

POLICY TITLE: INFORMATION PRIVACY
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CATEGORY: Council Policy
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Governance and Corporate Services	
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Director Corporate Governance and Financial Services	
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Manager Governance and Corporate Services	

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1. Purpose

The Isaac Regional Council (IRC) collects and manages personal information in the course of performing its activities, functions and duties. IRC respects the privacy of the personal information that it holds.

The way in which IRC manages the personal information that it holds is governed by the *Information Privacy Act 2009 (Qld) (IP Act)*.

This Policy provides an overview of IRC's approach in managing personal information in accordance with the requirements of the IP Act.

2. Scope

This policy sets out IRC's legislative obligations and establishes a framework for the responsible collection and handling of personal information by IRC.

3. Definitions

For the purpose of this policy, the following definitions apply:

Term	Definition
Disaster	A serious disruption in a community, caused by the impact of an event, that requires a significant coordinated response by the State and other entities to help the community recover from the disruption.
Documents	As defined by the RTI Act, and applicable to the IP Act, mean documents in the possession of, or under the control of, IRC whether created or received by the IRC. Documents may be in the possession of, or under the control of, a Councillor or staff member of IRC in that person's official capacity. Documents may be items in hard copy or electronic format, including files, reports, emails or other correspondence, computer printouts, maps, plans, photographs, and recordings.
Personal Information,	as defined by the IP Act, means information or opinion, including information or opinion 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.
IRC	Isaac Regional Council
IP	Information Privacy
RTI	Right to Information

4. Policy Provisions

4.1 Privacy Obligations

Council collects and uses personal information of residents, Council employees and others for the purpose of ensuring that Council business is conducted efficiently and effectively and to meet its statutory obligations. Council only collects personal information that is directly relevant and necessary for its operations.

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The protection of personal information which can identify an individual is a matter of great significance to Council.

Council will comply with the Information Privacy Principles contained in the *IP Act*, namely:

- IPP 1: Collection of Personal Information (lawful and fair);
- IPP 2: Collection of Personal Information (requested from an individual);
- IPP 3: Collection of Personal Information (relevance);
- IPP 4: Storage and Security of Personal Information;
- IPP 5: Providing Information about Documents Containing Personal Information;
- IPP 6: Access to Documents Containing Personal Information;
- IPP 7: Amendment of Documents Containing Personal Information;
- IPP 8: Checking of Accuracy of Personal Information before use by Council;
- IPP 9: Use of Personal Information only for Relevant Purpose;
- IPP 10: Limits on Use of Personal Information;
- IPP 11: Limits on Disclosure.

4.1.1 Personal Information

Council collects and uses personal information about Isaac Regional residents, employees and others for the purpose of ensuring that Council business is conducted, efficiently, effectively and to meet its statutory obligations. Council only collects personal information that is directly relevant and necessary for its operations.

4.1.2 Privacy obligations

In accordance with the IP Act, Council aims to ensure that all personal information held by Council, or under the control of Council, is collected and managed in accordance with the Information Privacy Principles (IPPs) prescribed in the IP Act.

Council is committed to meeting its legal requirements under the IP Act by:-

- complying with the Information Privacy Principles (IPPs);
- not transferring personal information out of Australia unless the transfer complies
- section 33 of the IP Act; and
- taking reasonable steps to make contractors subject to the IP Act where required by Chapter 2, Part 4.

4.1.3 Access (Non-personal information)

- The Right to Information Act 2009 extends a right of access to information in the government's possession or under the government's control unless, on balance, it is contrary to the public interest to give the access.
- Council is subject to the Right to Information Act 2009 (RTI Act) and accordingly acknowledges the right of the public to obtain information about council's structure, policies and activities unless disclosure would, on balance, be contrary to the public interest and is committed to ensuring that personal information held about them by council is up-to-date, accurate and complete.

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- Council is committed to providing, as far as possible an open, accountable and transparent environment which enables members of the public access to council documents which do not require recourse to formal procedures in the RTI Act. However, there will be occasions when it is necessary or appropriate to make an application under the RTI Act, for instance, where third party or sensitive non-personal information is requested, or where there are grounds for considering that the documents may be exempt from access under the RTI Act.

4.1.2 Disclosure Statement

All forms used by Council to collect information, where such information includes personal information about an individual, will carry the following notice on that form:

"Isaac Regional Council is collecting your personal information on this form to process this request. The information will be only accessed by authorised council employees. Your personal information will not be given to any other person or agency unless you have given us permission to do so or we are required to do so by law."

4.1.3 Anonymity

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

4.1.4 Complaints

If an individual is not satisfied with the manner in which Council has handled the collection, management, use or disclosure of their personal information, they may lodge a formal complaint under Administrative Action Complaints Policy, a copy of which can be found on Council's website.

4.2 Privacy and Managing Disaster Events

In common with the rest of Australia, natural disaster events such as tropical cyclones, floods, bushfires and storms can occur in Queensland at any time. Natural disaster events exact a corresponding cost on individuals, communities and businesses, and also affect government functions and services. This is particularly likely during Queensland's storm season: between November and April.

4.2.1 Personal Information in a Disaster Event

The privacy obligations in the IP Act apply only to personal information, which is any information about an individual whose identity is apparent, or can reasonably be ascertained, from that information. Information about an individual is distinct from information about things associated with individual or even information of great interest to individuals. Individuals are generally aware of why their information is being collected, any legislative authority for collection, and the identity of third parties to which their personal information would usually be provided.

4.2.2 What Protections are offered by the IP Act in the Event of a Disaster?

Secondary use and disclosure obligations in the event of a disaster, there are also provisions that ensure that IRC's dealings with personal information remain fair, particularly after the

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disaster event. The following protections remain, regardless of the fact that the initial information sharing occurred in the context of managing a disaster event.

4.2.3 Collection

Regardless of whether IRC sources the personal information from the individual themselves, another government agency or a third party, IRC must only collect/obtain information that is necessary for a purpose directly related to one or more of IRC's functions or activities. The collected information must also be relevant to that purpose, and complete and up-to-date. This means that if another law requires that personal information be dealt within a certain way, the other law must be applied first. Some examples include agency authority to compel the provision of personal information and authorising provisions in emergency management laws. When a disclosure of personal information is made in accordance with another law, there can be no privacy breach.

4.2.4 Storage and Security

Once IRC receives personal information from another source, IRC becomes responsible for protecting that information from loss, unauthorised dealings and any other misuse. Individuals also have a right to seek access to and, as necessary, amendment of, this information from the agency that holds the information.

4.2.5 Secondary Use and Disclosure.

IRC has obtained personal information for the specific purpose of managing a disaster event is limited to other uses to which it could put the information. IRC is similarly limited in being able to itself provide personal information it has sourced from one agency to someone else.

5. Communication Channels

The Information Privacy Policy will be communicated throughout the Council via:

- Uploaded to the external website
- An announcement on the IRIS intranet
- Online policy library

6. Implementation

This policy is to be implemented by Chief Executive Officer; Director Governance, Corporate and Financial Services, Manager Governance and Corporate Services.

7. References and Related Documents

- Right to Information Act 2009
- Information Privacy Act 2009
- Information Privacy Regulations 2009
- Office of the Information Commission
- Local Disaster Management Plan
- Privacy and Managing Disaster Events guideline

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