



Privacy and Provision of Information Policy

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KINGSTON DISTRICT COUNCIL

PRIVACY AND PROVISION OF INFORMATION POLICY

1. Purpose

The purpose of this policy is to state Council's position in regard to the collection, maintenance, use and provision of information to third parties by Council. This policy outlines how the Council will adopt a best practice method to the management of personal information to ensure the protection of information and privacy.

2. Legislative Framework

The South Australian Government has not implemented a statutory scheme that applies privacy legislation to Local Government, however this policy promotes best practice principles in the management of information.

The Local Government Act requires Council to provide access to the Assessment Record pursuant to Section 174, and may impose fees for providing of copies of, or extracts from the Assessment Record.

The Local Government Act under Section 187 requires Council to furnish upon application of a person who has an interest in land to issue a Certificate of Liability.

The Land and Business (Sales and Conveyancing) Act 1994 under Section 7 requires that Council provide necessary personal and land information for the conducting of business under this Act.

3. Policy

Council recognises its responsibilities in relation to the protection of personal information of a confidential nature and is committed to ethical management and use of information.

Council shall maintain an environment which discharges its responsibilities to provide information to third parties through this policy and protects information expected of it by principles contained within the Privacy Act including the collection, storage, disclosure and maintenance of information.

Council shall not disclose information which it possess to any third party unless it is reasonable to do so within the bounds of legislation, to maintain the safety and protection of the Council or its officers or with the consent of the person.

4. Collection and Use of Personal Information

- 4.1 All personal information collected by Council is to be used only for the purpose of conducting business in accordance with the Local Government Act and any other relevant Acts under which the Council has responsibilities and in the provision of Council services to the residents and ratepayers.

- 4.2 The type of personal information that is collected and held will depend on the services provided or circumstances or matters which Council are conducting, but may include:
- Name and address including residential/business and or postal.
 - Telephone numbers.
 - Email address.
 - Age and/or date of birth.
 - Property ownership and or occupier details.
 - Details of spouse or partner.
 - Health and disability information.
 - Development application and all associated documentation.
 - Electoral roll details.
 - Pensioner and or concession information.
 - Financial and transactional details with Council.
- 4.3 Although development applications are not considered personal in nature, it is a breach of the Copyright Act 1968 for Council to reproduce such documents that would be normally covered by this legislation without the written approval of the owner of the Copyright documents, unless permitted by the requirements of the Development Act.
- 4.4 All information will be collected in a fair and lawful manner and as required/permitted by Local Government legislation and any other legislation relevant to Local Government services. Council is committed to ensuring that persons are aware of the purpose of collection of the information and aware that the collection is authorised or required by law.
- 4.5 In satisfying the collection and use of personal information obligations, which Council has to its residents and/or ratepayers, Council assumes that:
- (a) any personal information provided by persons is free from errors and omissions, is not misleading or deceptive and complies with all relevant laws; and
 - (b) the person has the necessary authority to provide the personal information submitted to Council.
- 4.6 Council relies on the personal information provided to it. Council may obtain information concerning persons from a number of external sources including Centrelink, the State Electoral Commission, Office of the Valuer General, SA Water, Revenue SA, Community/Health care organisations and from individual persons. Council will not check or verify the accuracy of any personal information it obtains from other persons.
- 4.7 It is the responsibility of persons to provide Council with details of any changes to their personal information as soon as reasonably practicable following such change.
- 4.8 In some instances the personal information held by Council may incorporate or summarise views, guidelines or recommendations of third parties. Council will endeavour to assemble and record such personal information in good faith, but cannot guarantee that it will necessarily involve a considered review of the information.

- 4.9 Council will make every effort to ensure that its records of an individual's personal information are up to date and accurate, but Council is aware this may not always be the case.
- 4.10 Council does not track a person's individual Internet activity when they visit Council's website. Council will only collect a person's e-mail address to respond to their enquiry if they choose to contact Council via the Internet or for the purpose of the provision of a specified service.

5. Distribution of Personal Information

- 5.1 Council will not permit the provision of personal information it holds about a person to a third party, except where:
- (a) the person has made a written request for personal information to be provided to the third party; or
 - (b) the provision of personal information is for the purpose of distributing materials for the sole purpose of and on behalf of Council (eg the provision of address data for use by a mailing service provider for such activities as Rate Notice distribution); or
 - (c) 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 (eg State Electoral Commission, Office of the Valuer General, insurers etc); or
 - (d) Council is required by legislation to provide personal information to a third party (eg provision of personal information to the State Electoral Commission, Ombudsman enquiries or the provision of making available the Assessment Record, Dog Register, Building Application Register etc) or to the public at large in accordance with the Local Government Act 1999, or to an applicant under the Freedom of Information Act 1991 where the information is not otherwise exempt; or
 - (e) the person has been advised of 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.
- 5.2 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.
- 5.3 Council does not accept any responsibility for any loss or damage suffered by a person because of their reliance on any personal information provided to them by Council or because of Council's inability to provide persons with any requested personal information.
- 5.4 Council expects that persons will, before relying on any personal information Council provides to them, first seek confirmation from Council regarding the accuracy and currency of such personal information.

- 5.5 As a matter of principle, Council will not include personal details in public reports of officers but rather extract a summary of the contents for use in the report, unless the relevant legislation requires such information to be declared (e.g. respondents to a development application under the Development Act 1993).

6. Maintenance and Storage of Personal Information

- 6.1 Council will take reasonable steps 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.
- 6.2 Council uses the latest technology to protect credit card personal information transmitted via Council's e-services web page.

7. Disability Claims and Financial Hardship Applications

Personal information obtained in relation to claims for disability benefits and financial hardship claims will be used solely for the purposes of facilitating the claim to which the personal information relates, unless the person has specifically given permission in writing for it to be used for other applications or to be provided to a third party.

8. Access and Amendment to Personal Information

- 8.1 Persons wishing to access the personal information that Council holds in relation to them can do so by contacting the Administration Manager. These requests will be dealt with as soon as is reasonably practicable, having regard to the nature of the information requested. The person making the request will need to satisfy the Administration Manager as to his/her identity and may need to pay a fee.
- 8.2 If resident and/or ratepayer can show that the personal information held by Council is not accurate or complete, the Administration Manager will take the appropriate steps to have it amended.
- 8.3 Council will not distribute private e-mail addresses to persons outside of Council unless the relevant person has been given the opportunity to have their e-mail details suppressed.

9. Suppression of Personal Information

- 9.1 Personal information may be suppressed from Council's Assessment Record and from Council's Voters Roll, if inclusion on the assessment record and/or roll would place at risk the personal safety of a person, a member of their family, or any other person.
- 9.2 Enquiries regarding suppression of personal information should be directed to the Administration Manager in the first instance.

10. Freedom of Information

Council may release personal information to others if requested in accordance with the Freedom of Information Act 1991. This act requires Council to consult with a person to obtain their opinion on release of the information. Persons have the right to request a review of a decision to release personal information prior to the information being released.

11. Provision of Information Specific Cases

Information for the following purposes will be provided in accordance with the policy outlined in this section and within the broad principles of this policy.

Definition of "Interest In Land" is a person (or an agent acting on behalf of a person who has an interest in land) who is:

- *the owner of a registered estate or interest in the land; or*
- *the occupier of the land; or*
- *a person who has entered or declared to the council that he/she proposes to enter into a contract to purchase the land; or*
- *a mortgagee or prospective mortgagee of the land; or*
- *a utility company who is providing service to a person who has an interest in the land; or*
- *an instrumentality of the Crown to which Council has entered into an agreement to provide information under Section 174 of the Local Government Act.*

11.1 Financial Information

11.1.1 Upon written application and accompanying payment of a fee set by Council in accordance with Council's Fees and Charges Policy, Council under Section 187 of the Local Government Act shall provide to a person who has an interest in land (or an agent acting on behalf of a person who has an interest in land):

- the amount of any liability for rates or charges on the land imposed under the Local Government Act (including all rates and charges, fines and interest);
- any amount received on account of rates or charges on the land held in credit for future liabilities.

11.1.2 The applicant must:

- apply in writing to the Chief Executive Officer
- identify the land to which the application relates; and
- state the nature of the applicants interest in the land.

11.2 Adjoining Property Owner Requests

11.2.1 Upon written application from an adjacent land owner for the purposes of the *Fencing Act* Council shall release the name and postal address of the adjacent land owner.

11.2.2 Those seeking information of an adjoining land owner for other purposes the request will be referred to the Administration Manager in the first instance, it is a general principle that Council will not provide

personal information to adjoining land owners except for *Fences Act* purposes.

11.3 Assessment Records - Application Under Section 174 of the Local Government Act

11.3.1 A person may inspection the Assessment Record during normal business hours at the Council Office.

11.3.2 Upon written application and accompanying payment of a fee set by Council in accordance with Council's Fees and Charges Policy, from any person pursuant to Section 174 of the Local Government Act, Council shall provide a copy of the record.

Council will provide information if it is satisfied that the relevant Act's are satisfied, within 5 working days of receipt of the request unless alternative timeframes are allowed by legislation.

12. Grievance

Persons that have any concerns regarding how Council handles personal information or require further information should contact the Council's Records Management staff at the Council Office in the first instance.

If the person's concerns cannot be satisfied, the person may lodge a formal complaint in writing to:

Chief Executive Officer
Kingston District Council
29 Holland Street
KINGSTON SE SA 5275

These matters will be addressed in accordance with Council's 'Internal Review of Council Decisions Policy'.

13. Review of Policy

The effectiveness of this Policy will be reviewed annually and can be reviewed at any time. The Chief Executive Officer will report to Council on the outcome of the evaluation, and make recommendations for amendments, alteration or substitution of a new Policy, if relevant.

14. Availability of Policy and Procedure

This Policy is available for inspection at the Council offices and persons may obtain a copy of this Policy upon payment of the fee fixed by the Council.

15. Adoption of Policy and Procedure

This Procedure was adopted by the Council at its meeting held on 21 May 2010, resolution number 6628.

This procedure was reviewed by Council at its meeting held on 29 April 2011, resolution number 7209.