



Privacy Policy	
Type	Privacy / Information Management
GDS Category	Records and Information Management
Responsible Directorate	Corporate – Manager Governance
Policy Adopted	15 May 2023
Review Period	4 yearly
Last Reviewed	-
Next Review Date	May 2027
Policy Version Number	1
Applicable Legislation	<ul style="list-style-type: none"> • State Records Act 1997 • Local Government Act 1999 • Freedom of Information Act 1991
Related Documents	<ul style="list-style-type: none"> • Records Management Policy Whyalla • City of Whyalla GDS21 Digitisation Plan • GDS21 Metadata Mapping Document • Source Records Management Procedure
Public Consultation Required	No
Purpose	The purpose of this Policy is to ensure that personal information is treated in accordance with established privacy principles



1. Introduction

- a. Whyalla City Council undertakes to ensure that the following privacy principles are implemented, maintained and observed in respect of all personal information for which the Council is responsible.
- b. **‘Personal information’** means information or an opinion, whether true or not, relating to a natural person or to the affairs of a natural person whose identity is apparent, or can reasonably be ascertained, from the information or opinion.

2. Collection of Personal Information

- a. Personal information will not be collected unnecessarily or by unlawful or unfair means and every practicable effort will be made to ensure that the information is accurate. The person to whom the personal information applies will be able to correct any inaccuracies as per privacy principle 3.
- b. Personal information will be taken to be collected from a person if the person provides that information to the Council, whether or not in response to a request for that information.
- c. Council will take reasonable steps to ensure that the person to whom the personal information applies is told the purpose for which the information is being collected, unless that purpose is obvious or unless the person has knowingly or voluntarily provided the information or the information is required by law.

3. Policy Objective

- a. To ensure that the management of personal information held by Council is treated in accordance with established principles of privacy and integrity.

4. Scope and Responsibilities

- a. This Policy applies to all Council business which involves personal information, which is created, collected, processed, used, stored and disposed of in the conduct of official business. It includes all electronic communications.
- b. The Policy applies to all Council employees and Council Members, independent consultants and contractors, volunteers, trainees, work experience placements and other authorized personnel offered access to the Council’s resources.

5. Privacy Principles

5.1 Storage of Personal Information

Council will take such steps as are reasonable in the circumstances to ensure that personal information in its possession or under its control is not misused and is securely stored in accordance with the Whyalla City Council Records Management Policy.

5.2 Access to Records of Personal Information

Where Council has in its possession or under its control records of personal information, the person to whom the personal information applies should be entitled to have access to those records in accordance with the *Freedom of Information Act 1991*.

However, in cases where there are unlikely to be adverse consequences from providing the information to the person to whom the personal information applies, the information may be provided to that person without charge and outside the requirements of the *Freedom of Information Act*.

5.3 Correction of Personal Information

If Council has in its possession, or under its control, records of personal information, Council will correct the personal information if it becomes apparent that the information is inaccurate.

5.4 Use and Disclosure of Personal Information

Council will only use or disclose personal information for a purpose to which it is relevant.

Council will not use or disclose personal information for a purpose that is not the purpose of collection or a purpose incidental to or connected with that purpose (the secondary purpose) unless:

- a. the person to whom the personal information applies would reasonably expect Council to use or disclose the information for the secondary purpose and the secondary purpose is related to the primary purpose of collection;
- b. the person to which the personal information applies has expressly or impliedly consented to the use or disclosure;
- c. Council believes on reasonable grounds that the use or disclosure is necessary to prevent or lessen a serious threat to the life, health or safety of the person to which the personal information applies, or of some other person;
- d. the use or disclosure is required by or under law, or is disclosed in accordance with the Freedom of Information Act;
- e. the use or disclosure for that other purpose is reasonably necessary for the enforcement of the criminal law or of a law imposing a pecuniary penalty or for the protection of the public revenue or for the protection of the interests of the Council, the State or Commonwealth governments or related agencies;
- f. Council has reason to suspect that unlawful activity has been, is being or may be engaged in, and discloses the personal information as a necessary part of its investigation of the matter or in reporting its concerns to relevant persons or authorities, or
- g. Council reasonably believes that the use or disclosure relates to information about an individual that suggests that the individual has

engaged or may engage in illegal conduct or serious misconduct in relation to a person, and Council reasonably believes that the use is appropriate in the circumstances.

6 Acts and Practices of the Council and Contracted Service Provider

For the purposes of this Policy:

- Where personal information is disclosed to a person employed by or engaged in the service of Council in performance of their duties, the personal information will be taken to have been disclosed to the Council and will be treated in accordance with this policy.
- Where personal information is disclosed to a Council committee or Council owned subsidiary (formed under Schedule 2, Part 1 of the *Local Government Act*), the personal information will be taken to have been disclosed to the Council and will be treated in accordance with this policy.
- A contract for services, which will necessitate the disclosure of personal information to a contracted service provider, must include conditions to ensure that the privacy principles contained in this Policy are complied with as if the contracted service provider were part of the Council and must include provisions that enable the audit and verification of compliance with this Policy.

7 Confidentiality of Personal Information

Personal information held by Council will be kept in accordance with Council's Records Management Policy and with this Privacy Policy.

However, where personal information is provided to Council by electronic means, such as email, text message or internet based communication methods, Council cannot guarantee the confidentiality or anonymity of the transmission.

8 Action in Relation to a Breach of this Policy

If personal information is used or disclosed by Council in a manner that breaches this policy, Council will rectify the breach as soon as reasonably possible.

If the breach has the potential to cause a serious adverse impact on the person to whom the personal information applies, Council will contact the person, alert them to the breach and seek to mitigate any adverse outcomes.

Where a serious material breach of the policy is a result of an action or actions by a person to whom this policy applies, including Council Members, Council employees and Council contractors, Council will carry out an investigation into the actions of the person or party under the relevant instrument that applies in the particular case. Any person found to have unlawfully breached this policy will be the subject of appropriate disciplinary or contractual actions in relation to the breach.

A serious material breach will be the subject of a report to the Chief Executive Officer, who will be responsible for reporting the breach to any other relevant party, including to a meeting of the Council's Audit and Risk Committee or the Council if appropriate.

9 Access to this Policy

A copy of this policy is available free of charge on the Whyalla City Council website. A person may also obtain a hard copy of this policy, for a fixed fee, from the Council.