

POLICY: EXEC-OD-008 CUSTOMER PRIVACY

PURPOSE

The City of Kalgoorlie-Boulder (the City) is committed to maintaining a culture that respects each individual's rights to privacy. This Policy sets out the principles of the City in relation to its management of personal information.

The Privacy Act 1988 and the Privacy Amendment (Enhancing Privacy Protection) Act 2012 set out the principles that must be followed by Commonwealth Government agencies in relation to the management, collection, use, storage and disclosure of personal information. This Policy also incorporates the Australian Privacy Principles (APP) 2014.

This Policy forms the basis for the practices and procedures of the City in relation to the collection, use, storage and disclosure of personal information, regardless of their physical format or media type, by all City employees and Elected Members.

This policy relates to the following Acts and documents;

- Privacy Act 1988 (and Australian Privacy Principles (APP) 2014)
- Privacy Amendment (Enhancing Privacy Protection) Act 2012
- Freedom of Information Act 1982
- Local Government Act 1995
- State Records Act 2000

DEFINITIONS

Access: Providing relevant information that is held by the City about a customer to themselves.

Collection: Gathering, acquiring or obtaining personal information from any source and by any means, including information that the City has not solicited.

Consent: Voluntary agreement to some act, practice or purpose.

Customer: An individual or group who seek a service, product or information to meet a need.

Disclosure: Release of information to persons or organisations outside the City. It does not include giving individuals information about themselves.

Local Government Act: The Local Government Act 1995.

Personal information: Information, recorded in any format, about a natural living person whose identity is apparent, or can reasonably be ascertained, from the information or opinion, including a photograph or other pictorial representation of a person, but does **not** include information that is in:

- Generally available publications
- Material kept in public records and archives e.g. Commonwealth or State archives
- Anything kept in a library, art gallery or museum for reference, study or exhibition.

Privacy Act: As referenced in purpose

Sensitive information: Information or an opinion about an individual that may cause financial or emotional damage to them, their family and / or their reputation and may include but is not limited to the following information;

- Racial or ethnic origin
- Political opinions
- Membership of a political association, professional or trade association or trades union
- Religious beliefs or affirmations
- Philosophical belief's
- Sexual preferences or practices
- Criminal record
- Health

The City: The City of Kalgoorlie-Boulder

Use: Handling of personal information within the City including the inclusion of information in a publication.

STATEMENT

1. Policy statements

- 1.1. In adopting this Policy it is recognised that there are specific legislative requirements to be met as well as other City goals. Acts and Regulations have precedence over any City Policy and must be considered when interpreting and implementing this policy.
- 1.2. This Policy is to be implemented in conjunction with other relevant City Policies and Strategies.

2. Open and transparent management of personal information

- 2.1. As a Local Government the **City of Kalgoorlie-Boulder** is committed to protecting customer privacy. The City appreciates that customers are concerned about their privacy and the confidentiality and security of any information that may be provided to the City. This Policy sets out the principles of the City in relation to its management of personal information.
- 2.2. The City will advise customers why it is collecting personal information and how the City plans to use it.
- 2.3. The City will take reasonable steps to:
 - Protect the personal information it holds from misuse and loss and from unauthorised access, modification or disclosure
 - Maintain its record keeping systems to ensure that all personal information collected is up to date, accurate and complete as far as reasonably practicable

3. Anonymity and pseudonymity

Individuals are entitled to the option of not identifying themselves. However in most instances the customer will need to make their identity known when making job applications or making payments.

4. Collection of solicited personal information

- 4.1. The State Records Act 2000 requires the City to record and retain information provided by customers.
- 4.2. The City will only collect personal information that;
 - Is collected for a lawful purpose directly related to a legislative function or power of the City or City business operations
 - Is necessary for or directly related to that purpose

4.3. The personal information that may be collected will depend on the particular purpose for which it is collected, and may include but is not limited to:

- Name
- Postal and residential addresses
- Telephone numbers
- E-mail addresses
- Age and/or date of birth
- Property ownership and/or occupier details
- Details of residents/ratepayer's spouse or partner
- Development applications, including plans or specifications of buildings
- Pet ownership
- Electoral roll details
- Pensioner / concession information
- Payment history
- Financial details
- Details of land valuation
- Preferred addresses and methods of contacts
- Details of employment
- Insurance details

5. Dealing with unsolicited personal information

Unsolicited personal information is personal information received where there have been no active steps to collect the information. Where this information is received it will be recorded and retained according to the State Records Act 2000.

6. Notification of the collection of personal information

The City will take reasonable steps to inform the person whose personal information it collects;

- Of the purpose for which the personal information is being collected
- If the collection of the information is authorised or required by law, that the collection is so authorised or required

7. Use of personal information

- 7.1. Where the City collects personal information for a particular purpose, it will not use that personal information for any other purpose, unless:
- The City first takes reasonable steps to obtain the consent of the individual concerned to use his or her personal information; or
 - The individual would reasonably expect the City to use or disclose the information as it is related to the initial purpose; or
 - The City believes on reasonable grounds that use of the information is necessary to prevent or lessen a serious or imminent threat to the life or health of the individual concerned or another person; or
- 7.2. Use of the information is required or authorised by law or is reasonably necessary for the enforcement of the law.
- 7.3. The City 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 the City or because of the City's inability to provide persons with any requested personal information.
- 7.4. The City expects that persons will, before relying on any personal information the City provides to them, first seek confirmation from the City about the accuracy and currency of such personal information.

8. Disclosure of personal information

- 8.1. The City will not disclose personal information it holds about a person to a third party, except where:
- A reasonable individual is likely to have been aware that their personal information would be disclosed in that way;
 - The customer has consented to or made a written request for personal information to be provided to a third party;
 - The personal information is provided for the purpose of distributing materials of and on behalf of the City (for example: the provision of address data for use by a mailing service provider to post Rates Notices or other materials);
 - A third party has been contracted by the City to provide advice or services for the purpose of assisting the City in providing benefits to persons (for example: State Electoral Office);

- The City is required or authorised by law to disclose the personal information to a third party or to the public at large (for example, under the Freedom of Information Act);
- The customer has been advised of the City's practice of disclosing personal information for a particular purpose and the disclosure is consistent with that purpose; or
- A public consultation submission has been received by the City. To enable transparency in consultation processes to occur, all public consultation submissions received by the City will become public documents and may be included in a report to the City which is also available to the public.

8.2. Where personal information is provided to the City by a person "***in confidence***", the City will not disclose such information to a third party without the person's consent, unless such disclosure is required or authorised by law (for example, applications made under the Freedom of Information Act).

The City will take reasonable steps to contract only with third party service providers that are subject to the provisions of the Privacy Act and the Australian Privacy Principles. Where the third party service provider is not subject to the provisions of the Privacy Act and the Australian Privacy Principles, the City will enter into a Privacy Agreement that requires the third party service provider to comply with the provisions of this Policy relating to the collection, use, storage and disclosure of personal information supplied by the Council.

9. Direct Marketing

Email addresses will only be used for the purpose for which it was provided and it will not be added to any external mailing lists. The City will not use e-mail addresses for any other purpose, and will not disclose it, without customers consent.

10. Cross border disclosures

As in clause 8, Disclosure of personal information, the City may disclose some personal information to a contracted third party across borders. In this event, the City will take adequate and reasonable steps to assure appropriate data security.

11. Adoption, use or disclosure of government related identifiers

The City does not use government related identifiers or reference numbers such as Tax File Numbers.

12. Quality of personal information

It is important that the personal information the City collects is accurate, complete and up to date. Customers can contact the City at any time to update personal information or advise that the information held is inaccurate or incomplete.

13. Security of personal information

The City will ensure that any person who, on behalf of the City, uses or discloses personal information held by the City has appropriate authorisation to do so.

14. Access to personal information

- 14.1. Customers have the right to access most personal information the City holds about them. Enquiries can be directed in writing to the Chief Executive Officer. The City will charge a fee for supplying the personal information.
- 14.2. If a customer believes that the City has not protected personal information as set out in this privacy policy, a complaint may be lodged by writing to the Customer Service Coordinator; all complaints will be treated confidentially and in line with the Customer Complaints Handling Policy.

15. Correction of personal information

- 15.1. The City assumes that personal information provided by customers is accurate, complete and up-to-date. It is the responsibility of customers to provide the City with details of any changes to their personal information as soon as reasonably practicable following such change.
- 15.2. The City will take reasonable steps, such as making appropriate deletions, additions and corrections, to ensure that personal information held is accurate, relevant, complete, up to date and not misleading.

16. Additional items

The Privacy Policy will be updated to keep up to date with changes in the relevant Acts

17. Collection of Information on Web Site Activity

- 17.1. For statistical purposes, the City collect information on web site activity including the number of users who visit the web site, the date and time of the visits, the number of pages viewed and navigation patterns.
- 17.2. The City uses physical and electronic security measures to keep personal information secure from misuse, loss or unauthorised use or disclosure. The internet is not a secure environment, information including emails, are sent at the customers risk.

18. Freedom of information

Personal information may be released to others if requested under the Freedom of Information Act, however, in accordance with this Act, a customer will be consulted to obtain their opinion on release of the information. Should it be determined the information will be released against the view of the customer, they have the right to request a review of the decision, on payment of the prescribed fee, prior to the information being released.

19. Complaints

- 19.1. A customer who has any concerns regarding how the City handles personal information or requires further information can contact the Customer Service Coordinator at the City in the first instance. If the customer's concerns cannot be satisfied, the customer may lodge a formal complaint, under the Customer Complaint Handling Policy
- 19.2.

RELEVANT DOCUMENTS

Policies:

- Community Engagement Policy – EXEC-OD-007

Acts:

- Local Government Act 1995
- State Records Act 2000