

## CP.61 Privacy

<i>Responsible Department</i>	Chief Executive Officer Office Corporate Services
<i>Resolution Number</i>	C.5148
<i>Resolution Date</i>	16/10/2024
<i>Next Scheduled Review</i>	2026/2027
<i>Related Shire Documents</i>	Council Policy CP.3 Code of Conduct for Councillors Committee Members and Candidates Management Policy MP.1 Code of Conduct – Employees, Volunteers, Contractors and Agency Staff Customer Service Charter Freedom of Information Statement Council Policy CP.56 Records Management Policy Council Plan 2022-2032, Outcome 12
<i>Related Legislation</i>	<i>Freedom of Information Act 1992</i> <i>Local Government Act 1995, s.5.94 &amp; s.5.95</i> <i>Local Government (Administration) Regulations 1996, Part 7</i> <i>Privacy Act 1988 (Cth)</i>

### OBJECTIVE

The objective of this policy is to ensure all reasonable steps are taken so that the collection, use, disclosure and handling of all Personal Information by the Shire of Northam (the Shire) aligns with relevant Australian Privacy Principles.

The purpose of this policy is to outline the principles for the responsible handling of personal information collected by the Shire.

### SCOPE

This policy applies to all Council Members and Employees of the Shire as well as to contracted third parties responsible for handling Personal and/or Sensitive Information held and managed by the Shire.

### POLICY

#### 1. Definitions

**Personal Information** means information or an opinion about an identified individual, or an individual who is reasonably identifiable:

- a) Whether the information or opinion is true or not; and
- b) Whether the information or opinion is recorded in a material form or not.

This includes information the Shire has collected data or information in any format including correspondence, in person, over the phone or over the Internet, or sourced from third parties.

Personal Information includes but is not limited to names, address, telephone numbers, email addresses, date of birth and rates records.

Personal Information does not include information about an individual that is contained in a publicly available publication as set out in the Local Government Act 1995. Personal Information, once it is contained in a publicly available publication, ceases to be covered by the Privacy Policy.

**Sensitive Information** means personal information that includes information or an opinion about an individual's:

- racial or ethnic origin
- political opinions or associations
- religious or philosophical beliefs
- trade union membership or associations
- sexual orientation or practices
- criminal record
- health or genetic information
- some aspects of biometric information.

## 2. Policy Statement

The Shire of Northam (the Shire) considers that the responsible handling of Personal Information is a key aspect of democratic governance and is committed to protecting an individual's right to privacy.

## 3. Implementation

All Managers within the Shire are responsible for the implementation of the policy within their Service Unit.

The Business Solutions Coordinator will monitor data governance in accordance with its policies and processes to ensure that Personal Information held by the Shire is protected from misuse, interference, loss, unauthorised access, modification or disclosure.

Reflecting the Australian Privacy Principles, specific policy commitments are made in respect of the different activities involved in the management of Personal Information.

### **3.1 Collection of Personal Information**

- The Shire will only collect Personal Information that is reasonably necessary for, or directly related to, its obligations or performing one or more of the Shire's functions or activities as a local government.
- The Shire will only collect Personal Information by lawful and fair means.
- The Shire will not collect Sensitive Information about an individual without their consent.
- The Shire usually collects Personal Information directly from the individual concerned.
- The Shire will collect Personal Information from other parties if consent is given in writing by the individual or required by law.
- The Shire will notify the individual of the collection of Personal Information at, before or as soon as practicable after the collection of the information.
- The Shire website uses Google Analytics and cookies to help analyse how users use the Shire website. The Shire will never (and will not allow any third party to) use the statistical analytics tool to track or collect any personal information of visitors to the Shire's site. The Shire will not link, or seek to link, an IP address with the identity of a computer user. The Shire will not associate any data gathered from this site with any Personal Information from any source, unless the individual explicitly submits that information via a fill-in form on the Shire website.

### **3.2 Storage of Personal Information**

- The Shire will store Personal Information in a range of mediums including electronic systems (onsite and in the cloud (in Australia and overseas)) or paper files.
- All information is stored securely, meets the requirements of legislation and best practice guidance and access is restricted to authorised personnel only in accordance with the Shire's Records Management Policy and Recordkeeping Plan.
- Where Personal Information is stored by a contracted third party, the Shire requires them to comply with this policy.

### **3.3 Use or Disclosure of Personal Information**

- The Shire will only use or disclose Personal Information for the primary purposes for which it was collected or for directly related secondary purposes which would be reasonably expected by the individual, or as permitted or required by law. If there is any doubt about this expectation, then consent will be sought from the individual prior to disclosure of Personal Information for a secondary purpose.
- Where Personal Information is shared with a third party who is under contract with the Shire, the Shire will require them to comply with this policy.
- The Shire will not use Personal Information for an automated decision-making process.

### **3.4 Quality of Personal Information**

- The Shire will take reasonable steps to ensure that the Personal Information is relevant, accurate and up-to-date before using it.
- The Shire will take steps, as reasonable in the circumstances to ensure that Personal Information it collects is relevant and not excessive.
- The Shire will update Personal Information held when necessary or when the individual concerned advises the Shire that their Personal Information has changed.

### **3.5 Security of Personal Information**

- The Shire will take steps to protect Personal Information held by the Shire from misuse, interference, loss, unauthorised access, modification, or disclosure.
- The Shire has data protection and security measures including administrative, physical and technical access restrictions to Personal Information to ensure access by only authorised personnel.
- The Shire will ensure that Personal Information is not kept any longer than necessary or destroyed or de-identified in line with accepted document disposal schedules and the Shire's Recordkeeping Plan.
- The Shire will ensure that Personal Information which is transferred or stored outside of Australia will comply with ISO 27001 - Information security, cybersecurity and privacy protection — Information security management systems — Requirements.

### **3.6 Other Agreements Relating to Data Privacy**

The policy recognises that separate agreements, licences and memoranda of understanding may be entered into between the Shire and third parties including State and Federal agencies and WA Police govern access to and usage of specific data resources and incorporates the conditions of these agreements as required.

### **3.7 Unique identifiers**

Some of the unique identifiers that the Shire may collect include Medicare numbers, Tax File Numbers, Drivers Licence numbers and Australian Passport numbers.

### **3.8 De-identification of personal information**

De-identification involves removing or altering information that identifies an individual or is reasonably likely to do so e.g. removing personal and unique identifiers (name, address, Date of Birth or other recognisable characteristics).

### **3.9 Roles and responsibilities**

The Business Solutions Coordinator and Governance Coordinator will be responsible for:

- The publication of and compliance with this policy.
- The development of supporting documentation and providing interpretations in the event of the need for clarification.

### 3.10 Dispute resolution

All disputes in regard to this policy will be referred to the Executive Manager Corporate Services in the first instance. If an agreement cannot be reached, the matter will be submitted to the Chief Executive Officer for a ruling.

Privacy complaints will be handled in accordance with the Shire's complaints process. Information on lodging a complaint is available on the Shire's website at <https://www.northam.wa.gov.au/council/your-council/lodge-a-complaint.aspx>

### 3.11 Requesting access or correcting personal information

Subject to applicable laws and regulations, an individual may have some or all of the following rights with respect to their personal data:

- to access their personal data and to rectify any inaccuracies within that personal data;
- to request for the erasure of their personal data residing with the Shire;
- to request their personal data in portable, machine-readable format; and
- to withdraw their consent to the Shire's processing of their personal data.

An individual can contact the Shire with a request relating to the personal information the Shire holds about them by email at [records@northam.wa.gov.au](mailto:records@northam.wa.gov.au) or phone at (08) 9622 6100, including their name and contact details. The Shire may need to verify an individual's identity before providing them with their personal information.

In some cases, the Shire may be unable to provide an individual with access to all of their personal information and where this occurs, the Shire will explain why. The Shire will deal with all requests for access to personal information within a reasonable timeframe.

### 3.12 Information Asset Register

The Shire will maintain an Information Asset Register (IAR) to assist it in assessing risks and managing information efficiently. The IAR will support:

- The identification of personal information and the application of privacy safeguards.
- Awareness of information that can be publicly released or disclosed to trusted third parties.
- Information classification and the use of appropriate security controls to protect, store and share information assets.

### 3.13 Review of the Privacy Policy

The Shire will ensure that this Policy is reviewed at least every two years, or more frequently as required.