KING ISLAND COUNCIL

Policy

PERSONAL INFORMATION PROTECTION (PRIVACY) POLICY

Responsible Officer: GENERAL MANAGER

Date: 17 October 2023

Review Date: 17 October 2026

1. Purpose

To demonstrate King Island Council's (Council) commitment to protecting an individual's rights to personal privacy, and compliance with relevant legislative and internal policies that enforce an individual's right to personal information protection, in accordance with the *Personal Information Protection Act 2004* (Tas), (the Act). The Act is to regulate the collection, maintenance, use, correction and disclosure of personal information relating to individuals.

2. Policy

SCOPE

This Policy applies to all employees, councillors and other persons at the workplace of Council, and covers all personal information held by Council. It also applies to external parties to whom Council is required to provide personal information to provide or perform Council or business services.

GOVERNANCE OBLIGATIONS

- Legal compliance
- Risk Management

LEGISLATION

Personal Information Protection Act 2004 (Tas)
Local Government Act 1993 (Tas)
Right to Information Act 2009 (Tas)

DEFINITIONS

Refer to Part 1 – Preliminary, Section 3, Interpretation for the definition of terms included under this Act (*Personal Information Protection Act 2004 (TAS))*.

POLICY

What is personal information?

'Personal information' means any information or opinion in any recorded format about an individual whose identity is apparent or is reasonably ascertainable from the information or opinion and who is alive or has not been dead for more than 25 years.

What is sensitive information?

'Sensitive information' includes things like health information, criminal record, racial origin and sexual preferences. Generally, Council will only collect sensitive information if it is necessary to provide a service to a person and the person consents or if the collection of the information is required or permitted by law (Schedule 1, Principle 10(1)(a) of the Act).

Anonymity

If a person is making a general enquiry it may not be necessary to identify himself or herself. However, if a person wants to obtain a service, identification may be necessary.

Verification of the individual's identity must be ascertained prior to the provision to them of information sought.

Information collected

Council collects personal information that is necessary for it to perform its functions and will only use or disclose this information for the purposes for which it is provided. Some of these purposes will include provision of services by organisations and people outside Council, such as external agencies or contractors.

Council takes reasonable steps to ensure that the personal information it holds is accurate, complete and up to date. Where practicable, Council will check on the accuracy of personal information before it is used. Council also provides opportunities and prompts for the public to provide updated information.

There may be circumstances where Council is required or obliged by law to collect personal information. Sensitive information will only be obtained where, an individual provides consent or, is permitted under the Act.

Information obtained may include:

- Name
- Address
- Telephone contacts
- Email address
- Date of birth
- Occupation
- Centrelink Customer Reference Number (CRN or similar identification required for State or Australian Government processes)
- Bank Details
- Vehicle Registration details
- Australian Business Number (ABN) details
- Tax File Number (TFN) details

There are various purposes for obtaining personal information which may include:

- To provide services, as requested by the individual
- To follow up on complaints or issues
- To confirm attendance at meetings, functions etc.
- To provide information and written materials where an individual has been included on a mailing or distribution list
- To facilitate the collection of fees and charges
- To facilitate payments, and
- To undertake law enforcement activities
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After collecting personal information, the Council will take all reasonable steps to ensure the individual is made aware of:

- Council's identity and how to contact it
- The individual's rights in regards to accessing the information collected
- The purpose for collecting the information
- The intended recipients of the information
- Legislation that requires the information to be collected, and
- The main consequences, if any, of not providing all or part of that information.

Access to and correction of information collected

The Act provides that a person can access their personal information that is held by Council. If a person considers the personal information held by the Council is inaccurate in any way, they can request that the information be amended.

Requests to access or correct personal information held by the Council should be addressed to:

The General Manager
King Island Council
PO Box 147
CURRIE TAS 7256

If, on accessing their personal information, the individual believes the personal information is incorrect, inaccurate, out of date or misleading, the individual can request the information be corrected or amended.

Amendments to personal information are established under the Act. A request to amend information under this Act must be in writing and addressed to the General Manager (mailing details as listed above).

The request must specify a postal or email address to which the notice is to be sent, give particulars of the information the person believes should be amended, and specify the amendments that the person wants made to that information.

Use and disclosure of personal information

Council staff members will be provided only with access to the personal information necessary for them to carry out their functions within Council.

All staff members are bound to maintain confidentiality in relation to information acquired in carrying out their duties.

Personal information will be used only for the purposes described in the *Information collected* section above. Personal information will only be disclosed with the person's consent, or if it is required by or authorised by law.

There may be a requirement to disclose some or all of the personal information Council collects to contractors or agents of the Council, law enforcement agencies, courts, or other public sector bodies. These disclosures are made consistent with this policy and the legislation.

Personal information in written submissions on policy matters or matters of public consultation may be disclosed in reports that are made public unless the submission was submitted and accepted on a confidential basis.

Security of personal information

Council uses a number of safeguards to protect information from misuse and loss, unauthorised access, modification and disclosure.

Generally, there is an intention that information is destroyed or permanently de-identified when it is no longer required, but this can only be done in accordance with processes approved by the State Archivist under the Archives Act 1983.

Complaints

Complaints relating to privacy and the provision of personal information **must be made in writing** and addressed to:

The General Manager
King Island Council
PO Box 147
CURRIE TAS 7256

Alternatively, if a person is not satisfied with the handling or outcome of his or her request for access to or correction of his or her personal information, he or she can lodge a complaint with the Ombudsman. The Ombudsman's Office can be contacted on 1800 001 170 or by email at ombudsman@ombudsman.tas.gov.au

2.1 RELATED DOCUMENTS

King Island Council Councillors Code of Conduct
King Island Council Code of Conduct (employees and other persons at the workplace) King Island Council's Related Parties Disclosure Policy
King Island Council's Related Party Declaration by Key Management Personnel

3. Legislation, Terminology and References

Applicable legislation:

All laws in connection with policies including but not limited to:

- *Personal Information Protection Act 2004* (Tas)
- *Local Government Act 1993* (Tas)
- *Right to Information Act 2009* (Tas)

Definitions	
Term	**Meaning**
Council	King Island Council
Councillor	An elected member of Council known as a Councillor or Alderman or otherwise meeting the definition of a 'councillor' as defined under section 3 of the *Local Government Act 1993* (TAS)
Employee	A person who carries out work for Council as an employee of Council.
General Manager	The general manager of Council as appointed under section 61 of the *Local Government Act 1993* (TAS).
Manager/Supervisor	A person at the Workplace who is appointed to a position that has management/supervisory responsibilities for others or their appropriately nominated or authorised delegate.
Other Persons at the Workplace	A person, other than a Councillor, who carries out work in any capacity for Council, including work as: (a) a contractor or subcontractor. (b) an employee of a contractor or subcontractor. (c) an employee of a labour hire company who has been assigned to work at Council. (d) an apprentice or trainee. (e) a student gaining work experience; or (f) a volunteer.
Policy	Personal Information Protection Policy
Workplace	A place where work is carried out for Council.

History:

Any previous policies used by Council:

Personal Information Protection Policy - Policy Adopted 15 October 2019 – Res No: 267/19

POLICY VERSION AND REVISION INFORMATION

Title: Personal Information Protection (Privacy) Policy

Policy Maintained by: Administration Manager

Policy first commenced: 15 October 2019

Policy Review: 19 September 2025

Version No	Date	Resolution No	Responsible Officer
1.0	17.10.2023	223/23	Administration Manager