



Blackall-Tambo

Regional Council

Privacy Policy

Policy Number: Stat 35	Effective Date: 23/10/2019
Version Number: Four	Review Date: 20.4.2024
Policy Compiled by: Chief Executive Officer	
Policy Approved by: Chief Executive Officer	

RESOLUTION

29/04A/22

1. SCOPE

This Policy is applicable to all Councillors, staff and contractors of Blackall-Tambo Regional Council.

This Policy covers Personal Information that is collected, retained, stored and used by Council where it is necessary for one or more of Council's functions or activities.

2. PURPOSE

This Policy sets out Council's legislative obligations and approach to managing, handling and protecting the Personal Information of internal and external Customers.

3. REFERENCE (e.g. legislation, related documents)

- Information Privacy Act 2009 - Qld (IP Act)
- Right to Information Act 2009 - Qld (RTI Act)
- Public Records Act 2002
- Human Rights Act 2019

4. CONTEXT

Council is committed to upholding the right to privacy of all individuals who have business dealings with Council. Council will take the necessary steps to ensure that the Personal Information that customers share with Council remains confidential.

This Policy will also serve to regulate and consolidate Council procedures in relation to the handling of Personal Information.



5. PERSONAL INFORMATION

Personal Information is defined as information or an opinion, including information or an opinion forming part of a database, whether true or not, and whether recorded in material form or not, about an individual whose identity is apparent, or can be reasonably ascertained, from the information or opinion.

- ‘apparent’ means the individual can be identified solely from the information.
- ‘reasonably ascertained’ allows reference to be had to other information that would lead to the individual being identified.

It is therefore, any information which can be used to identify an individual.

Council hold a range of documents that contain personal information. These documents may include:

Operational documents

- Internal and external correspondence
- Application forms
- Complaints
- Customer requests
- Receipts and invoices
- Purchase orders
- Compliance and penalty notices
- Transaction histories

Personnel records

- Recruitment records
- Attendance and overtime records
- Medical records
- Tax file number declaration forms
- Personal history files
- Performance appraisals
- Trade, skill and aptitude tests
- Travel documentation
- Contracts and conditions of employment
- Leave applications and approvals
- Payroll records
- Education records
- Personal development and training records
- Personal welfare records

Other records

- Records of accidents and injuries, including compensation and rehabilitation case files
- Records relating to disciplinary matters, including records of complaints, grievance and investigations
- Recommendations for honours and awards
- CCTV footage and photographic imagery

These classes of personal information are example only and it is not intended to represent an exhaustive list. Council may hold other classes of personal information.

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Information does not need to explicitly identify a person for it to be characterised as personal information. The information need only provide sufficient information to lead to the identification of a person. Personal information is not limited to confidential or sensitive personal details and it covers information held in paper or electronic records.

The Information Privacy Principles do not apply to information that is publicly available for example, information in Council’s land record and annual reports.

6. ROLES AND RESPONSIBILITIES

6.1 Principal Officer

For the purposes of the Information Privacy Act, the Chief Executive Officer is the ‘Principal Officer’, and as such, is responsible for Council’s obligations under the Act.

6.2 Right to Information (RTI) Officer

For the purposes of the Information Privacy Act, the RTI Officer is responsible for coordinating IP requests within Council and administering the key provisions under the Act.

6.3 The Collection of Personal Information

It is the policy of Council to collect Personal Information only if it is necessary for one or more of its functions or activities. Council will collect information as per the Information Privacy Principles (IPP) contained in the Information Privacy Act 2009.

The information privacy principles are:

6.3.1 Collection of personal information (lawful and fair)

- (1) An agency must not collect personal information for inclusion in a document or generally available publication unless –
 - (a) the information is collected for a lawful purpose directly related to a function or activity of the agency; and
 - (b) the collection of information is necessary to fulfil the purpose or is directly related to fulfilling the purpose.
- (2) An agency must not collect personal information in a way that is unfair or unlawful.

6.3.2 Collection of personal information (requested from individual)

- (1) This section applies to the collection by an agency or personal information for inclusion in a document or generally available publication.
- (2) However, this section applies only if the agency asks the individual the subject of personal information for either –
 - (a) the personal information; or
 - (b) information of a type that would include the personal information.
- (3) The agency must take all reasonable steps to ensure that the individual is generally aware of –
 - (a) the purpose of the collection; and

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- (b) if the collection of the personal information is authorised or required under a law –
 - (i) the fact that the collection of the information is authorised or required under a law; and
 - (ii) the law authorising or requiring the collection; and
- (c) if it is the agency’s usual practice to disclose personal information of the type collected to any entity (the first entity) – the identity of the first entity; and
- (d) if the agency is aware that it is the usual practice of the first entity to pass on information of the type collected to another entity (the second entity) – the identity of the second entity.
- (4) The agency must take all reasonable steps required under subsection (3) –
 - (a) if practicable – before the personal information is collected; or
 - (b) otherwise – as soon as practicable after the personal information is collected.
- (5) However, the agency is not required to act under subsection (3) if –
 - (a) the personal information is collected in the context of the delivery of an emergency service; and
 - (b) The agency reasonably believes there would be little practical benefit to the individual in complying with subsection (3) in the circumstances; and
 - (c) The individual would not reasonably expect to be made aware of the matters mentioned in subsection (3).

6.3.3 Collection of personal information (relevance etc.)

- (1) this section applies to the collection by an agency of personal information for inclusion in a document or generally available publication.
- (2) However, this section applies to personal information only if the agency asks for the personal information from any person.
- (3) The agency must take all reasonable steps to ensure that –
 - (a) the personal information collected is –
 - (i) relevant to the purpose for which it is collected; and
 - (ii) complete and up to date; and
 - (b) the extent to which personal information is collected from the individual the subject of it and the way personal information is collected, are not an unreasonable intrusion into the personal affairs of the individual.

6.3.4 Storage and security of personal information

- (1) An agency having control of a document containing personal information must ensure that –
 - (a) the document is protected against –
 - (i) loss; and
 - (ii) unauthorised access, use, modification or disclosure; and
 - (iii) any other misuse; and
 - (b) if it is necessary for the document to be given to a person in connection with the provision of a service to the agency, the agency takes all reasonable steps to prevent unauthorised use or disclosure of the personal information by the person.
- (2) Protection under subsection (1) must include the security safeguards adequate to provide the level of protection that can reasonably be expected to be provided.

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6.3.5 Providing information about documents containing personal information

- (1) An agency having control of documents containing personal information must take all reasonable steps to ensure that a person can find out –
 - (a) whether the agency has control of any documents containing personal information; and
 - (b) what type of personal information contained in the documents; and
 - (c) the main purposes for which personal information included in the documents is used; and
 - (d) what an individual should do to obtain access to a document containing personal information about the individual.
- (2) An agency is not required to give a person information under subsection (1) if, under an access law, the agency is authorised or required to refuse to give that information to the person.

6.3.6 Access to documents containing personal information

- (1) An agency having control of a document containing personal information must give an individual the subject of the personal information access to the document if the individual asks for access.
- (2) An agency is not required to give an individual access to a document under subsection (1) if –
 - (a) the agency is authorised or required under an access law to refuse to give the access to the individual; or
 - (b) the document is expressly excluded from the operation of an access law.

6.3.7 Amendment of documents containing personal information

- (1) An agency having control of a document containing personal information must take all reasonable steps, including by the making of an appropriate amendment, to ensure the personal information –
 - (a) is accurate; and
 - (b) having regard to the purpose for which it was collected or is to be used and to any purpose directly relating to fulfilling the purpose, is relevant, complete, up to date and not misleading.
- (2) Subsection (1) applies subject to any limitation in a law of the State providing for the amendment of personal information held by the agency.
- (3) Subsection (4) applies if –
 - (a) an agency considers it is not required to amend personal information included in a document under the agency’s control in a way asked for by the individual the subject of the personal information: and
 - (b) no decision or recommendation to the effect that the document should be amended wholly or partly in the way asked for has been made under a law mentioned in subsection (2).
- (4) The agency must, if the individual asks, take all reasonable steps to attach to the document any statement provided by the individual of the amendment asked for.

6.3.8 Checking of accuracy etc. of personal information before use by agency

Before an agency uses personal information contained in a document under its control, the agency must take all reasonable steps to ensure that, having regard to the purpose for which the information is proposed to be used, the information is accurate, complete and up to date.

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6.3.9 Use of personal information only for relevant purpose

- (1) This section applies if an agency having control of a document containing personal information proposes to use the information for a particular purpose.
- (2) The agency must use only the parts of the personal information that are directly relevant to fulfilling the particular purpose.

6.3.10 Limits on use of personal information

- (1) An agency having control of a document containing personal information that was obtained for a particular purpose must not use the information for another purpose unless –
 - (a) The individual the subject of the personal information has expressly or impliedly agreed to the use of the information for the other purpose; or
 - (b) The agency is satisfied on reasonable grounds that use of the information for the other purpose is necessary to lessen or prevent a serious threat to the life, health, safety or welfare of an individual, or to public health, safety or welfare; or
 - (c) use of the information for the other purpose is authorised or required under a law; or
 - (d) the agency is satisfied on reasonable grounds that use of the information for the other purpose is necessary for one or more of the following by or for a law enforcement agency –
 - (i) the prevention, detection, investigation, prosecution or punishment of criminal offences or breaches of laws imposing penalties or sanctions;
 - (ii) the enforcement of laws relating to the confiscation of the proceeds of crime;
 - (iii) the protection of the public revenue;
 - (iv) the prevention, detection, investigation or remedying of seriously improper conduct;
 - (v) the preparation for, or conduct of, proceedings before any court or tribunal, or implementation of the orders of a court or tribunal; or
 - (e) the other purpose is directly related to the purpose for which the information was obtained; or
 - (f) all of the following apply –
 - (i) the use is necessary for research, or the compilation or analysis of statistics, in the public interest;
 - (ii) the use does not involve publication of all or any of the personal information in a form that identifies any particular individual the subject of the person information;
 - (iii) it is not practicable to obtain the express or implied agreement of each individual the subject of the personal information before the use.
- (2) If the agency uses the personal information under subsection (1)(d), the agency must include with the document a note of the use.

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6.3.11 Limits on disclosure

- (1) An agency having control of a document containing an individual’s personal information must not disclose the personal information to an entity (the relevant entity), other than the individual the subject of the personal information, unless –
- (a) The individual is reasonably likely to have been aware, or to have been made aware, under IPP 2 or under a policy or other arrangement in operation before the commencement of this schedule, that it is the agency’s usual practice to disclose that type of information to the relevant entity; or
 - (b) The individual has expressly or impliedly agreed to the disclosure; or
 - (c) The agency is satisfied on reasonable grounds that the disclosure is necessary to lessen or prevent a serious threat to the life, health, safety or welfare of an individual, or to public health, safety or welfare; or
 - (d) The disclosure is authorised or required under a law; or
 - (e) The agency is satisfied on reasonable grounds that the disclosure of the information is necessary for one or more of the following by or for a law enforcement agency –
 - (i) The prevention, detection, investigation, prosecution or punishment of criminal offences or breaches of laws imposing penalties or sanctions;
 - (ii) The enforcement of laws relating to the confiscation of the proceeds of crime;
 - (iii) The protection of the public revenue;
 - (iv) The prevention, detection, investigation or remedying of seriously improper conduct;
 - (v) The preparation for, or conduct of, proceedings before any court or tribunal, or implementation of the orders of a court or tribunal;
 - (f) All of the following apply –
 - (i) The disclosure is necessary for research, or the compilation or analysis of statistics, in the public interest;
 - (ii) The disclosure does not involve the publication of all or any of the personal information in a form that identifies the individual;
 - (iii) It is not practicable to obtain the express or implied agreement of the individual before the disclosure;
 - (iv) the agency is satisfied on reasonable grounds that the relevant entity will not disclose the personal information to another entity.
- (2) If the agency discloses the personal information under subsection (1) (e), the agency must include with the document a note of the disclosure.
- (3) If the agency discloses personal information under subsection (1), it must take all reasonable steps to ensure the relevant entity will not use or disclose the information for a purpose other than the purpose for which the information was disclosed to the agency.
- (4) The agency may disclose the personal information under subsection (1) if the information may be used for a commercial purpose involving the relevant entity’s marketing of anything to the individual only if, without limiting subsection (3), the agency is satisfied on reasonable grounds that –
- (a) It is impracticable for the relevant entity to seek the consent of the individual before the personal information is used for the purposes of marketing; and
 - (b) The relevant entity will not charge the individual for giving effect to a request from the individual to the entity that the individual not receive any marketing communications; and

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- (c) The individual has not made a request mentioned in paragraph (b); and
- (d) In each marketing communication with the individual, the relevant entity will draw to the individual’s attention, or prominently display a notice, that the individual may ask not to receive any further marketing communications; and
- (e) Each written marketing communication from the relevant individual, up to and including the communication that involves the use, will state the relevant entity’s business address and telephone number and, if the communication with the individual is made by fax, or other electronic means, a number or address at which the relevant entity can be directly contacted electronically.

7.0 Use and Disclosure of Personal Information

Council will only use the parts of personal information that are directly relevant to fulfilling the particular purpose for which it was collected.

Personal information collected by Council for a particular purpose will not be used for another purpose unless:

- all reasonable steps are taken to obtain the written consent of the individual to use his/her personal information for another purpose or;
- Council is satisfied that the use is necessary to lessen or prevent a serious threat to life, health, safety or welfare of an individual, or to public health, safety or welfare; or
- use of personal information for another purpose is authorised or required under law.

All reasonable steps will be taken to protect the personal information Council holds from loss, unauthorised access, use, modification, disclosure or any other misuse. Information is stored on Council’s databases which are protected by passwords and other security measures.

8.0 Limits on Disclosure

Council will not disclose personal information to a person, body or agency (other than the individual concerned) unless:

- the individual concerned is reasonably likely to have been aware, or made aware under Principle 2, that the information of that kind is usually passed to that person, body or agency; or
- the individual concerned has consented to the disclosure; or
- the Council believes on reasonable grounds that the disclosure is necessary to prevent or lessen a serious or imminent threat to life, health safety or welfare of an individual, or to public health, safety or welfare; or
- the disclosure is required or authorised by law; or
- the disclosure is reasonably necessary for the enforcement of the law.

9.0 Privacy Complaints

Chapter 5 of the *Information Privacy Act 2009* provides for an individual to make a complaint about Council's breach of the Privacy Principles which occurred on or after 1 July 2010.

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Complaints or enquiries about privacy should be directed to the below address:

Post: PO Box 21, Blackall, Qld 4472
Email: CEO@btrc.qld.gov.au

If an individual believes that Council has not dealt with their personal information in accordance with the Information Privacy Principles or is not satisfied with the manner in which Council has handled their request for access to their personal information, they may lodge a formal complaint under Council's General Complaints (Administrative Actions) Policy.

The investigation of privacy complaints will be coordinated by the RTI Officer. If the complaint is not resolved to the individual's satisfaction, and more than 45 business days has passed since the complaint was made, the individual may refer their complaint to the Office of the Information Commissioner for investigation.

10. Accessing and Amending Personal Information

Chapter 3 of the *Information Privacy Act 2009* provides for an individual to make an application to access and amend their Personal Information.

Applications to access and amend Personal Information are to be made via the following Qld State Government forms:

- Right to Information and Information Privacy Access Application - for an Individual to apply to access their Personal Information; and
- Information Privacy Personal Information Amendment Application - for an Individual to apply to amend their Personal Information.

All applications will be coordinated by the RTI Coordinator, who will deal with the application in accordance with the IP Act.

11. Evaluation Process

This Policy is reviewed when any of the following occur:

1. The related information is amended or replaced.
2. Other circumstances as determined from time to time by the Chief Executive Officer.

Notwithstanding the above, this Policy is to be reviewed at intervals of no more than two years.

12. POLICY REVIEW

This policy will be reviewed when any of the following occur:

1. As required by legislation
2. Other circumstances as determined by the Chief Executive Officer.

Policy to be reviewed every two years.

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13. VERSION CONTROL

Version 1	New Policy 11.06.2013
Version 1.1	10.3.2015
Version 1.2	23.10.2019
Version 2	20.04.2022

RECORDS

When completed and approved the original, signed hard copy of the Policy is filed in the Master File.

Electronic copies are saved in the appropriately labelled folder in Magiq.