

Privacy Policy

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Policy Name:	Privacy Policy
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Responsible Officer:	General Manager Corporate and Development
Relevant Legislation:	<i>Freedom of Information Act 1991</i> <i>Local Government Act 1999</i> <i>Privacy Act 1988 (Cth)</i> <i>Surveillance Devices Act 2016 (SA)</i>
Related Policies:	Closed-Circuit Television (CCTV) and Recording Policy Code of Practice – Access to Meetings and Documents Employee Conduct Management Protocol Internal Financial Control Framework Policy IT Acceptable Use and Security Management Protocol Records Management Policy

1. Introduction

The City of Burnside (referred to in this Policy as the Council, we, us, our) is committed to a culture that protects privacy and will endeavour to protect the personal information it collects, stores, discloses and uses. This Policy outlines the way in which the Council manages personal information and how you can contact us if you require any further information.

2. Strategic Plan Desired Outcomes

PRINCIPLE: *Improvement and Innovation*
Governing with Integrity

THEME: *COMMUNITY*

PRIORITY: *1.4 – Facilities, services and programs that meet our community's needs.*

3. Our Approach

- 3.1 Regularly review, update, and adopt leading governance, risk management and administrative practices.
- 3.2 Utilisation of technology to deliver timely and cost-effective services.

4. Legislative Requirements and Corporate Policy Context

- 4.1 The *Freedom of Information Act 1991* gives a legally enforceable right of access by members of the public (subject to certain restrictions) to corporate records held by government agencies and councils. Official records of Council may be accessible to an applicant under this Act.
- 4.2 The *Local Government Act 1999* sets out the principles around access to information by Council members and provision of information to Council's subsidiaries or to the Minister upon request.
- 4.3 The provisions of the *Privacy Act 1988 (Cth)* (**Privacy Act**) and accompanying Australian Privacy Principles (**APPs**) do not currently apply to local government organisations. However, notwithstanding that the Council is not strictly bound by the Privacy Act and APPs, our intention is to manage personal information in a manner that is consistent with these standards and community expectations.
- 4.4 This policy is made in consideration of the *Surveillance Devices Act 2016 (SA)* which makes provisions relating to the use of Optical Surveillance Devices and Listening Devices.

5. Interpretation

- 5.1 For the purpose of this policy:
 - 5.1.1 "Access" means the provision of personal information to a person in any manner that Council deems fit and in accordance with this Policy.
 - 5.1.2 "CEO" means the Chief Executive Officer of the City of Burnside.
 - 5.1.3 "Collection" refers to the gathering, acquiring, or obtaining personal information from any source and by means, including information that Council has come across by accident or has not asked for.
 - 5.1.4 "Consent" means an individual's express or implied voluntary agreement to some act, practice, or purpose.
 - 5.1.5 "Council" means the City of Burnside.
 - 5.1.6 "Disclosure" means the release of information to persons or organisations outside Council. It does not include giving individuals information about themselves.
 - 5.1.7 "Personal Information" is the 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 information that is in:
 - 5.1.7.1 Generally available publications;

- 5.1.7.2 Material kept in public records and archives such as the Commonwealth or State archives; or
- 5.1.7.3 Anything kept in a library, art gallery or museum for the purpose of reference, study, or exhibition.
- 5.1.8 “Sensitive Information” is information or an opinion about an individual’s:
 - 5.1.8.1 Racial or ethnic origin;
 - 5.1.8.2 Political opinions;
 - 5.1.8.3 Membership or a political association, a professional or trade association or a trade union;
 - 5.1.8.4 Religious or philosophical beliefs or affirmations;
 - 5.1.8.5 Sexual preferences or practices;
 - 5.1.8.6 Criminal record; or
 - 5.1.8.7 Health information.
- 5.1.9 “Use” means the handling of personal information within Council including the inclusion of information in a publication.

6. Use of Personal Information

6.1 Personal Information

- 6.1.1 All personal information collected by Council is to be used only for conducting business in accordance with the *Local Government Act 1999* (and other relevant Acts under which Council is charged with any responsibility) and in the provision of Council services to the City’s residents, ratepayers and the general public who use facilities and services provided by Council.
- 6.1.2 In general, we will only use and disclose your personal information for the following purposes:
 - 6.1.2.1 to provide our services and events to you;
 - 6.1.2.2 to respond to enquiries and provide you with any information that you have requested;
 - 6.1.2.3 to provide news, updates and information about our services and our local area;
 - 6.1.2.4 to conduct general administrative, business and management functions; and
 - 6.1.2.5 to provide the information to third parties (such as our agents, contractors, and suppliers) for the above purposes.
- 6.1.3 If you do not wish to receive any marketing or promotional materials from us (e.g. updates and information about our services and our local area), please contact us per the details provided at the bottom of this Policy. Please note that it is not possible to opt out of community engagement materials which are delivered to all residents and ratepayers by Australia Post.
- 6.1.4 Council also wishes to assure the community that it endeavours to keep its databases and systems secure and that it does not and will not disclose or sell personal information to third parties for marketing purposes.

6.2 Sensitive Information

- 6.2.1 To the extent that we collect any sensitive information from you (for example, health information in the context of a job applicant), we will ensure that such information is used solely for the purpose for which it was collected, any purpose to which you have consented and purposes required or permitted by law.

6.3 CCTV (Closed-Circuit Television)

- 6.3.1 Council is committed to providing a safe environment in which residents, businesses and visitors may enjoy the amenity of Council area without disruption or fear of harm. Strategies have been developed for the prevention of disorderly behaviour and detection of crime incorporating the use of CCTV.
- 6.3.2 Information, disclosure, and management relating to CCTV is specified in the related *Closed-Circuit Television (CCTV) and Recording Policy*.

7. Collection of personal information

- 7.1 Council understands that individuals within the City of Burnside have a right to personal privacy. It is within the context of reassuring the community that any personal information will be handled sensitively and with respect that Council has developed this Privacy Policy.
- 7.2 We may collect and hold personal information about residents and ratepayers in our local council area, as well as current and prospective employees, contractors, suppliers and other people who the Council comes into contact with.
- 7.3 Generally, we will collect personal information directly from you, where reasonable and practicable to do so (e.g. in person, or by telephone or through written information or forms that you submit to us). In limited circumstances, we may collect personal information about you from a third party, such as your spouse/partner, government bodies (e.g. Centrelink, the Electoral Office, Office of the Valuer General), service providers (e.g. SAWater, telecommunications companies), and from other residents or ratepayers.
- 7.4 If you provide us with personal information about a third party, you warrant that that third-party consents to us collecting and using their personal information in accordance with this Policy.
- 7.5 The type of personal information that we collect about you will depend on your relationship and dealings with us. If you are a resident or ratepayer in our council area, such information may include:
- 7.5.1 your identity information (e.g. your name, image, age, or date of birth)
 - 7.5.2 your contact information (e.g. your address, email, or telephone number);
 - 7.5.3 your property information and ownership and/or occupier details (including details about your spouse/partner, land valuations, development applications and building plans, pet ownership information, vehicle details or insurance details);
 - 7.5.4 information about your dealings with us (e.g. records of any telephone, email, or online interactions with us);
 - 7.5.5 your financial information (e.g. payment history, bank account details, financial, rental, income, or employment details);
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- 7.5.6 government related identifiers and information (e.g. driver licence information, electoral roll details, pensioner/concession information etc.).
- 7.6 In limited circumstances, we may also collect sensitive information from residents/ratepayers, such as:
 - 7.6.1 health information (e.g. for the purpose of processing disability claims, enabling us to provide services suitable to their physical needs, or where directed by the SA Government); and
 - 7.6.2 information about financial hardship and related circumstances.
- 7.7 For job applicants or staff, the Council may also collect information about your employment history, educational qualifications, licences and certificates, work rights, reference checks, payroll information and medical information (where relevant).
- 7.8 Council will protect this type of information and will not provide to any third parties unless authorised by the employee or required to do so by law.

8. Security of Personal Information

- 8.1 We take reasonable steps to securely store your personal information. We will generally keep personal information as long as we need it for our business purposes or as long as we are required by law to retain it, after which time we will destroy it.
- 8.2 In extenuating situations where there may be a risk to the personal safety of an individual or a member of that person's family or any other person, under the *Local Government Act 1999* the Chief Executive Officer may suppress the name or address from Council's assessment record and rates notices. If a member of the public requires this additional level of privacy they must apply through the Chief Executive Officer.
- 8.3 Further details on access controls and management of information are specified in the related Records Management Policy and IT Acceptable Use and Security Management Protocol.
- 8.4 Our website (<https://www.burnside.sa.gov.au>) may detect your web browser or temporary session data. We do not use this information to attempt to identify you or collect information about you. You may configure your web browser to block this through privacy and security settings. Our website may contain links to other websites. We are not responsible for the privacy practices or the use and protection of your personal information on those other websites. We cannot warrant the privacy or security of personal information during transmission to our websites.

9. Access and Correction of Personal Information

- 9.1 You may request access to personal information held by the Council by making a written application under the *Freedom of Information Act 1991*. For more information about this process, please visit <https://www.burnside.sa.gov.au/About-Council/Freedom-of-Information>.
- 9.2 If you believe the personal information we hold about you is inaccurate, incomplete, or out of date, please contact us at the details shown below. If you satisfy us that any personal information we hold about you is not accurate, complete or up to date, we will amend our records accordingly.

10. Availability

- 10.1 The Policy is available to be downloaded, free of charge, from Council's website www.burnside.sa.gov.au or is available for viewing at the Civic Centre during ordinary business hours:

Address: City of Burnside Civic Centre; 401 Greenhill Road, Tusmore SA 5065
Office hours: Monday to Friday, 8.30am to 5.00pm (except public holidays)

11. Questions, queries, or complaints

- 11.1 If you have any queries or require further information about this policy please contact:

City of Burnside
401 Greenhill Road
Tusmore SA 5065

By phone: 08 8366 4200

By email: burnside@burnside.sa.gov.au