



GOV15	Information Privacy Policy
Approval Date:	23/06/2022
Council Decision Reference:	057/2022
Policy Type:	Governance
Policy Custodian:	Chief People and Strategy Officer
Review Date:	23/06/2025
Version (Revision Number):	1.0

Purpose

This policy sets out Council’s commitment to information privacy and its intent to comply with the requirements of the *Information Act 2002* (NT), the Information Privacy Principles (IPPs), the *Local Government Act 2019* (NT) and *Local Government (General) Regulations 2021* (NT).

Scope

This policy covers all personal information collected and held by Council through engagement with Members and Council staff.

The policy applies to all Members and Council staff; ratepayers and residents of the West Daly Region; and all people who use the services or transact business with the West Daly Regional Council (WDRC).

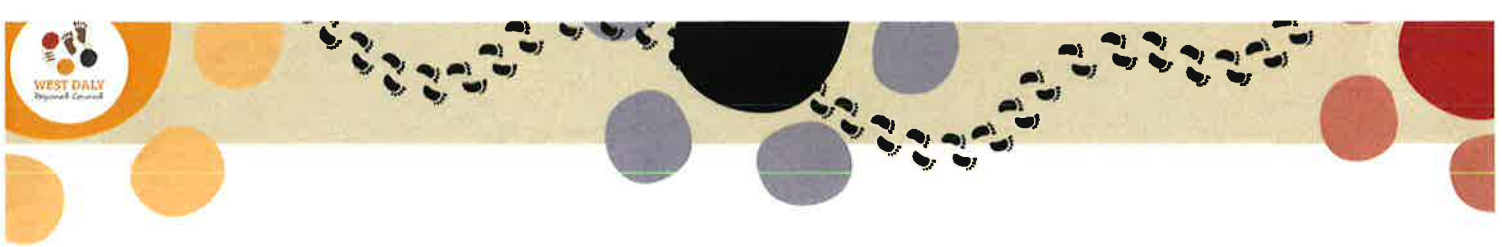
Policy Statement

1. Policy Principles

- 1.1. Council is committed to having in place appropriate processes and systems to ensure information privacy for its clients, constituents, Council staff, and Members, in accordance with the *Information Act 2002* (NT), the *Local Government Act 2019* (NT) and *Local Government (General) Regulations 2021* (NT).

2. Information Privacy for Members and Council Staff

- 2.1. Members and Council staff are protected by the *Information Privacy Principles* and have a right to privacy of their personal information as far as reasonably possible. This includes their financial information collected as part of Council’s accounting records.
- 2.2. Council is committed to protecting our Members and Council staff from undue intrusion into their private affairs.
 - a) Council will only collect information from Members and Council staff, that it needs to carry out its functions and activities.
 - b) Council will ensure information concerning Members and Council staff is de-identified as far as practicable in accounting records and related information.



- c) Council will only use information collected from Members and Council staff, for the purpose that the information was collected for.
- d) Information about Members and Council staff will only be disclosed for a purpose: That is directly or reasonably related to the necessary operations of Council; or if the person consents to that use or disclosure; or if the disclosure is authorised by law.
- e) Council will take reasonable steps to maintain the privacy and integrity of the personal information it holds as part of its accounting records.
- f) Council will take all reasonable measures to ensure that the information it collects on Members and Council staff is accurate, complete and up to date.

2.3. Council will only provide contact details of Members and Council staff with their consent.

2.4. Council staff who are provided with a mobile phone and/or email account by Council to enable fulfilment of the requirements of their roles may have the mobile phone number and email address disclosed. No private contact details will be disclosed.

3. Collecting Personal Information

3.1. Council will only collect personal information that it needs to carry out its functions and activities, including its statutory functions under legislation. This may include personal information of Members and Council staff.

3.2. When Council collects personal information, reasonable steps will be taken to ensure customers are aware of what information Council wants, for what purpose, whether any law requires Council to collect it, and the consequences, if any, of not providing the information.

3.3. An information privacy statement will be made available to all users of Council services (e.g., library, childcare or community care services), at the time when Council requests personal information from the user to provide the user with the service.

3.4. Council may also collate statistical information from the personal information it collects. This information may be used by Council and other government bodies to assist in reporting, and the provision of appropriate services and facilities including open data. Once this kind of information is collected, it will be anonymised so that any compilation or publication of those statistics will not reveal an individual's identity.

3.5. Council may collect personal information in a number of ways, including:

- a) Directly in documents such as application forms, statutory declarations, intake/enrolment forms, service related assessments and planning activities, service agreements or from verbal or written correspondence.
- b) From third parties such as government bodies.

3.6. Generally, Council will only collect sensitive information with consent or if it is required by law.

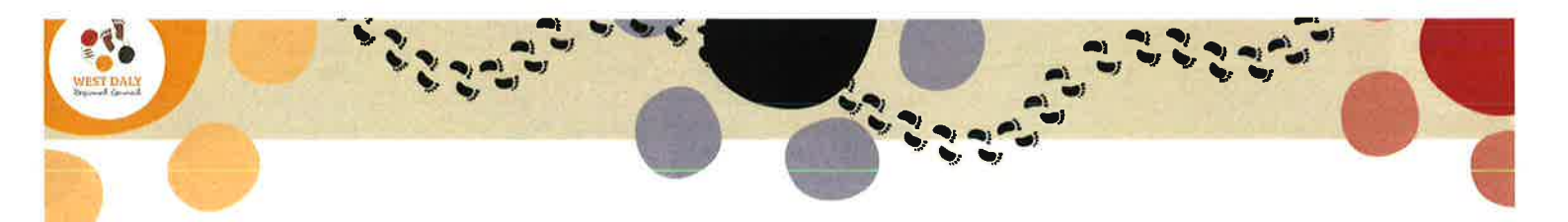


4. Use and Disclosure of Personal Information

- 4.1. Council will not use or disclose personal information which has been collected for a particular purpose (“the primary purpose”) for another purpose (“the secondary purpose”) unless:
 - a) The secondary purpose is directly related to the primary purpose and one which the individual would reasonably expect.
 - b) The individual consents.
 - c) To lessen or prevent serious harm or where disclosure is authorised by law.
- 4.2. Council may use personal information in a number of ways, including:
 - a) To carry out Council’s functions.
 - b) To provide customers with information about Council services.
 - c) To determine and provide appropriate services and facilities.
 - d) To administer and manage processes such as applications for permits, animal ownership, billing and collection of rates and charges, parking controls and development proposals.
 - e) To administer and make enquiries on personnel and recruitment matters.
- 4.3. In situations where Council requires a third party to collect, use or disclose information to perform Council functions, the third party will be bound by, and fully aware of their obligations to, the provisions of the *Information Act 2002 (NT)* and IPPs.
- 4.4. Where lawful and practical, Council may give customers the option of not identifying themselves when supplying information or entering into transactions with Council and will advise of any consequences of remaining anonymous.
- 4.5. Individuals may request access to or correction of personal information the Council holds about them, excluding exemptions under the *Information Act 2002 (NT)*.
- 4.6. If requested by an individual, Council will take reasonable steps to inform that individual of the kind of personal information it holds, why it holds the information and how it collects, holds, uses, and discloses the information.
- 4.7. Upon request, Council will take reasonable steps to suppress personal details from publicly available material in accordance with the *Local Government Act 2019 (NT)*.

5. Data Security of Personal Information

- 5.1. Council will use reasonable measures to maintain a secure system for storing personal information and restrict access to Council staff who require personal information for purposes directly related to their responsibilities. Technological and operational policies and procedures are in place to protect personal information from misuse and loss, and from unauthorised modification or disclosure. This includes physical security measures in Council facilities to protect Members and Council staff.
- 5.2. Council will dispose of or de-identify personal information where it is no longer necessary to fulfil the purposes for which the information was collected or as required by law.
- 5.3. Council will not transfer personal information unless:

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- a) The information is being transferred to the individual concerned.
 - b) The transfer is required or authorised by law.
 - c) The recipient is subject to laws substantially similar to the IPPs.
 - d) The individual has consented, or the transfer is required for performance of a contract with the individual or that benefits the individual.
 - e) Council has taken reasonable steps to ensure that the information will not be held, used or disclosed by the person to whom it is transferred in a manner that is inconsistent with this policy.

5.4. Council will take all reasonable measures to ensure the information it collects is accurate, complete, and up to date.

6. Access to Council Assessment Records (including Sufficient Interest in the Assessment Record)

6.1. The following parties may inspect or copy a Council assessment record free of charge:

- a) In relation to the part of the record for particular land – an owner, occupier or lessee of the land or the adjoining land or an agent of the owner, occupier or lessee of the land or the adjoining land.
- b) The CEO of an Agency.

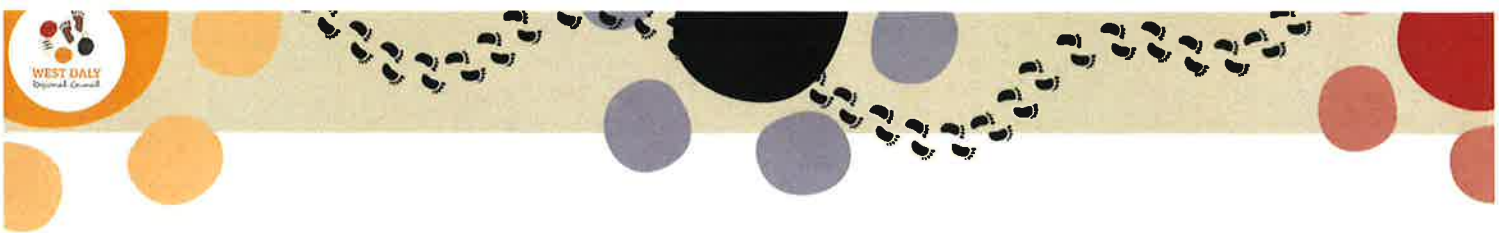
6.2. Where a person to whom an entry in the assessment record relates requests it, the person's contact details must be suppressed from the publicly accessible copy of the record.

6.3. Under the Local Government Act, a person with a sufficient interest in the assessment record may inspect or copy the assessment record, at a fee fixed by Council, at Council's public office.

6.4. For a person to be considered as having sufficient interest to have access to the Council assessment record in relation to an allotment, they must satisfy the criteria for one of the below options:

- a) The person is a legal practitioner; or
- b) The person is a licensed conveyancer; or
- c) The person completes a statutory declaration that provides: a reasonable explanation, whether personal or professional in nature, for making a request to inspect or copy the assessment record; and that the information inspected and/or copied from the assessment record will be kept confidential; and that the information inspected and/or copied from the assessment record will not be used for any other purpose that has not been identified in the reasons provided under the statutory declaration.

6.5. In determining the reasonableness of the explanation provided under the statutory declaration, the CEO will take into account the public interest and the risk of detriment to the owner or ratepayer in granting access to the assessment record for that allotment.



7. Making a Privacy Complaint

7.1. Complaints about privacy should be directed to the Privacy Officer to request a resolution. If unsatisfied with the response by Council, a complaint may be lodged with the Northern Territory Information Commissioner, within 12 months of becoming aware of the privacy matter.

8. Breaches of Privacy

8.1. A privacy breach happens when there is a failure to comply with one or more of the Information Privacy Principles. In the event of a privacy breach Council is committed to responding appropriately to manage and/or minimise any potential or actual harm, and to prevent a breach reoccurring.

8.2. In the event of a privacy breach, the senior manager with responsibility for the area where the breach occurred is to be informed immediately. The Privacy Officer should also be notified.

8.3. Council will take appropriate action to:

- a) Contain the breach.
- b) Evaluate the risks associated with the breach.
- c) Consider notifying affected individuals. While the *Information Act 2002 (NT)* does not specifically require Council to notify individuals who have been affected by a privacy breach, Council is committed to taking all reasonable steps to minimise harm from data breaches, and to the principles of open and transparent governance.
- d) Prevent a repeat of the breach by investigating the circumstances of the breach and implementing appropriate short and/or long-term measures to prevent any reoccurrence.

9. Responsibilities

9.1. All Members and Council staff are responsible for complying with the provisions of this policy and with Council's practices and procedures for appropriate handling of personal information.

9.2. The CEO is responsible for determining the reasonableness of an explanation for access to a Council assessment record from a person who needs to satisfy that they have a sufficient interest in the assessment record.

9.3. The Privacy Officer is responsible for handling privacy complaints within Council.

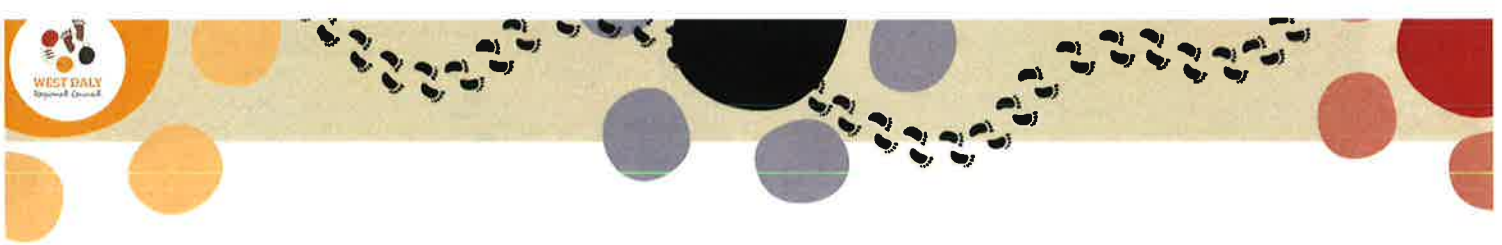
References

Information Act 2002 (NT)

Information Privacy Principles (NT)

Local Government Act 2019 (NT)

Local Government (General) Regulations 2021 (NT)



Definitions

In the context of this policy the following definitions apply:

Access means 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.

Assessment record means the assessment record maintained by Council in accordance with the *Local Government Act 2019* (NT), including for example a brief description of each allotment within the areas and a statement of its assessed value.

Collection means gathering, acquiring, or obtaining personal information from any source and by any means.

Consent in relation to solicited information means a voluntary agreement (express or implied) to some act, practice, or purpose. The individual must be adequately informed before giving consent and must have the capacity to understand and communicate their consent.

Disclosure means the release of personal information to persons or organisations outside the Council (receiving entity) where the receiving entity does not know the personal information and the Council ceases to have control over the receiving entity in relation to who will know the personal information in the future. It does not include giving individuals personal information about themselves.

Information Privacy Principles (IPPs) are a list of 10 rules for collecting and handling personal information that bind NT government organisations. They can be found in the schedule of the *Information Act 2002* (NT).

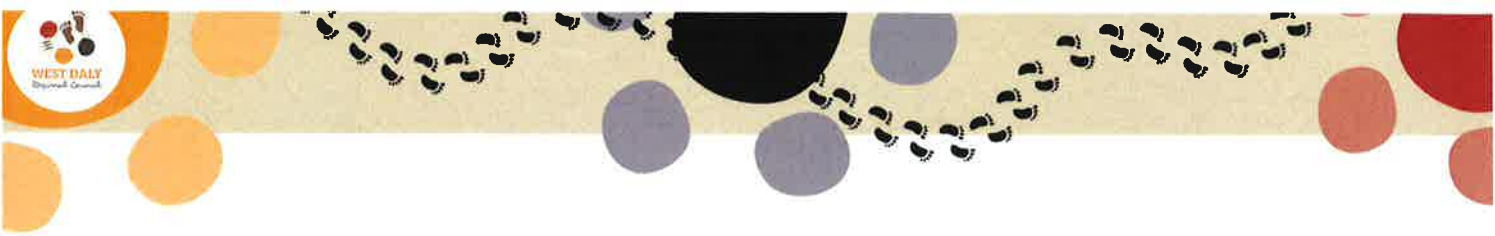
Members is a collective noun referring to Elected Members, Local Authority Members and Council Committee Members of the West Daly Regional Council.

Personal Information is Council information that discloses a person's identity or from which a person's identity is reasonably ascertainable. However, the Council information is not personal information to the extent that the person's identity is disclosed only in the context of having acted in an official capacity for a public sector organisation; and the government information discloses no other personal information about the person.

The **Privacy Officer** is the Chief People and Strategy Officer for advice on privacy matters within Council, including compliance with relevant legislation.

Sensitive information means personal information about an individual's racial or ethnic origin, political opinions, membership of professional, trade, political association or trade union, philosophical or religious beliefs, sexual preferences or practices, criminal record or health information.

Use means the handling of personal information within Council including the inclusion of personal information in a publication, taking personal information into account in the making of a decision, or transferring the information from one part of the Council with particular functions to another part of the Council having different functions.




Related Documents

Records Policy

Freedom of Information Procedure

Privacy Statement

For more information, contact the Policy Custodian.

Signature of Endorsement:	
Name:	Matthew Eastham ASM
Position:	Chief Executive Officer

