PERSONAL INFORMATION PROTECTION POLICY

POLICY TYPE	DOCUMENT CONTROLLER	RESPONSIBLE MANAGER	POLICY ADOPTED	REVIEW DUE
Council	Executive Coordinator	Chief Executive Officer*	27 October 2025	October 2027

PURPOSE

This Policy defines Council's commitment, as a personal information custodian, to protecting personal privacy rights, and compliance with relevant legislative and internal policies that support and enforce personal information protection. This Policy is in accordance with the Personal Information Protection Principles as outlined in Schedule 1 of the *Personal Information Protection Act 2004* (the "*Act*").

SCOPE

This Policy applies to all employees, elected members, contractors, workplace participants and volunteers of the Devonport City Council, and covers all personal information held by Council.

POLICY

1. Collection (Principle 1)

Council collects and requests information when it is required to carry out its functions and activities. Personal information shall be obtained from the individual when it is reasonable and practicable to do so, and will be collected by lawful, reasonable and unobtrusive means.

There may be circumstances where Council is legally required or obligated to collect personal information. Sensitive information will only be obtained where an individual provides consent or where it is permitted under the *Act* or other legislation.

Personal Information may include:

- Name
- Address
- Telephone contact/s
- Date of birth
- Occupation
- Bank Details
- Vehicle Registration details
- ABN details

There are various purposes for obtaining personal information which may include:

- To provide services, as requested by the individual;
- To follow up on complaints/issues;
- To confirm attendance at meetings, functions etc;
- Where an individual is included on a mailing or distribution list;
- To facilitate the collection of fees and charges;
- To facilitate payments;
- To undertake law enforcement activities.

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When collecting personal information, Council will take steps to guarantee the individual is made aware of:

- Council's identity and how to contact it;
- The individual's rights in regard to accessing information collected by Council;
- The purpose for collecting the information;
- The intended recipient/s of the information;
- Legislation that requires the information to be collected; and
- The consequences, if any, of not providing all or part of that information.

Any information collected by a third party will require Council to take reasonable steps to ensure the individual concerned is informed of the commitment above, unless there is a situation whereby doing so could pose a serious threat to the life, safety, health or welfare of any individual, or where it could be prejudicial to an investigation.

2. Use and Disclosure (Principle 2)

Council will use collected information solely for its intended purpose or for a related purpose that a reasonable person would expect. Council will only disclose personal information to a third party or external organisation with the express consent of the individual concerned, or where it is permitted by law. Council must ensure that any external or third party in receipt of personal information complies with provisions of the *Act,* to the extent that it can. In respect to contractors engaged by Council, it is Council's responsibility to ensure that they are aware of and comply with the *Act* (as far as it is reasonably practicable for Council to do so) and other privacy and confidentiality provisions.

A personal information custodian may use or disclose personal information about an individual for a purpose other than the purpose for which it was collected if:

a) both of the following apply:
   - That purpose is related to the primary purpose and if the personal information is sensitive information, that information is directly related to the primary purpose; and
   - the individual would reasonably expect the personal information custodian to use or disclose that information for that purpose; or

b) the individual has consented to the use or disclosure; or

c) the personal information custodian reasonably believes that the use or disclosure is necessary to lessen or prevent –
   - a serious threat to an individual's life, health, safety or welfare; or
   - a serious threat to public health or public safety; or

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d) the personal information custodian has reason to suspect that unlawful activity has been, is being or may be engaged in, and uses or discloses the personal information as a necessary part of its investigation of the matter or in reporting its concerns to relevant persons or authorities; or

e) the use or disclosure is required or authorised by or under law; or

f) the personal information custodian reasonably believes that the use or disclosure is reasonably necessary for any of the following purposes by or on behalf of a law enforcement agency;
   - the prevention, detection, investigation, prosecution or punishment of criminal offences or breaches of a law imposing a penalty or sanction; the prevention, detection, investigation or remedying of conduct that is in the opinion of the personal information custodian seriously improper conduct; or
   - the preparation for, or conduct of, proceedings before any court or tribunal or implementation of any order of a court or tribunal; or

g) the personal information is to be used as employee information in relation to:
   - the suitability of the individual for appointment; or

h) the suitability of the individual for employment held by the individual; or

i) the personal information is employee information which is being transferred from one personal information custodian to another personal information custodian for use as employee information relating to the individual.

If a personal information custodian uses or discloses personal information for purposes on behalf of a law enforcement agency, it must make written note of the use or disclosure.

Other third parties who Council is authorised to disclose personal information to include:

- Service providers (i.e. TasWater, TasGas - where works requests have been initiated);
- Banking and financial institutions or government bodies (i.e for bank account details; direct debit purposes; Centrelink; Housing Tasmania);
- Office of the Valuer-General, Australian Bureau of Statistics (valuation or statistical purposes)
- Monetary Penalties Enforcement Service, Tasmania Police (debt collection, law enforcement).

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3. Data Quality (Principle 3)

Council seeks to ensure that personal information held by it is accurate, complete and current, and has been provided by the individual or other reliable source. Council provides a simple process for information to be updated or corrected. Reference to amendments and correction of information is included in **"Access and Correction (Principle 6)"**.

4. Data Security (Principle 4)

Council follows all necessary procedures to ensure personal information it holds is stored safely and securely and is accessed only by those requiring or authorised to use the information.

Employees and Elected Members are required to protect personal information that they have access to and ensure that it is kept secure and used for authorised purposes only. Confidentiality must be maintained at all times when handling personal or sensitive information and must not be disclosed to any unauthorised parties.

Both employees and elected members are bound by section 339 of the *Local Government Act 1993*, whereby they "must not make improper use of any information acquired".

Council files are stored securely and can only be accessed by authorised officers. An employee failing to meet confidentiality and privacy conventions may be subject to disciplinary action, in accordance with Council policy.

Council ensures the maintenance of privacy and confidentiality through the provisions of physical or building security; computer and network security; communications security; and personnel security; in addition to policy and procedures that are compatible with principles of confidentiality and privacy.

Any personal information in the possession of Council that is no longer required will be disposed of by secure means, generally via confidential shredding of documents or permanent deletion of electronic records.

Council also complies with the provisions of the *Archives Act 1983*, and its legal obligations to retain information for a set period or permanently.

5. Openness (Principle 5)

Upon request, Council will take all reasonable steps to provide the individual with the personal information it holds and collects (and for what purpose/s the information is collected, held, used and disclosed).

6. Access and Correction (Principle 6)

In accordance with Principle 6 of the Personal Information Protection Principles, an individual may access personal information

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about them that is in Council's possession. Some basic information may be accessed or provided upon request (subject to proof of identity requirements) and some information may be released upon completion of an information request and release form (i.e Immunisation details). More sensitive information, for example, relating to complaints or neighbourhood disputes, must be applied for under the *Right to Information Act 2009*. These requests are managed in line with the provisions of that *Act*.

A request for information, clearly stating the information required, must be made in writing and addressed to:

The Principal Officer
Devonport City Council
PO Box 604
DEVONPORT TAS 7310

or emailed to governance@devonport.tas.gov.au

If upon accessing their personal information the individual believes the personal information is incorrect, inaccurate, out of date or misleading, the individual can request the information be corrected or amended. Amendments to personal information are established under the *Act*. A request to amend information under this *Act* must be in writing and addressed to the Principal Officer (details listed above).

The request must specify:

- an address to which the notice is to be sent;
- particulars of the information the person believes is incomplete, incorrect, out of date or misleading; and
- the amendments that the person wants made to that information.

If the individual is not satisfied with the outcome of the request or handling of the request for access, they may lodge a formal complaint with the Ombudsman at:

Ombudsman Tasmania
GPO Box 960
HOBART TAS 7001

or email ombudsman@ombudsman.tas.gov.au.

7. Unique Identifiers (Principle 7)

Unique identifiers are assigned to individuals only in circumstances where it is necessary to perform Council's functions and is permissible by law. A unique identifier is a reference that enables identification of an individual, for example a driver's licence number. Council will not adopt as its own a unique identifier, any unique identifier assigned to the individual by another personal information custodian, unless adoption is required in carrying out its

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functions efficiently, or it has obtained the consent of the individual to use of the unique identifier.

8. Anonymity (Principle 8)

Individuals have the right to remain anonymous when supplying personal information as part of dealings with Council, however this is only feasible when it is lawful and practical to do so. Remaining anonymous in many cases inhibits Council's ability to process a complaint or follow up on a matter. Council therefore reserves the right not to act upon matters or complaints where the supply of relevant personal information has not been provided to Council or is insufficient.

9. Disclosure of Information outside of Tasmania (Principle 9)

Information requested by an individual or organisation outside of Tasmania will only be transferred with the individual's consent or if authorised under legislation. This Principle is designed to protect the privacy of personal information if it is sent to a third party outside of Tasmania.

10. Sensitive Information (Principle 10)

The collection of sensitive information will only occur with the individual's consent, or in circumstances where it is permitted or required under the *Personal Information Protection Act 2004* or other legislation. Council will ensure that sensitive information or data is treated with the greatest security and confidentiality restrictions, to ensure information is used exclusively for the purpose for which it was collected.

Sensitive information may include:

- opinions or information relating to ethnicity or racial background;
- political opinions or associations;
- religious beliefs or affiliations;
- trade union membership;
- criminal record;
- health information; and/or
- financial status.

11. Confidentiality Agreement

Devonport City Council employees, contractors and work placement participants are encouraged to sign Council's Confidentiality Agreement. This agreement stipulates various confidentiality clauses, including:

- That all information obtained, which may be confidential, harmful or discriminatory in nature must be respected and must not be unduly exposed or made public;
- Employees must adhere to all relevant Council policies, in particular those regarding personal, private and/or harmful information;

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- Confidential information obtained must be gathered for a specific purpose;
- All information obtained must be kept safe and must not be subject to unauthorised access; and
- Employees must not leak any private information regarding Council or any aspect of its administration.

Furthermore, Council staff must comply with the provisions of the Code of Conduct, which details that employees must respect confidentiality and privacy and only use such information for Council purposes including the accessing confidential information for authorised work-related tasks.

12. Privacy Officer

The Council has appointed a Privacy Officer to oversee the operation of the Personal Information Protection Policy. The Privacy Officer will liaise with customers in respect to requests, enquiries, and complaints regarding personal information kept by the Council. It is appropriate that the Principal Officer, appointed under the *Right to Information Act 2009*, be appointed Privacy Officer. The officer will receive customer requests for access to personal information and action these requests; respond to requests in writing; amend personal information; and liaise with relevant Departments in relation to information requests and amendments.

13. Public Interest Disclosures Act 2002

Providing confidential information that forms part of a Public Information Disclosure does not constitute a breach of any Act that imposes a duty to maintain confidentiality, Council's Confidentiality Agreement or this Policy, however there are restrictions as to how this information is used and to whom it is granted.

The Ombudsman's Guidelines in relation to Public Interest Disclosures state that all reasonable steps shall be made to protect the identity of a discloser, witness or of the person against whom a disclosure has been made. Section 23 of the *Act* requires any person who receives information due to the handling or investigation of a protected disclosure not to disclose that information except in limited circumstances. There may be financial or punitive penalties, or both, if information is disclosed in breach of this section.

Section 90 of the *Act* exempts the release of documents under the *Right to Information Act 2009* to the extent that they contain information regarding a disclosure, or information that is likely to lead to the identification of the person who made the disclosure, or if the person whom is the subject of the disclosure, may be realised.

14. Complaints

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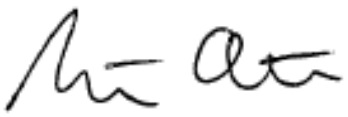
	Complaints relating to privacy and the provision of personal information must be made in writing and addressed to the Principal Officer (refer to Principle 6 for details). Complaints will be acknowledged in accordance with Council's Customer Service Charter timeframes. The complaint must be received within 6 months from the time the complainant first became aware of the issue. Complaint details will remain confidential, and a written response will be provided to the complainant. An individual dissatisfied with the outcome of the request or handling of the request for access can also lodge a formal complaint with the Ombudsman.			
LEGISLATION AND RELATED DOCUMENTS	*Local Government Act 1993* *Personal Information Protection Act 2004* *Right to Information Act 2009* *Public Interest Disclosure Act 2002* Customer Service Charter Confidentiality Agreement Disciplinary Procedure Staff Code of Conduct Guidelines for the Disclosure of Personal Information Devonport City Council Strategic Plan 2009-2030			
ATTACHMENTS (IF APPLICABLE)	N/A			
STRATEGIC REFERENCE	5.3 Council looks to employ best practice governance, risk and financial management			
MINUTE REFERENCE	25/193			
OFFICE USE ONLY	Update Register	Y	Training/Communication	Y
	Advise Document Controller	Y	Advise HR / MCO	Y
	Management Sign Off:  Date: 27 October 2025 * Please note reference to the Chief Executive Officer means the General Manager for the purposes of the *Local Government Act 1993*, and all other legislation administered by or concerning the Devonport City Council.			

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