

Policy Number:	ADM 20
Policy Type:	Administration Policy
Policy Name:	Privacy & Confidentiality
Policy Owner:	Chief Executive Officer
Authority:	Shire of Nannup

Introduction

The Shire of Nannup is committed to protecting the privacy of personal information. This Privacy Policy embodies this commitment. The policy supports the council's need to collect information and the right of the individual to privacy. It ensures that the council can collect personal information necessary for its services and functions, while recognising the right of individuals to have their information handled in ways that they would reasonably expect and in ways that protect the privacy of their personal information.

Commitment

The council will:

1. collect only information which is required for a specified primary purpose;
2. not use or disclose personal information about an individual for a purpose other than:
 - (a) the purpose for which it was collected;
 - (b) a related purpose (or, in the case of sensitive information, a "*directly related*" purpose) which the individual would reasonably expect;
 - (c) a purpose required or permitted by law; or
 - (d) a purpose for which the consent of the individual has been obtained.
3. take all reasonable steps to make sure that the personal information collected, used or disclosed is accurate and up to date;
4. take all reasonable steps to protect and safeguard the personal information collected and to securely destroy the information when it is no longer required for the purpose for which it was collected;
5. make available policies relating to the management of personal information;
6. provide people with access to their own personal information and permit people to seek corrections if necessary.

Responsibility

The responsibility for protecting privacy does not lie with one individual or a group, but with all staff at all levels, no matter what role they fulfil.

Individuals

Individuals are at all times personally responsible for their conduct to others. They must:

- comply with any professional codes of practice which relate to their role
- understand and work within organisational policies
- uphold the duty of care they have to others, particularly service users and members of the public they encounter in the discharge of their duties
- be aware of and work within the legislative framework

Managers

Managers are responsible for their own conduct, attitudes and behaviours as described above. Additionally they are responsible for:

- ensuring individuals within their teams understand their roles and responsibilities with regard to privacy
- understanding and implementing privacy policies and standards relevant to the service and team
- ensuring policies are understood and implemented
- ensuring staff have the tools, resources and skills to promote and deliver services which uphold privacy
- monitoring the performance and actions of individuals and teams
- ensuring action is taken to address deficits and gaps in a timely and appropriate manner

Chief Executive Officer

The Chief Executive Officer is accountable to Council for all of the above and in addition must:

- lead, promote and champion the privacy agenda
- ensure measurable standards are set and met
- ensure that Council and the public are briefed on privacy policies, achievements and actions taken to rectify any deficits

Collection of Personal Information

Personal information is collected and used for the following purposes:

1. to provide services or to carry out statutory functions;
2. when dealing with any request or application for products or services;
3. when dealing with certain government agencies;
4. when required by law.

Personal information may include sensitive information (for example, religious beliefs, health status, ethnic origins, membership of a trade or professional association). If so, then the council will apply the National Privacy Principles required to that type of information.

Personal information may be collected in person, in writing, by telephone, through the website and through other methods of communication with individuals.

Sometimes personal information may need to be collected from third parties in the course of carrying out council's responsibilities, ensuring that information that has been provided is correct.

In each case, personal information collected will be treated in accordance with the principles set out above.

Use of Personal Information

Personal information may be used to maintain records, provide information and enable individuals to receive services. In addition, to satisfy regulatory requirements, personal information may be used to carry out administrative tasks and manage individuals' rights in relation to statutory obligations as required.

Disclosure of Personal Information to Third Parties

Personal information may be disclosed to third parties. These may include agents, contractors (including organisations used by us to store information in an electronic format), and other entities, to which it is reasonable to expect that information would be provided in the course of or incidental to the provision of products and/or services by the council.

Such disclosure will be in accordance with this policy.

Disclosure to the Individual

The council will take reasonable steps at or before the time it collects personal information from an individual, to ensure that the individual is aware of:

1. who is requesting the information and the full contact details;
2. the fact that person is able to gain access to the personal information collected and seek the correction of such information if necessary;
3. the purposes for which the personal information is collected;
4. the organisations (or types of organisations) that the personal information will usually be disclosed or transferred to;
5. any law which requires the council to collect the personal information;
6. the main consequences (if any) if all (or part) of the personal information requested is not provided.

However, there are circumstances, such as the exercise of statutory responsibilities, where this may not be required.

Access to Personal Information

Requests from an individual to review the personal information held about them by the council should be made in writing to the Chief Executive Officer.

In most circumstances the personal information collected will be made available. In certain circumstances access may be denied. These circumstances include, where:

1. it would have an unreasonable impact on the privacy of others;
2. the information relates to legal proceedings with the individual requesting access;
3. the information would reveal a commercially sensitive decision-making process;
4. providing access to the information would prejudice certain investigations;
5. the council is required by law not to disclose the information.

The council will respond to a request for access to information as a priority and will seek to do so within a maximum of 10 days.

There will be no charge to the individual for requesting access to their own personal information.

Correcting Inaccurate Information

If an individual believes that any information held about them is inaccurate or out of date, they should contact the council, who will review and update the relevant information as necessary.

Complaints

A complaint about information privacy is an expression of dissatisfaction with the council's procedures, staff, agents or quality of service associated with the collection or handling of personal information. The council will be efficient and fair when investigating and responding to information privacy complaints.

Any complaints about how the council has handled personal information should be addressed in writing to the Chief Executive Officer.

<u>Related Policies</u>	ADM 11 Records Management Policy ADM 12 Elected Members Records ADM 13 Electronic Mail
<u>Related Procedures/Documents</u>	Record Keeping Plan Record Keeping Procedures Freedom of Information Statement
Delegated Level	
Adopted	OM 24 July 2014
Reviewed	OM 25 January 2018