



PERSONAL INFORMATION PROTECTION POLICY

TITLE	PERSONAL INFORMATION PROTECTION POLICY
RESPONSIBLE PERSON	MANAGER COMMUNITY RELATIONS
APPROVED BY COUNCIL	16 AUGUST 2005
RESOLUTION NO	153/2005
AMENDED ON	15 JANUARY 2025
RESOLUTION NO	121/2025
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1. PURPOSE

- 1.1. The Sorell Council is committed to upholding the right to privacy of all individuals who have dealings with Council.
- 1.2. This Policy sets out the Sorell Council's approach to managing, handling and protecting the personal information of individuals in accordance with the *Personal Information Protection Act 2004*.

2. SCOPE

- 2.1. This Policy applies to all Council employees, elected members, contractors and volunteers of Council, and covers all personal information held by Council, including:
 - (a) Information Council has collected directly from individuals, as well as information collected from third parties; and
 - (b) All information collected regardless of format and media, e.g. correspondence, forms (paper and electronic), in person, over the telephone or via Council websites.

3. DEFINITIONS

- 3.1. '*Personal Information*' means any information or opinion in any recorded format about an individual whose identity is apparent or is reasonably ascertainable from the information or opinion.
- 3.2. '*Sensitive Information*' means personal information or an opinion relating to personal information about an individual's racial or ethnic origin, political opinions, membership of a political association, religious beliefs or affiliations, beliefs, membership of a professional or trade association, membership of a trade union, preferences or practices, criminal record and health information about an individual.
- 3.3. For the avoidance of doubt both Personal Information and Sensitive Information both constitute confidential information in respect of all other Council policies and procedures.

4. COLLECTION OF PERSONAL INFORMATION

- 4.1. The type of personal information we collect includes names, postal addresses, email addresses and telephone numbers, together with any specific information about a person that may be required for the purpose of discharging our functions. We endeavour to ensure that the personal information we hold is accurate, complete and up to date. Where practicable, we will check on the accuracy of the personal information before we use it. Council will -
 - (a) Only collect personal information if it is necessary for one or more of its functions or activities. In some instances, Council will be required by law to collect personal information.
 - (b) Collect Personal Information about individuals directly from them wherever it is reasonable and practicable to do so.

- (c) Collect personal information only by lawful and fair means and not in an unreasonably intrusive way.
- (d) Only collect sensitive information where an individual has consented or as permitted under the Act.

4.3. If Council collects personal information about an individual from a third party, it will take reasonable steps to make sure that the person is aware of the matters referred to above, unless doing so would pose a serious threat to the life, safety, health or welfare of any individual, or, would prejudice the carrying out of an investigation.

5. COLLECTION OF SENSITIVE INFORMATION

5.1. Sensitive Information includes health information, criminal record, racial origin, religious beliefs and sexual preferences. Generally, Sorell Council will only collect sensitive information with your consent if it is necessary, or if the collection of that information is required by law.

6. USE AND DISCLOSURE OF PERSONAL INFORMATION

6.1. The Council staff members are only provided with or have access to the personal information that is necessary for them to carry out their functions within the Council. All staff members are bound to maintain appropriate confidentiality in relation to information acquired in carrying out their duties.

6.2. In some circumstances, Council needs to disclose a person's information to other organisations. Examples of situations where disclosure may occur include:

- (a) Personal information collected in relation to an individual's property may be forwarded to the Valuer-General and the Australian Bureau of Statistics, the Director of Building Control and the Training Levy Board in accordance with various legislative requirements.
- (b) Personal information included on a subdivision or development application may be forwarded to other State Government agencies in accordance with legislative requirements and made available to the public.
- (c) Pensioner Applications for Rates Remission may be forwarded to Centrelink, the Department of Treasury, the Department of Veterans' affairs and Housing Tasmania.
- (d) Information relating to financial requests, for example a direct debit, may be forwarded to our bank.
- (e) If a workplace incident or other incident or accident occurs, information may be forwarded to our Workers Compensation, public liability or professional indemnity insurers.
- (f) If an individual does not pay their rates, Council may forward their information to the courts and a debt collector may be appointed.

- (g) If infringement notices are not paid, Council may forward an individual's information to the courts, solicitor or the Monetary Penalties Enforcement Unit.
- (h) In order to properly assess an individual's development, building or subdivision application, Council may be required to seek the advice of, or refer the application to other agencies. In doing so, will provide details of the application, including any personal information included on the application to that agency.

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

7. DISCLOSURE OF PERSONAL INFORMATION OUTSIDE TASMANIA

7.1. Council will transfer Personal Information to a region outside Tasmania only if authorised by law or with the consent of the individual.

8. UNIQUE IDENTIFIERS

8.1. Council will not assign unique identifiers to individuals unless the assignments of the identifier is necessary to perform any Council functions.

9. ANONYMITY

9.1. Council will, where it is lawful and practicable, give individuals the option of remaining anonymous when entering into transactions with Council. However, as anonymity may limit Council's ability to process a complaint or other matter, Council reserves the right to take no action on any matter if a person chooses not to supply sufficient personal information to Council.

10. DATA QUALITY

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

11. DATA SECURITY

- 11.1. Council will take all reasonable steps to ensure that personal information held by it is protected from misuse, loss, unauthorised access, modification or disclosure.
- 11.2. Council will dispose of personal information where it is no longer necessary to fulfil the purposes for which it was collected, or as required by the *Archives Act 1983* or other legislation.

12. OPENNESS

- 12.1. This policy will be made available on Council's website.

13. ACCESS AND CORRECTION

- 13.1. Should an individual wish to access or correct their personal information, it must be in writing and addressed to the Manager Community Relations. Access will be provided except in the circumstances outlined by the Act, for example, where the *Right to Information Act 2009* applies.
- 13.2. Requests to access or correct personal information held by Council should be addressed to:

Manager Community Relations
Sorell Council
PO Box 126
SORELL TAS 7172

- 13.3. A person not satisfied with the handling or outcome of their request to access or correct personal information, can lodge a complaint with the Ombudsman.

14. COMPLAINTS

- 14.1. Complaints relating to privacy or the provision of personal information should be made directly to the Director of People and Performance. Council will endeavour to respond to a complaint within twenty (20) business days. The Director of People and Performance will inform the complainant of the findings on completion of an investigation.
- 14.2. A complaint about a specific Councillors use or handling of personal information may be captured by the Sorell Council Code of Conduct for Councillors. Further information about the code can be found on our website.
- 14.3. If the complainant is not happy with the outcome of the complaint, or the process by which the complaint was handled by Council, the complainant may contact the Ombudsman's Office within six months of an alleged breach.

15. LEGISLATION

15.1. This policy is developed in association with:

- *Personal Information Act 2004*
- *Right to Information Act 2009*
- *Archives Act 1983*
- *Local Government Act 1993*
- *Councillor Code of Conduct*

Robert Higgins
GENERAL MANAGER