

1. Policy Statement

The purpose of this policy is to outline Council's commitment to maintaining a culture that respects each individual's right to privacy and sets out Council's position and principles in relation to the management of personal information as required by the *Information Privacy Act 2009* (IP Act) and the management of confidential information as required by the *Local Government Act 2009* (the Act).

This policy, and supporting procedure, applies to all personal information and confidential information that is collected, stored, accessed, used or disclosed by Council.

2. Scope

This policy applies to all Councillors, employees and contractors working for Council regardless of whether they are permanent, temporary, full-time, part-time or casual. For the purposes of this policy, the term contractor includes temporary labour services (agency staff) and sub-contractors.

3. Responsibility

The Chief Executive Officer (CEO) is the principal officer of Council and is responsible for ensuring Council's administrative procedures and management of information practices adhere to privacy obligations under the IP Act.

The Director Corporate and Community Services (DCCS) is responsible for ensuring and managing privacy compliance, reporting and providing advice to members of the public and employees about Council's privacy obligations. This includes:

- Ensuring employees have access to adequate training materials in relation to privacy compliance;
- Having delegated authority to:
 - Investigate and make decisions about all privacy complaints and breaches of privacy; and
 - Coordinating information privacy requests and information privacy amendment requests.
- Assisting directorates and teams in conducting privacy impact assessments when designing and implementing new projects and programs that involve the management of personal information; and
- Maintaining and periodically reviewing the Privacy and Confidential Information Policy and this procedure.

Directors, Managers and Supervisors are responsible for:

- Ensuring their directorates and teams comply with all policies and procedures in place to maintain and uphold confidentiality and the Information Privacy Principles (IPPs) and the IP Act;
- Ensuring employees are educated about their privacy compliance obligations;
- Referring all complaints and breaches to the DCCS; and
- Seeking advice from the DCCS when considering new projects or programs that involve the management, use or disclosure of personal information.

The Corporate Governance and Risk Advisor is the delegated officer to handle any information privacy enquiries and requests under the guidance of the Director Corporate and Community Services.

All Councillors and Council employees must:

- Ensure that the personal and confidential information they handle is managed in accordance with the IPPs, the IP Act, this policy and supporting procedure;
- Exercise due care when handling or using information acquired in their role with Council and if uncertain, presume that information is confidential, and seek advice from the DCCS prior to releasing it;
- Report all suspected or actual breaches of privacy to the DCCS for investigation and decision; and
- Not access or attempt to access personal or confidential information that is not required for their role.

4. Definitions

The following definitions apply to this Policy and to the Information Privacy Management Procedure.

Confidential information is information generally not known by, or available upon request to, the public which:

- Identifies and relates to a particular individual; or
- Carries a risk that – if released or improperly used – would cause harm to the council or a member of the community, or give an unfair advantage to someone.

Councillor all elected representatives, including the Mayor.

Employee any person employed directly by Hinchinbrook Shire Council regardless of their employment status, and contractors undertaking duties on behalf of Council.

Information Privacy Principles (IPPs) as contained in the *Information Privacy Act 2009* (Schedule 3).

Personal information as defined in the *Information Privacy Act 2009*:

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 an individual whose identity is apparent or can reasonably be ascertained, from the information or opinion.

Personal information is any information that may lead to the identity of a person. For information to be personal information, two criteria must be satisfied:

- It must be about a living individual, and
- The individual's identity must be apparent or reasonably ascertainable from the information.

There are some obvious examples of personal information such as a person's name and address, but it can also include information about a person's health, criminal or financial records and email addresses.

Information does not have to be true in order to be personal information and it does not need to be written down or recorded in another material form, such as a photograph or audio.

Routine personal work information relates solely to the work duties of a public-sector employee and is found in almost all documents held by Council.

When disclosing routine personal work information for a legitimate function of Council, the infringement of a public-sector employee's right to privacy would, generally, be minimal or non-existent as the disclosure would be a matter of expectation in the legitimate course of their employment.



Routine personal work information includes:

- A work email address or work phone number;
- Authorship of a work document, for example, where the person's name is listed as one of the authors of a report;
- A professional opinion given wholly in a professional capacity;
- A position classification, for example, "Planning Officer"; and
- A work responsibility, for example, that the officer is the contact person in response to a complaint or query from a member of the public; information about qualifications held where they are required for the officer's position, for example, where a Senior Engineer holds an engineering degree.

5. Policy

Principles

The responsible management of personal information and confidential information is a key aspect of good governance. Council is committed to upholding the confidentiality requirements of the *Local Government Act 2009* and the Information Privacy Principles (IPPs) contained in the *Information Privacy Act 2009*.

Privacy and Confidential Management Procedure

Council's Privacy and Confidential Management Procedure takes into consideration the diverse range of activities and functions of Council and provides an overview of how compliance with the *Local Government Act 2009* and *Information Privacy Act 2009* is achieved. The Procedure also provides a guideline for Councillors and Council employees who deal with personal information and confidential information in relation to the functions and activities of Council.

Reporting

Councillors and Council employees must immediately report all suspected or actual breaches of confidentiality or the IPPs to Corporate Governance. Corporate Governance will receive, assess and make a decision on all suspected or actual breach reports.

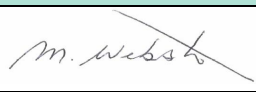
6. Legal Parameters

- *Information Privacy Act 2009*;
- *Right to Information Act 2009*;
- *Public Records Act 2002*; and
- *Local Government Act 2009*.

7. Associated Documents

- Right to Information Policy and Procedure;
- Privacy and Confidential Information Management Procedure;
- Privacy Statement;
- Records Management Policy and Procedures.



DOCUMENT HISTORY AND STATUS						
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Approved by Council	Michelle Webster			CEO		31/8/2023
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