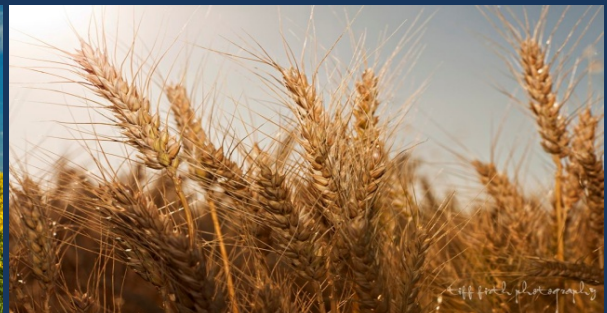



Privacy Policy



“Working with our Rural & Coastal Communities”

 GOV-POL-17 – PRIVACY POLICY	Version No:	1.0
	Issued:	February 2024
	Next Review:	November 2026

Responsible Department:	Corporate Services
Policy Adopted:	21/02/2024
Minutes Reference:	OCM/24/024
Applicable Legislation:	Privacy Act 1988 (<i>Information Privacy Principles</i>) Freedom of Information Act 1991 (SA)
Related Policies / Codes / Procedures:	CR-PRO-05 – Complaints Handling Procedure IT-POL-01 – Records Management GOV-COD-01 – Code of Conduct – Employees GOV-COD-02 – Elected Members Code of Conduct GOV-COD-06 – Council Members Access to Information GOV-POL-08 – Public Interest Disclosure Volunteers Code of Conduct
Review Frequency:	Following Council Election

1. PURPOSE

The Lower Eyre Council is committed to maintaining a culture that respects its customers right to privacy while balancing the responsibility to provide transparency to the wider community. This Policy outlines Council’s framework relating to the management of the personal information of its customers.

The Commonwealth Government's Privacy Act, the Australian Privacy Principles which flow from it, and the South Australian Government's Information Privacy Principles Instruction ("the Principles") do not bind Local Government in South Australia except when Council contracts with a Commonwealth or State Government agency. However these Principles set best practice standards for collecting and managing Personal Information and Council has chosen to adopt a policy position on privacy that aligns, as is reasonably practicable, with the Privacy Principles.

2. SCOPE

This policy applies to all people working within and for the Council. This includes Councils Elected Members, Council officers, contracted service providers, volunteers and those on work experience and applies to all personal information about an individual that is collected, stored, used or disclosed by Council.


3. HOW THE COUNCIL MANAGES INFORMATION

3.1 How information is collected

Information can be collected in a variety of ways, including:

- during conversations between customers and Council representatives (face to face or via phone)
- when accessing and interacting with Council’s website, social networking sites or when sending messages (SMS/MMS) to Council

(continued)

	GOV-POL-17 – PRIVACY POLICY	Version No:	1.0
		Issued:	February 2024
		Next Review:	November 2026

3. HOW THE COUNCIL MANAGES INFORMATION

CONT'D:

3.1 How information is collected

cont'd:

- when making an enquiry, writing to Council, signing a petition for Council, providing feedback or completing an application form (online or in hard copy)
- via a Notice of Acquisition or voters' roll information from the South Australian Electoral Commission
- from other sources (ie referred from another entity or unsolicited).

Lower Eyre Council will only collect personal information that is necessary for carrying out its functions or activities.

3.2 Types of information collected

Depending on the reason, personal information collected typically includes, but is not limited, to the following:

- name
- address (residential, postal and/or e-mail)
- telephone number (work, home or mobile)
- date of birth
- signature
- motor vehicle registration number
- photographic identification (e.g. drivers licence)
- property ownership and/or occupier details
- dog ownership
- electoral roll details
- payment history
- financial, rental or income details (eg to support assessment of financial hardship or capability, tenders and contract due diligence, financial guarantees)
- pensioner/concession information
- video footage from Council's Closed Circuit Television monitors

3.3 Collecting personal information to carry out Lower Eyre Council functions or activities

3.3.1 Council may collect personal information for purposes including, but not limited to, the following:

- To contact customers where it is necessary in order to provide services requested.
- To respond to enquiries.
- As part of our commitment to customer service, we may periodically invite people to provide feedback about their experience or seek views on a subject via a survey. Any survey is voluntary and there is no requirement to participate.

(continued)

	GOV-POL-17 – PRIVACY POLICY	Version No:	1.0
		Issued:	February 2024
		Next Review:	November 2026

3. HOW THE COUNCIL MANAGES INFORMATION

CONT'D:

3.3 Collecting personal information to carry out Lower Eyre Council functions or activities

cont'd:

3.3.1 Council may collect personal information for purposes including, but not limited to, the following:

cont'd:

- For Council or its contracted service providers to make contact where it is necessary to resolve issues relating to Lower Eyre Council services or functions which have been brought to our attention. For instance, contacting customers in response to a report of a fallen tree branch across a road.
- To supply information or material concerning Council initiatives and programs where customers have supplied personal information to Council for this purpose. For instance, where customers have opted to be included on a mailing list for a Council publication.
- To facilitate the collection of Council fees and charges. For instance, names and address details will be used to forward rate notices.
- To enable payment for Council provided goods and services.
- To enable Council to undertake its law enforcement functions or where it is authorised under an Australian law or by a court/tribunal.
- Council requires that this information be collected as part of Council's usual processes, practices or functions, e.g. Council's Volunteer Registration Form, fire permits.
- Council requires that this information be collected in order to manage risks or assess its ability to provide support, and the information is reasonably necessary for this purpose.
- To record/receive ideas, questions, complaints, and compliments from members of the public.


3.3.2 Where practicable, at the time of collection, Council will take reasonable steps to inform its customers:

- of the reasons for the Personal Information collection,
- if such collection is authorised or required by the law, and
- where practicable, of any usual practices with respect to the use and disclosure of such Personal Information.

3.3.3 In collecting Personal Information, Council assumes that:

- the information is free from errors and omissions, is not misleading or deceptive and complies with all relevant laws;
- those who provide the information have the authority to do so;
- Council may not, and is not required to verify the accuracy of the information (refer 3.5);
- it is the responsibility of the individual to provide Council with the details of any changes to their Personal Information as soon as possible.

(continued)

	<h1>GOV-POL-17 – PRIVACY POLICY</h1>	Version No:	1.0
		Issued:	February 2024
		Next Review:	November 2026

3. HOW THE COUNCIL MANAGES INFORMATION CONT'D:

3.3 Collecting personal information to carry out Lower Eyre Council functions or activities

cont'd:

3.3.4 Council may determine not to retain Personal Information that is sent to it by an unsolicited or anonymous source where it is deemed to be trivial or unrelated to Council business.

3.3.5 Council will only collect Personal Information by legal and fair means, including collection from a third party such as SA Water, State Electoral Office, Office of the Valuer-General, other ratepayers and residents.

3.4 Anonymity

Where lawful and practicable, Council will offer customers the option of remaining anonymous as part of a transaction with Council, however, anonymity may limit Council's ability to process a complaint or other matter. Therefore, Council reserves the right to take no further action on a matter, if a person chooses not to supply personal information that is necessary for the Council to perform its functions.

3.5 Disclaimer

While Council may take reasonable steps to ensure that the Personal Information disclosed is accurate, current and complete, it cannot accept any responsibility for loss or damage suffered by those who receive such information and rely on it, or as a result of Council's inability to provide the requested information in the first place.

3.6 Proof of Identity

To action particular requests from its customers, Council may require proof of identification, eligibility or entitlement from the customer - for example, for a request to change a name due to marriage or divorce; update an address; or a request for a fee waiver to access a Council record.

- To reduce the risk of identity fraud, the attending Worker will not copy the original and retain the copied proof of identity, eligibility or entitlement into Council's record management system, in those circumstances where they can instead reasonably sight the original identification source, note the reference and expiry date and return the original identification immediately to the customer.
- Where it is not reasonable to sight the original identification source and return it to the customer, any copies made or received by a Worker will be registered into Council's records managements system with strict access controls.

	GOV-POL-17 – PRIVACY POLICY	Version No:	1.0
		Issued:	February 2024
		Next Review:	November 2026

3. HOW THE COUNCIL MANAGES INFORMATION

CONT'D:

3.7 Photographs

Council takes photographs both on Council premises and also in public places for publication and use in:

- Council publications
- Promotional marketing and advertising
- Online (i.e. on websites and social media)

There are no legal rights that protect an individual from being photographed, in Australia, so there is no right to privacy and a person can be photographed without consent.

However, Council will, where it is reasonably practical to do so, seek permission to take and use photographs from the individual being photographed or their parent, guardian or an adult accompanying them (as appropriate), prior to taking or using the photograph.

Incidental capturing of images not related to the photograph may occur and every effort will be made to blur or remove such content but it cannot always be guaranteed.

When obtaining consent, Council officers will, where reasonably practicable, inform the individual being photographed of the intended use of the photograph.

Once consent is obtained, Council assumes that:


- the person who gave consent has the authority to do so;
- the ownership of the photographs and the copyright therein belong to Council;
- the consent is unconditional (unless the individual or person giving the consent expressly states otherwise);
- the consent applies to any and all uses of the photograph, including future use and where the photograph is published multiple times or on multiple platforms, unless the individual or person giving consent expressly states otherwise.

3.8 Petitions

Council receives Personal Information in petitions (ie names, signatures and addresses) forwarded to it from those who want Council to undertake, or refrain from undertaking, a certain action. The Chief Executive Officer is required under the Local Government (Procedures at Meetings) Regulations 2013 to place the petition on the public agenda for the next ordinary meeting of Council.

Unless the Chief Executive Officer receives and agrees to a specific request from a petition cosignatory to suppress their Personal Information, information provided in the petition will not be suppressed by the Chief Executive Officer prior to providing the petition in the public agenda for consideration by the Elected Members.

However, upon taking into account any particular sensitivities surrounding the subject of the petition, the Chief Executive Officer, at their discretion, may instead provide a compilation of the petition's co-signatories in a separate paper, and provide this to the public agenda.

 LOWER EYRE COUNCIL	<h2>GOV-POL-17 – PRIVACY POLICY</h2>	Version No:	1.0
		Issued:	February 2024
		Next Review:	November 2026

3. HOW THE COUNCIL MANAGES INFORMATION

CONT'D:

3.9 Destruction of personal information

Records which contain Personal Information are managed for the life of the record in accordance with the relevant General Disposal Schedule (GDS) and Council's Records Management Policy.

4. USES AND DISCLOSURE OF INFORMATION

Council will take all necessary measures to ensure that personal information is stored safely and securely to prevent unauthorised access to, or disclosure of, personal information.

4.1 Disclosure of personal information

If Council holds Personal Information of an individual which was collected for a particular purpose ("the primary purpose"), it must not use or disclose the information for another purpose ("the secondary purpose") unless:

- we have your consent
- there is a situation where consent cannot be reasonably obtained and Council reasonably believes that the disclosure of the information is necessary to prevent or lessen a serious threat to the life, health or safety of a person or group of people, then they may disclose the information necessary to a service provider in order to prevent or lessen such a threat.
- It would be reasonably expected that Council would use or disclose the information for the secondary purpose however:
 - the secondary purpose should be connected to the primary purpose; and
 - if the information is Sensitive Information - then the secondary purpose should be very closely connected to the primary purpose;
 - or as required or permitted by any other law, court or tribunal order.

4.2 Other departments within Council and contracted service providers

There are other circumstances when Council may disclose personal information to other parties, such as:

- to other work areas within the Council to assist in actioning your enquiry.
- updating / adding contact details to the customer record
- to third parties (contractors) who perform various services for and on behalf of the Council
- other agencies in the course of an investigation and defence of legal claims against Council. This includes Council's solicitors, consultants and investigators.

	<h1>GOV-POL-17 – PRIVACY POLICY</h1>	Version No:	1.0
		Issued:	February 2024
		Next Review:	November 2026

4. USES AND DISCLOSURE OF INFORMATION

CONT'D:

4.3 Other entities where authorised or required by law

Personal information contained in complaints may be used by Council as part of any law enforcement function, including prosecution and may be shared where required or authorised with the following:

- debt collection agencies
- government agencies where required
- law enforcement agencies, including the courts and South Australia Police, in instances where Council is required to respond to a subpoena or provide information to assist a police investigation
- government agencies to enable them to advise you of works which may impact upon you or your property (such as road closures/reconstruction, underground drilling, property acquisition etc.)
- other individuals or organisations, if Council believes that the disclosure is necessary to lessen or prevent a serious and imminent threat to an individual’s life, health, safety or welfare or a serious threat to public health, safety or welfare.

4.4 Written submissions to Council and Committee meetings

Personal information provided as part of a public submission (name, email address, property address etc.) to a Council or committee meeting may be included with the published agenda papers and minutes of the meeting, which are displayed online and are available in hardcopy format for an indefinite period. Where possible, phone numbers, emails and physical addresses will be redacted from the publication.

4.5 Public registers


Personal information may also be contained in registers Council is required to make available for public inspection (or online) under the Local Government (General) Regulations 2015 or other Acts.

5. COUNCIL WEBSITES

The Council’s websites only collect or record personal information provided through our ‘Contact Council’ section, subscription to various eNewsletters, initiatives or program updates, or online applications etc.

While the Council takes all steps to ensure personal information is secure, there are risks in transmitting information across the Internet. If a customer is concerned about conveying sensitive material to Council over the Internet, customers may prefer to contact Council by telephone instead.

This policy does not apply to any personal information provided for the purpose of publication on the website/s, such as an event or business listing and does not apply to other websites Council may link to.

	GOV-POL-17 – PRIVACY POLICY	Version No:	1.0
		Issued:	February 2024
		Next Review:	November 2026

6. HOW TO ACCESS AND CORRECT INFORMATION

6.1 Public access to personal information

Certain documents contain Personal Information that is legislatively required to be made available for public access.

These include:


- Property Assessment Records
- Adjoining Property Owner Requests
- All Council Agenda items which have not been subject to a confidentiality order under section 90(3) of the Local Government Act 1999
- Public Consultation documents and information included in public registers
- Public registers required to be kept under the Local Government Act 1999 (eg. Elected Member Register of Interests)
- Voters' Roll
- Petitions to Council (see above for the specific information that will be available from a petition)

6.2 Freedom of Information (FOI) Act 1991

To access personal Information outside of those document groups listed above, a person may apply to Council's Accredited FOI Officer who will process their application in accordance with the FOI Act. Application forms are available on Council's website.

Personal Information may be released to an applicant, subject to the provisions outlined in the FOI Act.

The applicant will be charged in accordance with Council's Fees and Charges Register for any copies of Personal Information which they have been provided.

	GOV-POL-17 – PRIVACY POLICY	Version No:	1.0
		Issued:	February 2024
		Next Review:	November 2026

6. HOW TO ACCESS AND CORRECT INFORMATION

CONT'D:

6.3 How to make a complaint or enquiry concerning privacy

You have the right to make a complaint where you believe your privacy has been breached by Council.

Complaints must be made by the person whose privacy has allegedly been breached, or a person they have authorised to act on their behalf.

Complaints can be made to:

Chief Executive Officer
 PO Box 41
 Cummins
 South Australia 5631
 Phone: (08) 8676 0400
 E-mail: mail@dclep.sa.gov.au

And will be addressed in line with Councils complaints policy, a copy of which is available from Council’s website [here](#).

DOCUMENT HISTORY		
Version:	Issue Date:	Description of Change:
1.0	February 2024	Adopted