

1. Rationale

Council is committed to open and transparent governance while protecting the privacy of individuals. This policy outlines how council approaches the collection, storage, disclosure, and use of personal and commercial information.

2. Policy statement

Council is committed to protecting the privacy and security of personal information under its control. Council handles personal information in accordance with the privacy provisions under applicable laws, including the Privacy Act 1988 (Cwth) specifically in relation to Tax File Number (TFN) information. Council also adopts state and federal best practice privacy principles and standards.

Council recognises that various contracts and agreements may impose additional privacy obligations. Council complies with its contractual obligations. Council staff and contractors must adhere to any contractual obligations applicable to their roles and the information/data they handle.

3. Policy scope and implementation

Scope

This policy and related procedures apply to all people with access to council information, information systems and information stores (computer-based or otherwise), including:

- Council staff;
- Council Members;
- Volunteers;
- Work experience placements; graduates and trainees; and
- Independent contractors and consultants.

Implementation

3.1 Information collection, use, and disclosure

Collection: Personal information is collected only when necessary for council's activities or as required under contractual obligations.

Use: Information collected by council is used solely for the purpose it was collected or as contractually agreed.

Disclosure: Information is only disclosed in accordance with legal and contractual requirements, ensuring confidentiality and security.

3.2 Access and disclosure of personal information

Individuals whose personal information is held by council have the right to access their data, request correction, and file complaints regarding the handling of their personal information.

All Council Members, council staff and contractors are responsible for complying with this privacy policy and for safeguarding personal information accessible to them.

Council acknowledges that it has certain personal information in its possession that it is legislatively required to make available for access by members of the public. There is also provision under the Freedom of Information Act 1991 for members of the public to apply for information from council.

Council will not provide personal information that the council holds on individuals, residents and/or ratepayers to third parties unless specifically required to by law and after following relevant consultation requirements, EXCEPT:

- After council first takes reasonable steps to obtain the consent of the person concerned to use his or her personal information for that other purpose;
- Where the provision of personal information is for the purpose of distributing materials for the sole purpose of and on behalf of council (e.g., for use to distribute Rates Notices);
- Where the third party has been contracted by council to provide advice or services for the sole purpose of assisting council to provide benefits to residents and/or ratepayers;
- Where council is required by legislation to provide personal information to a third party (e.g., provision of personal information to the State Electoral Office) or to the public at large in accordance with legislation where the information is not otherwise exempt;
- Where the resident and/or ratepayer has been advised of council's usual practice of disclosing personal information (through council's Privacy Statements);
- Where the personal information forms part of the public notification required and related to lodgement of a development application;
- Where personal information is received as part of a Petition to Council, in which case, this will be dealt with in accordance with the Local Government Act 1999 and as set out in council's Petition Policy.
- Council believes, on reasonable grounds, that use of the personal information is necessary to prevent or lessen a serious and imminent threat to the life or health of the subject or of some other person;
- The use of the personal information is required and authorised by law; or
- The use of the personal information for that other purpose is reasonably necessary for the enforcement of the criminal law or law imposing a pecuniary penalty.

Before council provides personal information to a third-party service provider that is subject to the provisions of the Privacy Act 1988 (Cwth), that supplier will be required to provide a signed Privacy Undertaking to council that it will comply with the Privacy Act 1988 (Cwth) and the National Privacy Principles in respect to the collection, use and handling of personal information supplied by council.

Council may supply personal information about an individual to that individual as part of a standard communication or pursuant to a request made by the individual.

3.3 Privacy statements

In addition to this Privacy Policy, from time to time, council may need to explain specific privacy practices in more detail. In such circumstances, council will develop and provide separate *Privacy Statements* to describe how it will handle the personal information that it collects. Where issued, a Privacy Statement will detail council's personal information handling practices in relation to that particular service or function.

3.4 Suppression of personal information

A person's name and/or address may be suppressed from Council's Assessment Record and/or Voters Roll where the Chief Executive Officer is satisfied that the inclusion of the name and/or address on the Assessment Record and/or Voters Roll would risk the personal safety of that person, a member of the person's family, or any other person.

3.5 Privacy queries and complaints

For questions about this policy, or to lodge a complaint about how personal information is being handled, please contact:

Privacy Officer
City of Marion
Email: privacy@marion.sa.gov.au
Phone: 8375 6600
Address: City of Marion PO Box 21, Park Holme SA 5043

3.6 Data security and breach response

Council employs robust security measures to protect personal information from unauthorised access, alteration, or disclosure.

In the event of a data breach, particularly involving TFN information, council will follow its *Notifiable Data Breach Response Plan* and its *Procedure for Investigating and Reporting a Privacy Breach* which include notifying affected individuals and relevant authorities in accordance with legal and contractual requirements.

4 Training and awareness

Regular training will be provided to all council staff and contractors on the importance of privacy protection and compliance with this policy. This training will help ensure that all parties understand the privacy obligations and adhere to the highest standards of data protection.

5 Definitions

| Term | Definition |
|-------------------------------------|--|
| Access | Providing to an individual, information about himself or herself that is held by 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, including information that council has come across by accident or has not asked for. |
| Consent | Voluntary agreement to some act, practice or purpose. |
| Disclosure | The release of information to persons or organisations outside the council. It does not include giving individuals information about themselves. |
| Eligible Data Breach | The unauthorised access, disclosure or loss of TFN information that is likely to result in serious harm to one or more individuals. |
| Notifiable Data Breach (NDB) Scheme | Councils are subject to the NDB Scheme under the <i>Privacy Act 1988</i> (Cwth) to the extent that TFN information is involved in an eligible data breach. |
| Personal Information | Information or an opinion (including information or an opinion forming part of a database), whether true or not, and whether recorded in a material form or not, about a natural living person whose identity is apparent, or can reasonably be ascertained, from the information or opinion, including a photograph or other pictorial representation of a person, but does not include |

| Term | Definition |
|-----------------------|---|
| | <p>information that is:</p> <ul style="list-style-type: none"> • in generally available publications; • kept in public records and archives such as the Commonwealth or State archives; or • kept in a library, art gallery or museum for the purpose of reference, study or exhibition. |
| Sensitive Information | <p>Information or an opinion that may give rise to discriminatory practices based on an individual's:</p> <ul style="list-style-type: none"> • racial or ethnic origin; • political opinions; • membership of a political association, a professional or trade association or a trade union; • religious beliefs or affirmations; • philosophical beliefs; • sexual preferences or practices; • gender; • criminal record; or • health |
| TFN (Tax File Number) | Tax File Number – A personal reference number used in the Taxation and Superannuation systems. |
| TFN Information | Information, whether recorded in a material form or not, that records the tax file number of a person in a manner connecting it with a person's identity (e.g., a person's name and date of birth). Council, as an employer, is in receipt of TFN information. |
| Use | The handling of personal information within a council including the inclusion of information in a publication. |

6 Roles and responsibilities

| Role | Responsibility |
|-----------------|---|
| Council Staff | <ul style="list-style-type: none"> • Implement and comply with this Policy |
| Council Members | <ul style="list-style-type: none"> • Comply with this Policy |

| Role | Responsibility |
|---|--|
| Information Records, Information Services, and Corporate Governance | <ul style="list-style-type: none">• Ensure the security, accurate record keeping and maintenance of personal information under Council's control |
| Volunteers, work experience placements; graduates and trainees | <ul style="list-style-type: none">• Comply with this Policy |

7 References

City of Marion

- Procedure for Investigating and Reporting a Privacy Breach
- Notifiable Data Breach Response Plan
- Petition Policy

Legislation and directive documents

- [Freedom of Information Act 1991](#)
- Local Government Act 1999
- State Records Act 1997
- Privacy Act 1988 (Cwth) (limited to the Privacy (Tax File Number) Rule 15)
- Notifiable Data Breach Scheme (Office of the Australian Information Commissioner)
- The South Australian Department of the Premier and Cabinet's Information Privacy Principles (IPPS) Cabinet Administrative Instruction
- Previous Ombudsman's finding in relation to Freedom of Information Request reviews

8 Review and evaluation

It is proposed that the policy be reviewed every four years in line with Council's Policy Framework, or earlier should legislative or technological changes require it.