



PRIVACY POLICY

Type:	Corporate Policy		
Owner:	Chief Executive Officer		
Responsible Officer:	Director, Corporate Services		
Approval Date:	April 2022	Next Review:	April 2023
Records Number:		Council/CEO Decision:	CEO
Legislation Reference:	Section 65 of the <i>Information Act 2002</i> Section 206 (3) of the <i>Local Government Act 2019</i>		

1 PURPOSE

Katherine Town Council collects and manages personal information to provide services to the Katherine community and to conduct local government functions under the *Local Government Act 2019*. Individuals provide personal information to Council from time to time such as their name and contact details in order to access services, ask for help, make payments, participate in grant schemes and provide feedback. This information must be treated with care and used, managed and disclosed in accordance with relevant legislation.

The purpose of this policy is to meet the Information Privacy Principles (IPPs) set out in the *Information Act 2002* in relation to the management and handling of personal information. This policy covers all personal information held by Council, that is, information, or an opinion about an individual, whose identity is apparent, or can be reasonably ascertained, from that information or opinion. This includes information collected in any format including correspondence, in person, over the phone, and over the Internet. The policy also covers personal information that is sourced from third parties.

2 SCOPE

This Policy applies to all elected members, Council staff, contractors, consultants, committee members or any individual or group undertaking activity for and on behalf of Council.

3 DEFINITIONS

Collection means gathering, acquiring or obtaining personal information from any source and by any means.

Consent means a voluntary agreement (express or implied) to some act, practice or purpose. The individual must be adequately informed before giving consent and must have the capacity to understand and communicate their consent.

Council staff means those individuals employed directly by Katherine Town Council and includes contractors, consultants and volunteers.

Disclosure means the release of personal information to persons or organisations only in ways the individual would expect or as permitted by law.

Information Privacy Principles (IPPs) mean the set of legal principles that regulate the handling of personal information in the *Information Act 2002*.

Person means an individual and includes a deceased individual within the first 5 years after death.

Personal information means information that discloses a person's identity or from which a person's identity is reasonably ascertainable.

Sensitive information means personal information or an opinion about an individual's:

- Race or ethnic origin, or
- Political opinions, or
- Membership of a political association, or
- Religious beliefs or affiliations, or
- Philosophical beliefs, or
- Membership of a professional trade association, or
- Membership of a trade union, or
- Sexual preferences or practice, or
- Criminal record, or
- Health/medical information.

Use means the handling of personal information within Council including the inclusion of personal information in a publication, taking personal information into account in the making of a decision, or transferring the information from one part of the Council with particular functions to another part of the Council having different functions.

4 DETAILS

Council collects information to carry out its functions and activities, including statutory functions under the *Local Government Act 2019*. Council will collect, use, manage and disclose information in accordance with the Information Privacy Principles (IPPs) in the *Information Act 2002*.

Council may collate statistical information from the personal information it collects to assist in the provision of appropriate services and facilities. Once this type of information is collected, it will be de-identified so that any compilation or publication of those statistics will not reveal an individual or group identity.

COLLECTION, USE AND DISCLOSURE

Council may collect personal information in a number of ways, including:

- directly in documents such as application forms or by verbal or written correspondence
- through contact with elected members or Council staff, and
- from third parties such as government bodies.

Council may collect and use personal information in a variety of ways to:

- carry out the functions of Katherine Town Council
- provide individuals and groups with information pertaining to Council services
- determine and provide appropriate services and facilities
- administer and manage processes and operations, and/or
- administer human resource and recruitment matters.

After-hours contact numbers of elected members and senior executives and managers may be disclosed to enable the fulfilment of the requirements of their roles and the effective management of the Council's operations.

Sensitive information will only be collected where the individual has consented, or collection is required or permitted by law. Sensitive information will be treated with the utmost security and confidentiality and only used for the purpose for which it was collected.

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 provide advice of any consequences of remaining anonymous.

Council will take all reasonable steps to ensure that personal information is not disclosed to third parties except in specific circumstances which can include:

- individual consent, or
- where authorised or required by law or regulatory requirements to disclose, or
- where to a third party who provides services to Council requires the information for their operations and where the third party agrees to preserve the confidentiality of the personal information, or
- where Council is not prohibited from disclosing the information, as prescribed in the *Information Act 2002*, or
- in emergencies such as accidents, injury or counter-disaster situations when personal information is required by policy or emergency services.

Council will take reasonable steps to ensure that all personal information collected, used or disclosed is accurate, complete and up to date.

DATA SECURITY

Council will take reasonable steps to protect the personal information it holds from misuse and loss and from unauthorised access, modification or disclosure. Personal information will be managed confidentially and securely and destroyed or archived in accordance with the provisions of the *Information Act 2002*.

Council will take reasonable steps to store personal information in a secure place within the Council department or section that uses that information.

Council will not assign, adopt, use, disclose or require unique other identifiers from individuals except for the course of conducting normal business or if allowed or required by law.

Council will only transfer personal information outside of the Northern Territory in accordance with the provisions outlined in the *Information Act 2002*.

ACCESSING INFORMATION HELD BY COUNCIL

Individuals have a right to request access to any personal information held about them and may request any incorrect information be corrected.

More detail about accessing information can be found in the 'Accessing information held by Council' policy on the website.

ACCOUNTING PRIVACY PRINCIPLES

Section 206(3) of the *Local Government Act 2019* provides that Council must adopt a privacy policy protecting members and council staff from undue intrusion into their private affairs. Members includes elected members, council committee members and Council staff.

Any monies spent on elected members or Council staff is information that must be included in Council's accounting records. This includes allowances, payroll payments, superannuation payments, leave entitlements and reimbursements, as well as rates payment records for an elected member or Council staff member who may be a ratepayer in Katherine.

However, the following accounting privacy principles will apply:

- Elected members and Council staff have a right to privacy of their financial information as far as reasonably possible.
- Council will only collect information on elected members and Council staff that it needs to carry out its functions and activities.
- Council will only use the information on elected members and Council staff for the purpose for which that information was collected.
- Information on elected members and Council staff members will only be disclosed for a purpose:
 - that is directly and reasonably related to the necessary operations of Council; or
 - if the elected member or Council staff member consents to that use or disclosure; or
 - if the disclosure is authorised by law.
- Council will take reasonable steps to maintain the privacy and integrity of the personal information about elected members and Council staff it holds as part of its accounting records.
- Council will take all reasonable measures to ensure the information it collects on elected members and Council staff is accurate, complete and up-to-date.

MAKING A PRIVACY COMPLAINT

Individuals may complain to Council if their personal information has been handled in a way that interferes with their privacy. Privacy complaints can be made in writing to records@ktc.nt.gov.au.

To ensure that the complaint can be actioned appropriately, the request should include as much detail as possible about the nature of the concern, for instance:

- Whether the complaint relates to collection, security, use or disclosure of personal information (or a combination of these)
- The particulars of the concern, such as date, time, information involved, or a specific incident
- The detriment experienced because of the interference, and
- Any other information that will assist Council in reviewing and addressing the complaint.

Council will acknowledge the complaint within two days of receiving it and seek to provide a decision from the Chief Executive Officer within 30 calendar days. If Council need more time to deal with the complaint, the applicant will be advised of this in writing.

If individuals are unhappy with Council's response to the complaint, a further complaint can be made to the Northern Territory Information Commissioner.

CONSEQUENCES OF BREACHING THIS POLICY

Any breach of this policy may result in disciplinary action, including, but not limited to, issue of a warning, demotion, suspension or termination of employment for Council staff. It could include termination or non-renewal of a contract for service for Council contractors.

Disciplinary action for a breach by elected members will be in accordance with the *Local Government Act 2019*.

Depending on the nature of the breach, the matter may also be referred to the Northern Territory Independent Commissioner for Corruption (ICAC) or Northern Territory Police.

5 ASSOCIATED POLICIES/DOCUMENTS

Code of Conduct for elected Members

Code of Conduct for CEO and staff

Accessing information held by Council policy

Breach of Code of Conduct policy

Customer Service Charter

Sufficient interest in the assessment record policy

6 REFERENCES AND RELATED LEGISLATION

Information Act 2002

Local Government Act 2019

Northern Territory Information Commissioner <https://infocomm.nt.gov.au/privacy/overview>

Revision History

Version	Approval date	Details of change	Responsible officer
1	July 2009	Creation	CEO
2	Oct 2010	Revision	CEO
3	Sept 2015	Revision and update	CEO
4	April 2022	Revision, addition of Accounting Privacy policy information and transfer to new policy template	Director, Corporate Services