

Policy Name	Privacy and Confidentiality
Policy Type	Governance
Policy Number	GOV13
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**Policy Number**            **GOV13**

**Policy Name**             **Privacy and Confidentiality**

## SUMMARY

The West Daly Regional Council is committed to a right of privacy to all individuals who have business dealings with Council. Council will undertake necessary actions to ensure that personal information provided by customers and employees remains strictly confidential.

This policy applies to employees and customers of Council and covers personal information that is collected, retained, stored and used by Council where it is necessary for one or more of the Council's functions or activities.

## POLICY STATEMENT

### 1. Collection of Personal Information

- a. Council will only collect personal information if it is necessary for one or more functions or activities or is collected in order to comply with laws and regulations.
- b. Whenever Council collects personal information about a customer or employee, that information and the reasons for its collection will be shared with those customers or employees upon request. The information collected may not be provided to other customers or employees who are not connected or involved.
- c. Council and its employees will only use personal information for the purposes for which it was collected and for any other use authorised for required by law, including law enforcement and compliance activities.
- d. Sensitive information shall not be collected without consent unless the collection is required by law.

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## 2. Use and Disclosure of Personal Information

- a. Council will not divulge information to a third party outside Council for their independent use unless the person to whom the information relates has authorised Council to do so, or the disclosure is required or allowed by law. Council and its employees will not sell, trade or make available personal information to others. Information provided by members of the public will only be shared with other business units with the West Daly Regional Council where necessary.
- b. Contracts with third parties will include clear provisions about the purposes for which the contract 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 they must do with the information when they have completed the contracted out activity.

## 3. Data Quality

Council will take all reasonable steps to ensure that customers' personal information is accurate, complete and up to date. Council will respond to any requests from the public to correct inaccurate information in a timely manner.

## 4. Data Security

- a. Council will take steps to protect the personal information it holds from misuse and loss and from unauthorised access, modification and disclosure.
- b. Council employees are responsible for protecting personal information from misuse, loss, corruption or disclosure. Personal information will be handled with care and only used for authorised persons.
- c. All employees must maintain public confidentiality and respect of the privacy of individuals who have dealings with Council. Employees must treat all personal information as confidential and sensitive information as highly confidential. Council employees will not disclose any confidential information, use any information to their personal advantage or permit unauthorised access to such information.
- d. Council files are strictly confidential and under no circumstances should a member of the public have access to files. Employees must also be conscious of security with the office environment when members of the public are present. External customers must not be left unattended with Council files.

- e. Destruction of records containing personal information, including personal records, must be by secure means. Ordinarily, garbage disposal or recycling or intact documents are not secure means of destruction and should only be used for documents that are already in the public domain. Reasonable steps to destroy paper documents that contain personal information include shredding, pulping or the disintegration of paper. All computers that are removed from use and made available for non-Council purposes will have all data removed from the hardware.

## 5. Access and Correction to Data

- a. Individuals are permitted to access information about them which is held by Council. Individuals are entitled to know generally what sort of information Council holds about them, for what purposes and how it collects, holds, uses and discloses that information.
- b. Requests for access to such information are to be made in writing to the Human Resources Manager.
- c. Council will respond to public requests to correct information in a timely manner.
- d. Council will provide written reasons when a request for access or correction of personal information is refused.

## 6. Anonymity

Whenever it is lawful and practicable to do so, customers will be given the option of not identifying themselves when dealing with Council.

## TERMINOLOGY AND REFERENCES

**Personal Information** – can be defined as information or an opinion (including information forming part of a database) whether true or not, and whether recorded in a material form or not, about an individual whose identity is apparent, or can reasonably be ascertained, from the information or opinion. It is therefore any information that can be used to identify an individual.

### REFERENCES

*Local Government Act*

### FURTHER INFORMATION:

*Chief Executive Officer*

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