 7 – Requires Council to take all reasonable steps to ensure that any information stored is accurate, including the right for an individual to amend their personal information.

IPP 8 – Checking Accuracy of Personal Information before use

Council is required to take reasonable steps to ensure that personal information is accurate, complete and up to date. If certain information is incorrect, there is potential for severe personal ramifications if used incorrectly.

There are several factors that need to be considered to ensure accuracy. These include:

- the nature of the information;
- how recently the information was collected;
- how quickly the information can go out of date;
- who provided the information; and
- the consequences for the individuals concerned if the data is not sufficiently accurate, complete and up to date.

IPP 9 – Use of personal information only for a relevant purpose

The same principles apply to **IPP 9** as they do in **IPP 3**, however **IPP 9** is only relevant when Council is using personal information.

IPP's 10 & 11 – Use and disclosure

IPP 10 & 11 are very similar and involve the same guidelines. **IPP 10** provides that personal information may only be used for what it was obtained and **IPP 11** states that personal information must not be disclosed outside its originally intended department unless an exception applies.

Departments must carefully examine any laws underpinning the compulsory collection of information to ensure that any subsequent use or disclosure of that information is properly authorised.