

EME036		PRIVACY	
POLICY OWNER:	Council		
DEPARTMENT:	Office of the CEO	RESPONSIBLE OFFICER:	Manager People, Culture & Systems
CREATION DATE:	24/09/2024	REVIEW SCHEDULE:	Annually
RELATED DOCUMENTATION:	Evidence Act 1906; Limitation Act 1935; Australian Privacy Act 1988 Electronic Transactions Act 2011; Financial Management Act 2006; Freedom of Information Act 1992; Local Government Act 1995 State Records Act 2000 General Disposal Authority for Local Governments GDALG 2023-005 Shire of Carnarvon Recordkeeping Plan – RKP 2020006		
LEGISLATION:			
DOCUMENT CONTROL			
DATE REVIEWED:	REVIEWED BY:	CHANGES (IF ANY):	ENDORSED BY COUNCIL:
24/09/24	Council	New Policy	OCM03/09/24

EME036 Privacy

OBJECTIVES

The Shire of Carnarvon (the Shire) is committed to responsibly manage the personal and/or sensitive information (in accordance with all relevant privacy laws) of all customers and stakeholders who exchange their information with the Shire. It reflects our dedication to protecting the privacy rights of individuals while providing necessary and valued services to the community.

The purpose of this policy is to ensure alignment with the Australian Privacy Act 1988 and compliance with the WA Freedom of Information Act 1992 and WA Privacy and Responsible Information Sharing legislation (PRIS) (the Shire has drafted this policy in anticipation of the PRIS legalisation coming into effect).

SCOPE

This policy applies to all Elected Members, Employees, Contractors and Agents of the Shire. It sets out how the Shire collects, uses, protects, and manages personal information and identifies its responsibilities in protecting individuals' information.



POLICY STATEMENT

1. Purposes of Personal Information Processing:

We collect and process personal information for the following purposes:

- Provision of government services; compliance with legal and regulatory requirements
- Communications and correspondence required to operate its information, financial and business systems
- Information that is required to facilitate the service of customer requests
- Employment and human resources management
- Information the Shire Requires to protect its interests and improve our services

2. Types of Information the Shire Collects:

2.1 Personal information means information that is recorded in any form and will vary depending on the circumstances and purpose of its collection, it may include:

- Contact information (an individual's names, addresses, telephone numbers, email addresses)
- Identification details (date of birth, government-issued identification card i.e. driving licence)
- Financial information (payment details, billing information)
- Employment information (job titles, work history, qualifications and training details)
- Other information relevant to specific services or interactions with the local government (property ownership, company registration documentation)

2.2 Sensitive Information: means information or an opinion about an individual's racial or ethnic origin, religious beliefs, sexual preferences, medical information, political opinions, membership of a political association, membership of a professional or trade association, or criminal record.

Generally, sensitive information requires a higher level of privacy protection than other personal information.

2.3 Credit Information:

- Rates repayment information and history
- Financial hardship information

3. Methods of collection:

The Shire collects personal information for a range of statutory and administrative reasons, we may collect personal information through various channels, including:





- Direct interactions (in-person, over the phone, or written correspondence/applications)
- Online interactions (website, email, online application forms, job applications)
- Submissions to Public Consultations and surveys (direct & online)
- Requests under the Freedom of information Act 1992
- Third-party sources (contractors, service providers, accounts payable/receivable)

4. Consent to Collection

In certain situations Australian privacy law requires that an organisation or agency obtain individuals consent to collect personal information and to use it or disclose it;

- a. Express Consent: is given openly and either verbally or in writing. For example, when you sign your name (by hand or by an electronic or voice signature)
- b. Implied consent: An organisation or agency does not require express consent to handle non-sensitive personal information but must reasonably believe that it has obtained implied consent from the subject.

5. Roles and Responsibilities

- a. Chief Executive Officer

Under the Local Government Act 1995, the Chief Executive Officer (CEO) is responsible for ensuring that all records of the Shire are kept in accordance with relevant legislation.

- b. Elected Members, Employees and Contractors

In accordance with the Shires Recordkeeping Policy, all Elected Members, Employees and Contractors are required to keep full and accurate records in the Shire's recognised Recordkeeping systems and Business Information Systems (BIS), thus ensuring that personal, sensitive or confidential information is protected. They are required to comply with confidentiality clauses to ensure that they take all reasonable steps to protect Personal Information from misuse, interference or loss, as well as unauthorised access, modification or disclosure.

6. Data Security

We are committed to ensuring the security of personal and sensitive information.

- The Shire's ICT Business Unit implements appropriate technical and organizational measures to protect against unauthorized access, disclosure, alteration, and destruction of the Shire's Information Assets.
- All employees are required to comply with the Shire's Acceptable & Secure use Policy – ICT



- All physical copies of sensitive documents are stored in locked areas with access to these and vital records restricted to authorised persons only
- Personal and sensitive information is only accessible to relevant authorised employees

7. Data Sharing and Disclosure:

We do not sell or trade personal information with external parties for commercial purposes. We may share customer and stakeholder information to third-party service providers only in the following circumstances:

- With the consent of the customer or stakeholder, express or implied:
- As required by law: or
- To complete the purpose or function for which the information was provided.

The Privacy Statement on the Shire's website states how the organisation will use personal information collected on the website.

8. Data Retention:

The Shire will ensure it hold only necessary personal and sensitive information for its intended purposes, while limiting access to this information only to authorised personnel in the course of performing their duties for the Shire. Retention of Personal Information requires consideration of the following factors:

- How long is the information held, or is sighting it sufficient?

We retain personal information for as long as necessary to fulfill the purposes for which it was collected or as required by law. The Shire should not collect and store copies of personal information unless it required for business purposes.

- How and when is the information destroyed?

When personal information is no longer needed, it is securely disposed of in accordance with the General Retention and Disposal Authority for Local Government Records 2023-005.

9. Information Classification

In accordance with the Western Australian Classification Policy the Shire has a four-level information classification structure to ensure its information is handled correctly, these are as follows:

- Public – Press releases, Public Notices, advertising, information on social media





- Unofficial – Internal dialogue not related to work decisions
- Official – Related to work duties and decisions, official internal and external correspondence
- Sensitive – Personal Identifying Information, HR matters, contracts, legal documents

10. Requesting Access or Correcting your Personal Information:

Subject to the applicable local laws and regulations, you may have some or all of the following rights in respect to your personal data:

- Access their personal information and correct inaccuracies in their personal information
- Request the deletion of their personal information residing with us
- Lodge a complaint with the relevant supervisory authority

To exercise these rights, individuals can contact our Privacy Officer.

11. Changes to the Privacy Policy:

We may update this Privacy Policy from time to time to reflect changes in our practices or for legal compliance. The revised policy will be effective immediately upon posting.

12. Contact Information:

For questions or concerns regarding this Privacy Policy or the handling of personal information, please contact our Privacy Officer.

13. Review Date:

This Privacy Policy will be reviewed annually to ensure its effectiveness and relevance to the organisation's privacy practices.