

PRIVACY POLICY

(COMMUNITY POLICY)

1. Scope

The Privacy Policy (this 'Policy') is applicable to all Councillors, employees, contractors and volunteers of Livingstone Shire Council.

This Policy covers personal information that is collected, retained, stored and used by Council where it is necessary for one or more of Council's functions or activities.

2. Purpose

The Policy sets out Council's obligations and approach to managing, handling and protecting personal information, while ensuring compliance with the Information Privacy Principles contained within the *Information Privacy Act 2009*.

3. References (legislation/related documents)

Legislative reference

[Information Privacy Act 2009](#)

[Right to Information Act 2009](#)

Related documents

[Complaints Form](#)

ICT Services Directive

[Information Privacy Principles](#) – Queensland Office of the Information Commissioner (OIC)

[Right to Information Policy](#)

4. Definitions

To assist in interpretation, the following definitions shall apply:

Access	Providing an individual with personal information about themselves that is held by the Council. This may include allowing that individual to inspect personal information or to obtain a copy of the personal information.
Collection	Gathering, acquiring or obtaining personal information from any source and by any means.
Collection Notice (Privacy Notice)	May be a written and/or oral notice advising an external customer and/or employee why Council is collecting their personal information, any legal authority to do so (if applicable), any individual or other agency to whom Council may be disclosing their personal information, and any other individual or agency to whom the first agency may be disclosing their personal information.
Council	Livingstone Shire Council.

Decision Maker	The employee within Livingstone Shire Council who makes the decision to release or disclose information forming part of a formal Right to Information or Information Privacy request.
Employee	Local government employee: (a) The Chief Executive Officer; or (b) A person holding an appointment under section 196 of the <i>Local Government Act 2009</i> .
External Customer	Any individual who is a member of the general public.
Individual	Any living human being; that is, an Individual is not a company, trust or deceased person.
Information Privacy Principles	The Information Privacy Principles (IPPs) place strict obligations on an agency when it collects, stores, uses and discloses personal information. The IPPs are set out in schedule 3 of the <i>Information Privacy Act 2009</i> .
Privacy Complaint	An expression of dissatisfaction concerning the collection, storage, use or disclosure of personal information held by Livingstone Shire Council. The complaint may be concerning an individual's breach of privacy, or a breach of another individual's privacy made on their behalf.
Reasonably Ascertained	Means the individual can be identified solely from the information.
Right to Information / Information Privacy Coordinator	The Chief Executive Officer has delegated the Coordinator Governance to be the Right to Information / Information Privacy Coordinator.

5. Policy Statement

Council is committed to upholding the right to privacy of all individuals who have dealings with Council. Council will take all reasonable and appropriate steps to protect the privacy of individuals having regard to the requirements of the *Information Privacy Act 2009* and the Information Privacy Principles.

5.1 Personal Information

As defined in the *Information Privacy Act 2009*, Personal Information is information or an opinion, including information or an opinion forming part of a database, whether true or not, and whether recorded in material form or not, about an individual whose identity is apparent, or can be reasonably ascertained, from the information or opinion.

Personal information includes a broad range of information that may lead to the identity of an individual. For information to be personal information, two criteria must be satisfied:

- it must be about a living individual, and
- the individual's identity must be apparent or reasonably ascertainable from the information.

Examples of personal information held by Council include, but not limited to:

- names, addresses and contact numbers;
- property ownership and/or occupiers;
- pensioner/concession details;
- payment history;

- animal ownership;
- car registration and driver's licence details; and
- employee personal information.

5.2 Roles and Responsibilities

1) Principal Officer

For the purposes of the *Information Privacy Act 2009*, the Chief Executive Officer is the 'Principal Officer', and as such, is responsible for Council's obligations under the Act.

2) Right to Information / Information Privacy Coordinator

For the purposes of the *Information Privacy Act 2009*, the Right to Information / Information Privacy Coordinator is responsible for coordinating information privacy requests within Council and administering the key provisions under the Act.

5.3 Collection of Personal Information

Council will only collect personal information if it is necessary for one or more of its functions or activities.

Certain information is collected in order to comply with laws and regulations.

Council will only use personal information for the purposes for which it was collected and for any other use authorised or required by law, including law enforcement and compliance activities.

Council will advise the reasons for collecting any personal information via a Collection Notice.

5.4 Use and Disclosure of Personal Information

It is Council's policy that personal information will not be divulged, sold, traded, or made available to third parties outside of Council for their independent use unless the person to which the information relates has authorised, in writing, for Council to do so, or the disclosure is required or allowed by law.

It is Council's policy that personal information will not be made available in a public forum without the express written permission of the third party and other individuals detailed in any correspondence or collected in any way.

Where Council out-sources functions that involve the collection, utilisation and/or holding of personal information, contractual measures will be taken to ensure that the contractors and subcontractors do not act in a way that would amount to a breach of the Information Privacy Principles. Council will require contractors to sign a Deed of Confidentiality to acknowledge the need to maintain the confidentiality of personal information and abide by all applicable laws. Council will not permit third parties to sell or use the information for their own purposes.

Contracts with third parties will include clear provisions about the purposes for which the contractor is to use the information and other provisions necessary to ensure the contractor does not make unauthorised disclosures. They will also contain provisions about how the contractor is to keep the information secure, and what it must do with the information when it has completed the works under the contract.

5.5 Privacy Complaints

Chapter 5 of the *Information Privacy Act 2009* provides for an individual to make a privacy complaint if they believe that Council has not dealt with their personal information in accordance with the Information Privacy Principles.

Privacy complaints are to be made via Council's [Complaints Form](#). The investigation of privacy complaints will be assessed by the Chief Executive Officer, who will nominate an

Investigating Officer. All privacy complaints will be investigated in accordance with the Council's Investigation Procedure.

If the complaint is not resolved to the individual's satisfaction, and more than 45 business days has passed since the complaint was made, the individual may refer their complaint to the Office of the Information Commissioner for investigation.

5.6 Accessing and Amending Personal Information

Chapter 3 of the *Information Privacy Act 2009* provides for an Individual to make an application to access and amend their personal information.

Applications to access and amend personal information are to be made via the following Queensland State Government forms:

- [Right to Information and Information Privacy Access Application](#) - for an individual to apply to access their personal information; and
- [Information Privacy Personal Information Amendment Application](#) - for an individual to apply to amend their personal information.

All applications will be coordinated by the Right to Information / Information Privacy Coordinator, who will nominate the appropriate Decision Maker to deal with the application.

6. Changes to this Policy

This Policy is to remain in force until any of the following occur:

1. The related information is amended/replaced; or
2. Other circumstances as determined from time to time by the Council

7. Repeals/Amendments

This Policy repeals the Livingstone Shire Council Policy titled 'Privacy Policy (v1.2).'

Version	Date	Action
1.0	14/10/2014	Adopted
1.1	16/01/2018	Policy reviewed, no amendments required
1.2	02/10/2018	Administrative Amendments – reflect organisational restructure and update Chief Executive Officer
2.0	12/03/2024	Adopted – related documents, definitions, policy statement and section 5.1 updated, Attachment 1 added
2.1	17/05/2024	Administrative Amendment – related documents updated and section 5.5 updated to reflect that investigations will be carried out in accordance with Council's Investigation Procedure

CALE DENDLE
CHIEF EXECUTIVE OFFICER

Attachment 1

Information Privacy Principles (IPPs)

The 11 Information Privacy Principles (IPP) govern how personal information is collected, stored, used and disclosed by Government agencies. They can be broadly categorised into the following five groups, Schedule 3 of the *Information Privacy Act 2009* provides a detailed explanation of each Information Privacy Principle listed below:

Collection of personal information	
IPP 1	Collection of personal information (lawful and fair)
IPP 2	Collection of personal information (requested from individual)
IPP 3	Collection of personal information (relevance etc)
Storage and Security of Information	
IPP 4	Storage and security of personal information
Access and Amendment to 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
Accuracy of Information	
IPP 8	Checking of accuracy etc. of personal information before use by agency
Use and Disclosure of Personal Information	
IPP 9	Use of information only for relevant purpose
IPP 10	Limits on use of personal information
IPP 11	Limits on disclosure

The primary object of the *Information Privacy Act 2009* Act is to provide for the fair collection and handling of personal information that is collected and used in the delivery of government services and the conduct of government business. It provides a right of access to, and amendment of, personal 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 or allow the information to be amended.