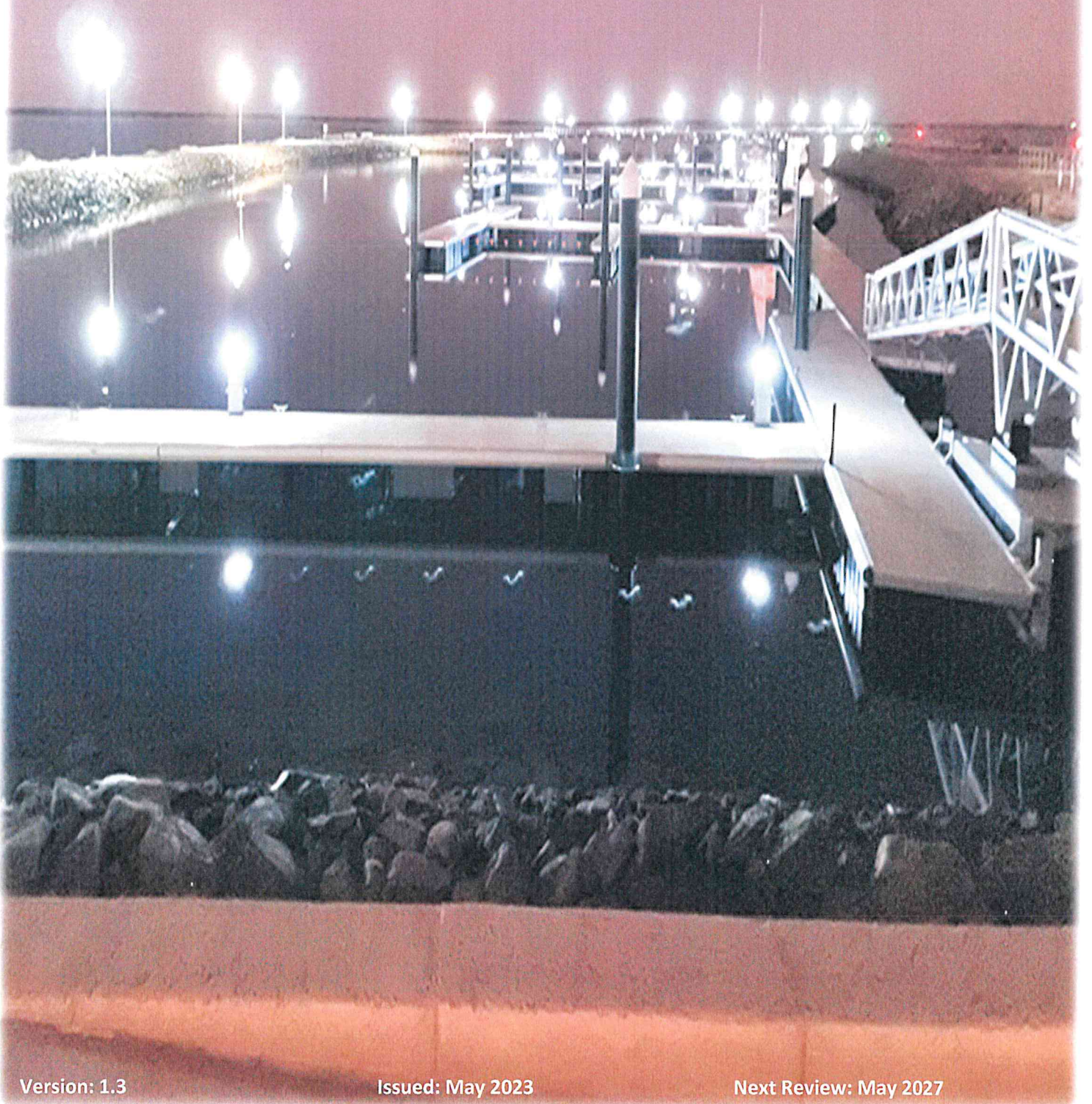




Privacy Policy





PRIVACY POLICY

Name of Council	District Council of Franklin Harbour
Responsibility	Governance
Revision Number	1.3
Effective date	May 2023
Last revised date	May 2019
Minutes reference	43/05/23
Next review date	May 2027
Applicable Legislation	

1. INTERPRETATION

The following definitions will apply throughout this Policy:

“the Council” means the District Council of Franklin Harbour;

“Access” means providing to an individual, information about himself or herself that is held by the Council. This may include allowing that individual to inspect personal information or to obtain a copy;

“Collection” means gathering, acquiring or obtaining personal information from any source and by any means, including information that the Council has come across by accident or has not asked for;

“Consent” means voluntary agreement to some act, practice or purpose;

“Disclosure” means the release of information to persons or organisations outside the Council. It does not include giving individuals information about themselves;

“Personal Information” means information, documentation or an opinion (including information or an opinion forming part of a database), whether true or not, and whether recorded in a material form or not, 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;
- In material kept in public records and archives such as the Commonwealth or State archives; or
- In anything kept in a library, art gallery or museum for the purpose of reference, study or exhibition.

“Privacy Act” means the Privacy Act 1998;

“Sensitive Information” means information or an opinion about an individual's

- Racial or ethnic origin;
- Political opinions;
- Membership of a political association, a professional or trade association or a trade union;



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- Religious beliefs;
- Sexual preferences or practices;
- Criminal record; or
- Health.

“Use” means the handling of personal information within a Council including the inclusion of information in a publication.

2. **INTRODUCTION**

The Council is committed to a culture that protects privacy and will endeavour to protect the personal information it collects, stores, discloses and uses. This Policy outlines how the Council will adopt a “best practice” approach to the management of personal information.

The Privacy Act sets out the principles which must be followed by Commonwealth Government agencies and many private organisations in relation to the collection, maintenance and use of personal information. The provisions of the Privacy Act do not apply to this Council or any other council. However, in collecting, using, storing and disclosing personal information, the Council acknowledges that the National Privacy Principles contained within the Privacy Act set an appropriate standard for privacy protection and this Policy is intended to achieve “best practice” consistency with those standards.

3. **COLLECTION AND USE OF PERSONAL INFORMATION**

All personal information collected by the Council is to be used only for the purpose of conducting business in accordance with the Local Government Act, 1999 (and other relevant Acts under which the Council is charged with the responsibility) and in the provision of Council services to the town’s residents / ratepayers. This includes the assessment record (Local Government Act 1999 Section 172)

The type of personal information that is collected and held will depend on the services provided to residents and ratepayers, but may include: -

- Telephone numbers
- Name and address (both postal and residential addresses and email addresses)
- Age and / or date of birth
- Property Ownership and / or Occupier details
- Details of residents / ratepayers spouse or partner
- Development Applications including plans of buildings
- Dog Ownership
- Electoral Roll details
- Pensioner / Concession Information
- Payment History

All information will be collected in a fair and lawful manner and as required / permitted by Local Government legislation. The Council is committed to ensuring that residents and/ or ratepayers are aware of the purpose of collection of information and aware that the collection is authorised or required by law.



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In satisfying the collection and use of personal information obligations, which the Council has to its residents / ratepayers, the Council assumes that:

- a) Any personal information provided by residents / ratepayers is free from errors and omissions, is not misleading or deceptive and complies with all relevant laws; and
- b) Residents / ratepayers have the necessary authority to provide any personal information submitted to the Council.

The Council relies on the personal information provided to it. The Council may obtain information concerning ratepayers or residents from a number of sources including the State Electoral Office, Officer of the Valuer General, SA Water and from ratepayers and residents. The Council will not check or verify the accuracy of any personal information it obtains from residents / ratepayers or other persons.

It is the responsibility of residents / ratepayers to provide the Council with details of any changes to their personal information as soon as reasonably practicable following such change.

In some instances the personal information held by the Council about residents / ratepayers may incorporate or summarise views, guidelines or recommendations of third parties. The Council will endeavour to assemble and records such personal information in good faith, but cannot guarantee that it will necessarily involve a considered review of the information.

While the Council will make every effort to ensure that its records of an individual's personal information are up to date and accurate, this may not always be the case.

The Council does not track residents / ratepayers Internet activity when they visit the Council's website. The Council will only collect a resident's / ratepayers email address to respond to their enquiry if they choose to contact the Council via the Internet.

4. **DISTRIBUTION OF PERSONAL INFORMATION**

The Freedom of Information Act 1991 (Act) came into effect on 1st January 1992. It extends to every person the right to:

- Obtain access to information held by SA State and Local Government
- Ensure that those records are not incomplete, incorrect etc

Exemptions apply, including where disclosure of the held information would breach privacy, or cause damage to business, intergovernmental relations or law enforcement.

4.1 ***Generally available Public Information***

Information that is generally available in publications, such as the telephone book, voters roll, Councils Assessment Record (Local Government Act 1999 Section 174) or is available through public records may be given to third parties.

For example:

This includes Personal Information displayed on Synergysoft Mapping Module, Property Map Enquiry, Property Tab. However, staff need to be aware of any memos which may be displayed such as "silent address".

4.2 ***Other Personal Information to Third Parties***

The Council will not permit the provision of any other personal information it holds on residents and / or ratepayers to other persons, except:-

- Where a written request for minimal personal information, such as postal address for fencing purposes, about a third party has been made, and if deemed necessary that



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third party has been contacted by Council and has subsequently given their written approval for the information to be supplied.

- In regard to a request for 'significant' information, such as a third parties development application documents, a request for information should be made under the Freedom of Information Act 1991. Fees are applicable for the lodgement of the request and for the time taken for council staff to process and make a determination on the request. The lodgement fee is non-refundable even if the request is denied once assessed. The copying of plans may be restricted by copyright laws.
- A current owner of a property MAY access information/plans etc about their property, whether they were the owner at that time or not, on a written request. A charge may be made for any copies as per our fees and charges schedule and subject to copyright laws.
- Where the provision of personal information is for the purpose of distributing materials for the sole purpose of and on behalf of the Council;
- Where the third party has been contracted by the Council to provide advice or services for the sole purpose of assisting the Council to provide benefits to residents / ratepayers (eg State Electoral Office, Office of the Valuer General, insurers);
- Where the Council is required by legislation to provide personal information to a third party (eg provision of personal information to the State Electoral Office) or to the public at large in accordance with the Local Government Act or to an applicant under the Freedom of Information Act where the information is not otherwise exempt; and
- Where the resident / ratepayer has been advised of the Council's usual practice of disclosing personal information to that third party or a third party of that type for a particular purpose and the disclosure is consistent with that purpose.

Before the Council will provide personal information to a third party service provider that is subject to the provisions of the Privacy Act, that supplier will be required to provide a signed Privacy Undertaking to Council that it will comply with the Privacy Act and the National Privacy Principles in respect to the collection, use and handling of personal information supplied by the Council.

The Council does not accept any responsibility for any loss or damage suffered by residents and / or ratepayers because of their reliance on any personal information provided to them by the Council or because of the Council's inability to provide residents / ratepayers with any requested personal information.

Before relying on any personal information the Council provides to residents and / or ratepayers, the Council expects that residents / ratepayers will first seek confirmation from the Council about the accuracy and currency of such personal information.

5. MAINTENANCE AND STORAGE OF PERSONAL INFORMATION

The Council will take reasonable steps to protect the personal information it holds from loss, unauthorised access, use, modification, disclosure and other misuse, and to maintain systems to ensure that all personal information collected is up to date, accurate and complete.

6. POLICY FOR FINANCIAL HARDSHIP APPLICATIONS

Personal information obtained in relation to claims for financial hardship claims will be used solely for the purposes of facilitating the claim to which the personal information relates, unless the residents / ratepayers have specifically given permission in writing for it to be used for other applications or to be provided to a third party.



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7. ACCESS TO THIS PRIVACY POLICY

The Council will make this Privacy Policy available to residents / ratepayers of the Council when a request for personal information is made. Residents / r ratepayers should not provide any personal information without first carefully reading this Privacy Policy. This Privacy Policy will also be available from Council's website and otherwise upon request at the Council Office.

8. RESIDENT / RATEPAYER ACCESS TO THEIR PERSONAL INFORMATION

Residents / ratepayers who wish to access the personal information that the Council holds in relation to themselves or their property can do so by contacting the Administration staff. These requests will be dealt with as soon as is reasonably practicable, having regard to the nature of the information requested. The person making the request will need to satisfy Administration Staff as to his / her identity and may need to submit a written request and may be requested to pay a fee.

If resident / ratepayer can show that the personal information held by Council is not accurate or complete, it will be amended by Administration Staff.

9. SUPPRESSION OF PERSONAL INFORMATION

Personal information may be suppressed from the Council's assessment records and from the Council's Voters Roll, if inclusion on the assessment record and / or roll would place at risk the personal safety of a resident / ratepayer, a member of that person's family, or any other person.

Enquiries regarding suppression of personal information should be directed Administration Staff in the first instance.

10. COMPLAINTS


Residents / ratepayers who have any concerns regarding how the Council handles personal information or require further information should contact Administration Staff in the first instance.

If Administration Staff cannot satisfy the residents / ratepayers concerns, the residents / ratepayers may lodge a formal complaint. Complaints should be in writing to:

Chief Executive Officer
District Council of Franklin Harbour
PO Box 71
COWELL SA 5602

11. REVIEW OF THE POLICY

This Privacy Policy will be reviewed by the District Council of Franklin Harbour within 12 months after each general election of Council. However, Council has the right to review this policy at any time, if considered desirable.

SIGNED: 

Acting Chief Executive Officer

Date: 12 / 05 / 2023



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Change History

Version	Issue Date	Change
1.0	September 2011	New Policy
1.1	October 2015	Reviewed and Updated (post election)
1.2	May 2019	Reviewed and Updated (post election)
1.3	June 2023	Reviewed and Updated (post election)