

 <p>City of Mount Gambier</p>	<p><b>P155 - PRIVACY POLICY</b></p>	Version No:	3
		Issued:	15 August 2023
		Next Review:	August 2027

## 1. INTRODUCTION

The purpose of this policy is to formally state the City of Mount Gambier ("Council") position in regard to the protection of individuals' privacy.

## 2. SCOPE

This policy applies to all people with access to Council information systems (computer-based or otherwise):

- Council staff
- Elected Members
- Volunteers
- Work experience placements
- Trainees, and
- Independent contractors and consultants.

## 3. PURPOSE

The City of Mount Gambier ('Council') is committed to protecting the privacy of individuals. This policy outlines how the Council will approach the collection, storage, disclosure and use of personal and property related information.

## 4. POLICY STATEMENT

This Privacy Policy has adopted principles from the:

- Commonwealth Privacy Act 1988; and
- South Australian Department of Premier and Cabinet's Information Privacy Principles Cabinet Administrative Instruction.

Although this legislation and administrative instruction do not apply to councils within South Australia, Council acknowledges that the Australian Privacy Principles contained within the Privacy Act sets an appropriate standard for privacy protection and this policy is intended to achieve best practice consistent with those standards.

The following principles apply when personal information is being considered and handled within the City of Mount Gambier.

- Only information reasonably required for the operation and effective delivery of Council programs and services is collected and maintained.
- Where possible the full purpose for information collection is disclosed at the time of collection.
- Information is stored within Council's systems taking into account its need for security and confidentiality.
- Outside of standard council operations, Council will not, without prior consent, sell or provide personal information unless required to do so by law.

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#### 4.1 Privacy Rights

Privacy is acknowledged as a fundamental human right. In Australia, the Privacy Act 1988 (Cth) (Privacy Act) and the Australian Privacy Principles (APPs) set out requirements that must be followed by certain organisations, including Commonwealth Government agencies.

The Privacy Act does not bind Council except where the Council is a 'contracted service provider' for a Commonwealth or State Government contract (as defined in the Privacy Act).

It is the intention of the Council that its policies and practices in relation to privacy should be, so far as is reasonably practicable, consistent with the APPs.

The Privacy (Tax File Number) Rule 2015 sets out the requirements in relation to the security and handling of Tax File Numbers (TFNs) where Council need to notify the Australian Information Commissioner and affected individuals of an eligible data breach concerning TFN information.

#### 4.2 Collection of Information

Personal information collected by the Council is used only for the purpose of conducting Council business and in the provision of Council services to its customers.

The type of personal information that may be collected and held by the Council includes, but is not limited to:

- Names and addresses (postal, residential and email addresses)
- Telephone numbers
- Age and/or date of birth
- Property ownership and/or occupier details
- Dog ownership
- Electoral roll details
- Payment history
- Financial, rental or income details
- Pensioner/concession information
- Payment history and financial information, including bank account and/or credit card details
- Library membership details
- Health and disability information
- Have Your Say submissions.

All information is collected in a fair and lawful manner and as required/permitted by law. The Council is committed to ensuring that residents and/or ratepayers are aware of the purpose of collection of the information.

In satisfying the collection and use of personal information obligations the Council has to its residents and/or ratepayers, the Council assumes that:

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- Any personal information provided by residents and/or ratepayers is free from errors and omissions, is not misleading or deceptive and complies with all relevant laws; and
- Residents and/or ratepayers have the necessary authority to provide any personal information submitted to the Council.

The Council may obtain information concerning ratepayers or residents from a number of sources including Centrelink, the State Electoral Office, Office of the Valuer General, SA Water and from ratepayers and residents. The Council may not necessarily check or verify the accuracy of any personal information it obtains from residents and/or ratepayers or other persons or sources.

Council encourages residents and/or ratepayers to provide the Council with details of any changes to their personal information as soon as reasonably practicable in order to maintain accurate information

#### 4.3 Maintenance and Storage of Personal Information

The Council will take reasonable steps and use appropriate security to protect the personal information it holds from loss, unauthorised access, use, modification, disclosure and other misuse, and to maintain systems to ensure that all personal information collected is up to date, accurate and complete as is reasonably practical. Any person who, on behalf of the Council, uses or discloses personal information held by the Council must have appropriate authorisation to do so.

#### 4.4 Use of Personal Information

Council will take all reasonable steps to:

- Use personal information only for a purpose for which it was collected and is relevant.
- Ensure that the information is accurate, up to date and complete prior to use.
- Council will not disclose personal information for a purpose that is not relevant or incidental to, or connected with that purpose, unless:
  - Council first takes reasonable steps to obtain the consent of the person concerned to use his or her personal information for that other purpose;
  - 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 person or of some other person;
  - Use of the personal information is required and authorised by law; or
  - 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.

#### 4.5 Disclosure of Personal Information

The Council will not provide personal information it holds on residents and/or ratepayers to third parties, except:

- Where the resident and/or ratepayer has made a written request for personal information to be provided to a third party.
- Where the provision of personal information is for the purpose of distributing materials for the sole purpose of and on behalf of the Council (e.g. the provision of address data for use by a mailing service provider to post Rates Notices).

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- Where the third party has been contracted by the Council to provide advice or services for the sole purpose of assisting the Council to provide benefits to residents and/or ratepayers (e.g. State Electoral Office, Office of the Valuer General, insurers).
- Where the 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 the Local Government Act; or to an applicant under the Freedom of Information Act where the information is not otherwise exempt.
- Where the resident and/or ratepayer has been advised of the Council's usual practice of disclosing personal information to that third party or a third party of that type for a particular purpose and the disclosure is consistent with that purpose.
- As part of the public notification required and related to lodgement of a development application.

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

The 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.

The Council does not accept any responsibility for any loss or damage suffered by residents and/or ratepayers because of their reliance on any personal information provided to them by the Council or because of the Council's inability to provide residents and/or ratepayers with any requested personal information.

Before relying on any personal information the Council provides to residents and/or ratepayers, the Council expects that residents and/or ratepayers will first seek confirmation from the Council about the accuracy and currency of such personal information.

#### **4.6 Access to, and Amendment of, Personal Information**

Residents and/or ratepayers who wish to access the personal information that the Council holds in relation to them can do so by contacting the Customer Service and Administration staff at the Civic Centre. These requests will be dealt with as soon as is reasonably practical, based on the nature of the information requested. The person making the request will need to satisfy the Customer Service and Reception staff of their identity.

For enquires not made in person (e.g. via phone, fax or email), information will only be sent to a currently held postal or residential address, not to return email account or provided over the phone or to fax. Information may also be collected from Civic Centre Customer Service and Administration staff with prior arrangement, provided that suitable identification is provided at time of collection.

If any resident and/or ratepayer can show that the personal information held by Council is not accurate or complete, it will be amended by Council's Customer Service and Administration staff or other delegated officer/s.

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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 for members of the public to apply for information from Council.

#### 4.7 Suppression of Personal Information

The Electoral Act 1985 sets out in Part 4, Division 2 Section 21 (91) & (92) details of the electoral registrars' regulations regarding Suppression of elector's address, and;

The Local Government Act sets out in Chapter 10, Division 8 Section 172(3) (5) & (6) those provisions applicable to Council's responsibility regarding the keeping of the assessment record, as follows:

*Should the electoral registrar be satisfied that the inclusion on a roll of the address of an elector's place of residence would place at risk the personal safety of the elector, a member of the elector's family or any other person, he or she may suppress the address from the roll.*

*If the Chief Executive Officer is satisfied that a person's address is suppressed under the Electoral Roll Act 1985, the CEO must –*

- a) *If the person's residential address is included in respect of rateable property that the person owns but does not occupy – suppress the person's residential address from the assessment record;*
- b) *If the person's residential address is rateable land described in the assessment record – suppress the person's name from the assessment record in relation to the land.*

Enquiries regarding the suppression of information are to be directed to Council's Chief Executive Officer or their delegate.

## 5. PROVISION OF PROPERTY RELATED INFORMATION

### 5.1 Council Owned Information

**Council will supply, on receipt of a written application and the payment of the appropriate fee, from a person with an interest in the land, to the Chief Executive Officer, rating and property related information, such as:**

- Rates for current financial year
- Rate balances outstanding
- Enquiries from the owner of the property
- Zoning information.

Note: Zoning information can be provided by Council's Planning staff upon receipt of enquiry(ies) from developers/business operators/residents etc or potential developers/business operators/residents etc, whether verbal or otherwise.

A person with an interest in the land, for the purpose of this provision of information is:

- An owner of a register estate or interest in the land

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- An occupier of the land
- A person who has entered or proposes to enter into a contract to purchase the land
- Mortgagee of the land.

An owner may be supplied with any information, which is available on their rate notice on proof of identity.

An ‘*Application Form for Information*’ is attached to this policy as Appendix A and may be used for the purpose of provision of information. A letter providing the same information will be accepted.

Council will not supply property related information (third party supplied) such as:

- Land ownership details
- Property valuations
- Property dimensions, certificates of titles etc.

Persons applying for this information will be directed to:

[www.landservices.sa.gov.au](http://www.landservices.sa.gov.au) phone number 1800 648 176

Council’s Chief Executive Officer, or his delegate, reserves the right to supply any property related information, if in their opinion the supply of that information is warranted.

## 5.2 Adjoining Property Owner Requests

Requests for Ownership Details from an adjoining property owner for the purpose of negotiation over fence issues will be referred to Council’s Chief Executive Officer, or their delegate, for a decision.

## 5.3 State Government Department Requests

Information provided to Council by Land Brokers following the transfer of property ownership may be shared with relevant State Government departments for the purposes of carrying out the relevant department’s business.

## 6. FURTHER ENQUIRIES

Residents and/or ratepayers who have any concerns regarding how Council handles personal information or property related information should contact the Customer Service and Administration staff of Council at the Civic Centre in the first instance

In the event that Customer Service and Administration staff are unable to satisfy the concerns raised, the matter will be referred to the relevant Council Manager for attention.

Alternatively, residents and/or ratepayers can lodge a formal written requests to the Chief Executive Officer at:

[city@mountgambier.sa.gov.au](mailto:city@mountgambier.sa.gov.au)

## 7. DEFINITIONS

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Key Term - Acronym	Definition
Access	The provision of personal information to a person in any manner the Council deems fit and in accordance with this policy. 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 person(s) or organisation(s) outside the Council. It does not include giving individual(s) information about themselves.
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 information that is in: <ul style="list-style-type: none"> <li>• Generally available publications</li> <li>• Material kept in public records and archives such as the Commonwealth or State archives, or</li> <li>• Anything kept in a library, art gallery or museum for the purpose of reference, study or exhibition.</li> </ul>
Sensitive Information	Information or an opinion that may give rise to discriminatory practices based on an individual's: <ul style="list-style-type: none"> <li>• Racial or ethnic origin</li> <li>• Political opinions</li> <li>• Membership of a political association, a professional or trade association or a trade union</li> <li>• Religious beliefs or affirmations</li> <li>• Philosophical beliefs</li> <li>• Sexual preferences or practices</li> <li>• Criminal record</li> <li>• Health</li> <li>• Employment, or</li> <li>• Financial status.</li> </ul>
Use	The handling of personal information within Council including the inclusion of information in a publication.

## 8. APPENDIX A - APPLICATION FOR PROPERTY RELATED INFORMATION

Application attached.

## 9. REVIEW AND EVALUATION

This Policy is scheduled for review by Council during the term of each Council, however, will be reviewed as required by any legislative changes which may occur.

## 10. AVAILABILITY OF POLICY

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This Policy will be available for inspection at Council's principal office during ordinary business hours and on the Council's website [www.mountgambier.sa.gov.au](http://www.mountgambier.sa.gov.au). Copies will also be provided to interested members of the community upon request, and upon payment of a fee in accordance with Council's Schedule of Fees and Charges.




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File Reference:	AF18/48
Applicable Legislation:	Commonwealth Privacy Act, 1988 Local Government Act, 1999
Reference: Strategic Plan 2020-2024	Goal 3: Our Diverse Economy
Related Policies:	P160 - Privacy (superseded) P185 - Property - Provision of Related Information (superseded) Records Management Policy Behavioural Management
Related Procedures:	Nil
Related Documents:	Department of Premier and Cabinet Information Privacy Principles Cabinet Administrative Instruction.

## DOCUMENT DETAILS

Responsibility:	General Manager Corporate and Regulatory Services
Version:	3.0
Last revised date:	15 August 2023
Effective date:	15 August 2023
Minute reference:	Council Meeting 15 August 2023, Item No. 19.3, Resolution 2023/177
Next review date:	August 2027
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**APPENDIX A**

**APPLICATION FOR PROPERTY RELATED INFORMATION**

I, ..... of .....  
make application to the Chief Executive Officer of the City of Mount Gambier for information:

- Regarding the amount of any liability for rates or charges on the land (including rates and charges under Part X of the Local Government Act that have not yet fallen due for payment, and outstanding interest or fines payable in respect of rates and charges under Part X) and;
- Any amount received on account of rates or charges on the land imposed under Part X that is held in credit against future liabilities for rates or charges in relation to the land.

The land amount which information is sought is .....  
.....

Please indicate if you are aware of a recent Council Search in relation to this property.  
Please state the nature of the applicant's interest in the land, by checking the appropriate box:

- The owner of a registered estate or interest in the land
- An occupier of the land
- A person who has entered or proposes to enter into a contract to purchase the land
- A mortgagee of the land.

Any further comment: .....  
.....  
.....

Signature .....

Date .....