



NORTHERN MIDLANDS COUNCIL

POLICY MANUAL

PRIVACY

Originated Date:	17 October 2005 – Min. No. 315/05 (as Policy 45 – Privacy Policy)
Amended Date/s:	23 July 2012 – Min. No. 180/12 21 November 2016 – Min. No. 314/16 (incorporating Online Privacy - Adopted 5 May 2003 as Policy 38) Reviewed 15 March 2021 – Min. No. 113/21
Applicable Legislation:	<i>Personal Information Protection Act 2004</i> <i>Privacy Act 1988</i> <i>Right to Information Act 2009</i>
Objective	To ensure privacy is protected in the information gathering and services provided by Council. This policy should be read in conjunction with Council's Information Management Policy.
Administration:	Corporate Services
Review Cycle/Date:	Every 2 years. Next review 2023.

1. SCOPE

This policy identifies how Council will collect, store, use and disclose personal information of individuals.

2. APPLICATION

This policy applies to all Councillors, Council officers, contractors and volunteers of the Northern Midlands Council.

3. 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.

'Privacy Statement'

Council's Privacy Statement is identified at Schedule 2 of this document.

'Public Registers'

Documents that Councils are required to make publicly available pursuant to State Government legislation. These registers

- Are open to inspection by members of the public
- Contain information required or permitted by legislation
- May contain personal information

A list of these is provided at Schedule 1 of this document.

'Sensitive Information'

Means:

- (a) information or an opinion about an individual's:
 - (i) racial or ethnic origin; or
 - (ii) political opinions; or
 - (iii) membership of a political association; or
 - (iv) religious beliefs or affiliations; or
 - (v) philosophical beliefs; or
 - (vi) membership of a professional or trade association; or
 - (vii) membership of a trade union; or



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- (viii) sexual orientation or practices; or
- (ix) criminal record;
- that is also personal information; or
- (b) health information about an individual; or
- (c) genetic information about an individual that is not otherwise health information; or
- (d) biometric information that is to be used for the purpose of automated biometric verification or biometric identification; or
- (e) biometric templates.

3. COLLECTION OF PERSONAL INFORMATION

3.1 WHAT SORT OF INFORMATION WILL WE COLLECT?

We will only collect necessary personal information from you directly and with your express consent. We will clearly indicate what information is necessary to access Northern Midlands Council's products and services including transactions. We may offer the opportunity for you to provide further information so that we can provide you with improved services. Provision of this information is at your discretion except where it is a legal requirement and you will be notified if this is the case.

We will not ask for or collect any sensitive information about you unless it is necessary to meet legal, public interest or statistical requirements related to and required by the transaction you have requested. Provision of this information is at your discretion except where it is a legal requirement and you will be notified if this is the case.

3.2 HOW WILL WE COLLECT INFORMATION?

3.2.1 DIRECTLY

Your personal information such as your name and contact details may be collected directly in a variety of ways including, verbally, both face to face and over the phone or in writing via letter, email, submission of forms and completion of an online request.

Where lawful and practicable, Council will offer you the option of remaining anonymous when supplying personal information as part of a transaction 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 you choose not to supply relevant personal information to Council.

3.2.2 INDIRECTLY

Northern Midlands Council may automatically record other information as well. This information is used to improve the performance of the Northern Midlands Council website and to provide you with better services.

When you visit this site our web server makes a record of your visit and logs basic information for statistical purposes, including the user's IP address, date and time of visit to the site, and pages accessed. Any data collected will not be used to identify users unless there is a legal obligation to do so.

We do not record your email address unless you choose to send us a message. It will only be used for the purpose for which you have provided it and will not be disclosed without your consent.

We may also track the pattern of visitor usage to Northern Midlands Council website using a facility called a cookie. Cookies are small data files that we send to your computer so we can remember your information, for example: your user ID, your password for access to our site, how many times you visited us before, and the way you have chosen to view our site on earlier occasions.



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Cookies can make using Northern Midlands Council website easier for you by storing information about your preferences on a particular website. The use of cookies is an industry standard and most major websites use them. Most Internet browsers are pre-set to accept cookies but if you would prefer not to receive any cookies, you can configure your browser to refuse them, or to give you the option to receive them or not each time.

We will take all reasonable steps to ensure the data quality and security of your personal information and undertake to remove it from our system when it is no longer required (except when archiving is required).

You do not have to provide us with personal information to use this site however it may speed up resolution of customer requests if you choose to give us contact details, including name, address and phone number or email address

Unfortunately, no data transmission over the Internet can be guaranteed to be 100% secure, as with other channels of communication, fraud is always a possibility. While we take all reasonable steps to protect your personal information from misuse, loss and unauthorised access, we cannot guarantee the security of any information you transmit to us or receive from our online products or services.

If you have concerns in this regard, Northern Midlands Council has other ways of obtaining and providing information. Normal mail, telephone or fax facilities are available, details are provided at the end of this Policy.

You do not have to disclose personal information to browse Council's website. Wherever it is legal and practical to do so transactions may be carried out without you having to identify yourself.

Northern Midlands Council website contains links to other websites. This privacy policy only applies to our website, so you should read the privacy policy of any site that collects personal information.

Please be aware that if you post personal information on public sites (chat rooms) you may receive unsolicited messages.

You can obtain more information about privacy by referring to the Australian Privacy Commissioners Website at www.privacy.gov.au.

4. STORAGE OF INFORMATION

Council will take all necessary steps to ensure that personal information is stored safely and securely. This will ensure that personal information held by Council will be protected from misuse, loss, and unauthorised modification and disclosure. This applies regardless of the format in which the information is held.

Any personal information which you provide to Council which is no longer necessary for Council's purposes will be disposed of using secure destruction. However, under the *Archives Act 1983*, some information is required to be kept for specified periods or permanently. Other legislation may also dictate periods of time personal information must be retained.

Personal information will be stored in Council's electronic filing system. Information that is required to be stored for a period of time will be stored either on Council premises or at the State Archives Office. Council does use third party storage providers for both electronic information and hard copy documents.

Council may combine or link personal information held about an individual.

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

Council will not adopt as its own unique identifier of an individual a unique identifier that has been assigned to the individual by another personal information custodian unless –



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- (a) that adoption is necessary for it to carry out any of its functions efficiently; or
- (b) it has obtained the consent of the individual to the use of the unique identifier.

Council takes a serious approach to security of information and risk management. Council officers will only be provided with access to the information that is necessary for them to carry out their functions within the Council and Council officers will be made aware of the importance of confidentiality and customer privacy.

Council will not sell, trade or make available personal information to others, except as is required by law or for the proper functioning of Council.

5. USE & DISCLOSURE

Council will take all necessary measures to prevent unauthorised access to or disclosure of your personal information.

Requests for access to documents containing personal information are managed under the *Right to Information Act 2009*.

We will keep you informed of the personal information we hold. We will only use your personal information for the purpose for which you gave it to us and we will not pass your information on to third parties unless

- You have given us your consent to do so; or
- we are required by law to do so, or
- there are reasonable grounds to believe that disclosure is necessary to prevent a threat to life or health: or
- the person or organisation is an agent or contractor with the Northern Midlands Council who will be required to maintain the same or similar privacy principles as specified in the privacy legislation.

External contractors have agreed to be bound by the provisions of the *Personal Information Protection Act 2004*. Information provided to these contractors is limited to the information required by them to provide services to you on behalf of Council.

Council also discloses personal information to other agencies in the course of investigating and defending of legal claims against Council. This includes Council's solicitors, consultants, insurers and investigators.

Where authorised, Council may also disclose personal information to:

- Debt collection agencies;
- Government agencies;
- Law Enforcement agencies including the Courts and the Tasmanian Police e.g. to comply with a subpoena

Personal information in applications for employment with Council will be supplied to agencies such as the Tasmanian Police where authorised by law e.g., as part of a pre-employment Criminal History record check.

Criminal History record checks will only be carried out on applicants for selected positions prior to employment with Council. Such checks will only be carried out with your prior written authorisation and the results will not be disclosed to third parties unless authorised by law.

Personal information provided by you as part of a public submission to a Council or committee meeting may be included with the published agenda papers and minutes of the meeting.

Personal information may also be contained in Public Registers which must be made available by Council for viewing by the public. Council does not provide copies of these registers but information may be copied from them.

6. ACCESSING PERSONAL INFORMATION

An individual has the right to request access to personal information Council holds about them.

An individual who considers the personal information held about them to be incorrect, incomplete, out of date or misleading, can request that the information be corrected.

Contact details for making a request are provided in Clause 7 below.



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There may be circumstances where it is not reasonable to provide you with access to the personal information we hold about you. These circumstances may include where we believe that providing access would be unlawful; or may pose a serious threat to life or health of an individual or to public safety; or would reveal pending legal proceedings or prejudice an investigation in to unlawful activity.

If we do not allow you to access details of your personal information you can request access in accordance with the *Right to Information Act 2009*. A Right to Information request form is available on the Council website www.northernmidlands.tas.gov.au and attracts a fee.

7. HOW TO MAKE A COMPLAINT

If you are dissatisfied with the outcome or handling of a request for information, or request to change your information, you can make a complaint. Complaints should be made directly to the General Manager.

In Writing:

Via Post: PO Box 156, Longford, Tasmania 7301
Via email: council@nmc.tas.gov.au
Fax: 6397 7331

Phone:

Council Office: 6397 7303
from southern areas (local call): 6391 5566

Council will endeavour to respond to your complaint within twenty (20) working days. If a Councillor has submitted a complaint on your behalf we will also endeavour to respond to the Councillor within twenty (20) working days.

Sometimes it is not possible to meet this deadline, e.g. where a complaint is a complex one and Councillors are to be briefed on the outcome of the investigations. In these cases we will endeavour to keep the customer informed of progress.

The General Manager will inform the customer of the findings on completion of an investigation.

If you are not happy with the outcome of your complaint or our process in dealing with it you may contact:

- The Ombudsman located at Ground Floor, 99 Bathurst Street, Hobart, 7000.
 - Phone: Free call from landlines in Tasmania 1800 001 170
 - email: ombudsman@ombudsman.tas.gov.au
- Local Government Division, Level 5, 15 Murray Street, Hobart (GPO Box 123, Hobart, 7001) Phone (03) 6232 7022.

While you are entitled to refer a complaint directly to these bodies at any time, we encourage you to allow the Council to investigate the complaint first.

8. CONTACT DETAILS

Requests made pursuant to this Policy must be made in writing stating as precisely as possible what information is required and should be addressed as follows:

Privacy Officer
Northern Midlands Council
PO Box 156
LONGFORD, 7301
(03) 6397 7303
council@nmc.tas.gov.au

9. NOTIFIABLE DATA BREACHES SCHEME

As an addition to the Privacy Act, Council will comply with the Notifiable Data Breaches Scheme. The scheme requires that an entity, subject to the Privacy Act, which experiences a data breach of personal information which poses a likely risk of serious harm to affected individuals to notify the office of the Australian Information Commissioner.

10. REVIEW

This policy will be reviewed every 3 years.