

PRIVACY

COUNCIL POLICY

PURPOSE

The purpose of this policy is to set out Council's commitment to comply with the provisions of the Information Act 2002 (NT) (the Act), the Local Government Act 2019 (NT) and Information Privacy Principles (IPP's) when collecting and handling Personal Information.

PRINCIPLES

Council considers the protection of all Personal Information to be an integral part of its commitment towards accountable management of information. It is part of a framework put in place by Council to protect the privacy of personal information in accordance with the IPPs set out in the Act. Council has an obligation to protect Elected Members and staff of Council from undue intrusion into their private affairs.

DEFINITIONS


For the purposes of this Policy, the following definitions apply:

TERM	DEFINITION
Personal Information	Information from which an individual's identity is apparent or can reasonably be ascertained. It includes information about a deceased person within the first five years after their death. It can include numbers and things like photos of a person or their property.
Sensitive Information	Personal Information about an individual's racial or ethnic origin, political opinions, membership of professional, trade, political association or trade union, philosophical or religious beliefs, religious affiliations, sexual preferences or practices, criminal record or health information.

POLICY STATEMENT


1. Collection

- 1.1. Council will only collect Personal Information that it needs to carry out its functions and activities, including its statutory functions under the Act and the Local Government Act 2019 (NT). This may include Personal Information of Elected Members and staff.

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- 1.2. When Council collects Personal Information, reasonable steps will be taken to ensure customers are aware of what information Council wants, for what purpose, whether any law requires Council to collect it, and the consequences, if any, of not providing the information.
 - 1.3. Council may also collate statistical information from the Personal Information it collects. This information may be used by Council and other government bodies to assist in reporting, and the provision of appropriate services and facilities including open data. Once this kind of information is collected, it will be anonymised so that any compilation or publication of those statistics will not reveal personal identity.
 - 1.4. Council may collect Personal Information in a number of ways, including:
 - directly in documents such as application forms, statutory declarations or from verbal or written correspondence; and
 - from third parties such as government bodies
 - 1.5. Council will only collect Sensitive Information with consent or if it is required by law.

2. Use and Disclosure

- 2.1. Council will not use or disclose Personal Information which has been collected for a particular purpose (“the primary purpose”) for another purpose (“the secondary purpose”) unless:
 - the secondary purpose is directly related to the primary purpose and one which the individual would reasonably expect;
 - the individual consents;
 - the use or disclosure is necessary for research, or compilation or analysis of statistics in the public interest; or
 - to lessen or prevent:
 - a serious or imminent threat to an individual's or another individual's life, health or safety;
 - a serious or imminent threat of harm to or exploitation of a child; or
 - serious threat to public health or public safety;
 - there is a suspicion of unlawful activity requiring disclosure as part of an investigation;
 - use or disclosure is required by law; or
 - the use or disclosure is reasonably necessary for a law enforcement agency, the Australian Security Intelligence Organisation or the Australian Secret Intelligence Service.
- 2.2. Council may use Personal Information in a number of ways including:
 - to carry out Council's functions;
 - to provide customers with information about Council services;
 - to determine and provide appropriate facilities;
 - to administer and manage processes such as applications for permits, animal ownership, billing and collection of rates and charges, parking controls and development proposals; and
 - to administer and make enquiries in personnel and recruitment matters.

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- 2.3. In situations where Council requires a third party to collect, use or disclose information to perform Council functions, the third party will be bound by, and fully aware of their obligations to, the provisions of the Act and IPP's.
 - 2.4. Where lawful and practical, Council may give customers the option of not identifying themselves when supplying information or entering into transactions with Council and will advise of any consequences of remaining anonymous.
 - 2.5. If requested by an individual, Council will take reasonable steps to inform and provide access to that individual the Personal Information it holds, why it holds the information and how it collects, holds, uses and discloses the information.
 - 2.6. Council must suppress from publicly available material in accordance with Section 293 of the Local Government Act 2019 (NT) information prescribed as confidential. This includes in response to a written request for suppression made to the Chief Executive Officer and may include:
 - (a) person's name;
 - (b) the person's address;
 - (c) the person's telephone number;
 - (d) the person's email address; or
 - (e) any other personal details.
 - 2.7. Council will only provide contact details of Elected Members with their consent.
 - 2.8. Staff who are provided with a mobile phone and/or email account by Council to enable fulfilment of the requirements of their roles will have the mobile phone number and email address disclosed. No private contact details will be disclosed.

3. City of Palmerston Library

- 3.1. The City of Palmerston Library may collect information in order to provide an all-inclusive public library service, including lending and in-house services and to advise members on all facilities, services, programs, collections, special events and activities so that individual needs are met. The only information collected is provided by members when joining the library.
- 3.2. By applying to become a member of the library, members are consenting to Personal Information being disclosed to the Northern Territory Government for the sole purpose of addition to and maintenance of a shared cloud-based database which may be stored outside the Northern Territory.
- 3.3. This database is shared by libraries throughout the Northern Territory (LibrariesNT) and provided by Library & Archives NT (LANT). LANT allows authorised access to this information to authorised staff in all libraries in LibrariesNT. This information sharing helps Council to provide services such as interlibrary loans to patrons throughout the Territory.
- 3.4. City of Palmerston Library will only use or disclose the Personal Information collected for the purposes stated above, unless use or disclosure is authorised by law.

4. Security

- 4.1. Council will use reasonable measures to maintain a secure system for storing Personal Information and restrict access to staff who require Personal Information for purposes directly related to their responsibilities. Technological and operational policies and procedures are in place to protect Personal Information from misuse and loss and from unauthorised modification or disclosure. This includes physical security measures in Council facilities to protect Elected Members and staff.
- 4.2. Council will dispose of or de-identify Personal Information where it is no longer necessary to fulfil the purposes for which the information was collected or as required by law.

5. Data Quality

Council will take all reasonable measures to ensure the information it collects, uses or discloses is accurate, complete and up to date.

6. Data Transfer

Council will not transfer Personal Information unless:

- the information is being transferred to the individual concerned;
- the transfer is required or authorised by law;
- the recipient is subject to laws substantially similar to the IPP's;
- the individual has consented, or the transfer is required for performance of a contract with the individual or that benefits the individual; or
- Council has taken reasonable steps to ensure that the information will not be held, used or disclosed by the person to whom it is transferred in a manner that is inconsistent with this policy.

7. Complaints

To make a complaint regarding City of Palmerston's handling of personal information, contact City of Palmerston via governance@palmerston.nt.gov.au detailing your concern.

REFERENCES AND RELATED LEGISLATION

- Information Act 2002 (NT)
- Local Government Act 2019 (NT)

POLICY DETAILS

OWNER	CEO	RESPONSIBLE OFFICER	Director Finance and Governance
APPROVAL DATE	21 March 2023	NEXT REVIEW DUE	21 March 2027
RECORDS NUMBER	532465	COUNCIL DECISION	10/746

