**PRIVACY POLICY**

Approved By: Council
Doc Controller: General Manager
File: 126

Document Code: DVC-POL-015
Version: 1
Approved Date: 20/06/2017
Next Review Date: 20/06/2019

1. PURPOSE

The purpose of this policy is to ensure that privacy is protected when information is gathered and services provided by the Derwent Valley Council. This policy should be read in conjunction with the Councils' Information Management Policy (DVC-POL-030).

This policy is provided in accordance with the personal information protection principles as outlined in Schedule 1 of the *Personal Information Protection Act 2004*.

2. SCOPE

This policy identifies how the Council will collect, store, use and disclose personal information of individuals that is obtained by the Council during the course of general business.

This policy applies to all Councillors, Council officers, contractors and volunteers of the Derwent Valley Council.

This policy will be reviewed at least once every two years.

3. LEGISLATION

Archives Act 1983

Local Government Act 1993

Personal Information Protection Act 2004

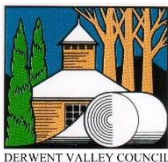
Privacy Act 1988

Right to Information Act 2009

4. DEFINITIONS

The below definitions have been provided to assist with the implementation of this policy. These terms have been taken from the *Personal Information Protection Act 2004*.

TERM	DEFINITION
Personal Information	Means information or an opinion about an identified individual, or an individual who is reasonably identifiable:- (a) whether the information or opinion is true or not; and (b) whether the information or opinion is recorded in a material form or not.
Privacy Statement	Council's Privacy Statement is provided in Schedule 1 of this document.
Public Registers	Documents that Councils are required to make publicly available pursuant to State Government legislation. These registers:- <ul style="list-style-type: none">• Are open to inspection by members of the public• Contain information required or permitted by legislation• May contain personal information
Sensitive Information	Means:-



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TERM	DEFINITION
	<p>(a) information or an opinion about an individual's:-</p> <ul style="list-style-type: none"> (i) racial or ethnic origin; or (ii) political opinions; or (iii) membership of a political association; or (iv) religious beliefs or affiliations; or (v) philosophical beliefs; or (vi) membership of a professional or trade association; or (vii) membership of a trade union; or (viii) sexual orientation or practices; or (ix) criminal record;

5. POLICY

5.1 Collection of Personal Information

The Council collects personal information that is necessary for it to perform its functions and will only use or disclose this information for the purposes for which it is provided.

The Council takes reasonable steps to ensure that the personal information it holds is accurate, complete and up to date. Where practicable, the Council will check the accuracy of personal information before it is used. The Council also provides opportunities and prompts for the public to provide updated information.

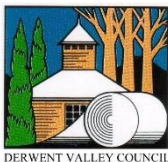
There may be circumstances where the Council is required or obligated by law to collect personal information. Sensitive information will only be obtained where an individual provides consent or its collection is permitted under the *Personal Information Protection Act 2004*.

Information obtained may include:-

- Name
- Address
- Telephone contact numbers
- Date of birth
- Occupation
- Centrelink Customer Reference Number (or similar identification required for State or Australian Government processes)
- Bank Details
- Vehicle Registration details
- ABN details

There are various purposes for obtaining personal information which may include but is not limited to:-

- providing services, as requested by the individual



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- to follow up on complaints or issues
- to confirm attendance at meetings, functions etc.
- where an individual has been included on a mailing or distribution list
- to facilitate the collection of fees and charges
- to facilitate payments, and
- to undertake law enforcement activities

After collecting personal information, the Council will take all reasonable steps (as required under the *Personal Information Protection Act 2004*) to ensure the individual is made aware of:-

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

This can be provided through a number of means including directing individuals to the Councils' privacy statement.

5.2 Indirectly collected information

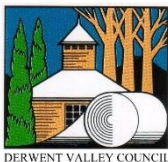
The Derwent Valley Council may automatically record other information as well. This information is used to improve the performance of the Council's website and to provide better services.

The Council's web server makes a record of the individual visits and logs basic information for statistical purposes, including a user's IP address, date and time of visit to the site, and pages accessed. Any data collected will not be used to identify users unless there is a legal obligation to do so.

The Council does not record email addresses unless an email is forwarded to the Council (i.e. as part of a service request, customer feedback) or this information is provided through other means (i.e registration information or application forms). It will only be used for the purpose of which it has been provided and will not be disclosed without consent.

The Council may also track the pattern of visitor usage to the Council's website using a facility known as a cookie. Cookies are small data files that are sent to a computer to remember information, for example: a user ID, a password for access to the site, how many times a person has visited the site before, and the way the site is viewed on earlier occasions.

Cookies can make using the websites easier by storing information about preferences. The use of cookies is an industry standard and most major websites use them.



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The Council will take all reasonable steps to ensure the data quality and security of personal information and undertake to remove it from our system when it is no longer required (except when archiving is required).

Unfortunately, no data transmission over the Internet can be guaranteed to be 100% secure, as with other channels of communication, fraud is always a possibility. While the Council takes all reasonable steps to protect personal information from misuse, loss and unauthorised access, the Council cannot guarantee the security of any information transmitted or received from our online products or services.

The Council's website contains links to other websites. This privacy policy only applies to the Council's website, so you should read the privacy policy of any site that collects personal information. Please note that personal information posted on public sites (chat rooms) may receive unsolicited messages.

More information about privacy can be sourced by referring to the Australian Privacy Commissioners Website at www.privacy.gov.au.

5.3 Storage of Information

The Council will take all necessary steps to ensure that personal information is stored safely and securely. This will ensure that personal information held by the Council will be protected from misuse, loss, and unauthorised modification and disclosure. This applies regardless of the format in which the information is held.

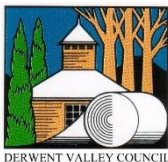
Any personal information provided to the Council which is no longer necessary for the Council's purposes will be disposed of using secure destruction. However, under the *Archives Act 1983*, some information is required to be kept for specified periods or permanently. Other legislation may also dictate periods of time personal information must be retained.

Personal information can be stored in the Council's electronic or hardcopy filing system. Information that is required to be stored for a period of time will be stored either on the Council premises or at the State Archives Office.

The Council may combine or link personal information held about an individual. The Council will not assign unique identifiers to individuals unless the assignment of the identifier is necessary to perform any Council functions.

The Council will not adopt as its own a unique identifier that has been assigned to the individual by another personal information custodian unless:-

- (a) that adoption is necessary for it to carry out any of its functions efficiently; or
- (b) it has obtained the consent of the individual to the use of the unique identifier.



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The Council takes a serious approach to security of information and risk management. Council officers will only be provided with access to information that is necessary for them to carry out their functions within the Council and Council officers will be made aware of the importance of confidentiality and customer privacy.

The Council will not sell, trade or make available personal information to others, except as is required by law or for the proper functioning of the Council.

5.4 Use and Disclosure

The Council will take all necessary measures to prevent unauthorised access to or disclosure of personal information.

Requests for access to documents containing personal information are managed under the *Right to Information Act 2009*.

The Council will only disclose personal information to a third party or external organisation, with the express consent of the individual concerned, pursuant to a Right to Information request made under the *Right to Information Act 2009*, or when it is required by law.

Any external contractors engaged by the Council must agree to be bound by the provisions of the *Personal Information Protection Act 2004*. Information provided to these contractors is limited to the information required by them to provide services to you on behalf of the Council.

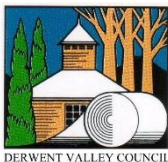
The Council also discloses personal information to other agencies in the course of investigating and defending of legal claims against the Council. This includes Council's solicitors, consultants, insurers and investigators.

Where authorised, the Council may also disclose personal information to:-

- Debt collection agencies;
- Government agencies;
- Law Enforcement agencies including the Courts and the Tasmanian Police e.g.to comply with a subpoena

There may be a requirement to disclose some or all of the personal information the Council collects to contractors or agents of the Council, law enforcement agencies, courts, or other public sector bodies. These disclosures are made consistent with this policy and the legislation.

Criminal History record checks will be carried out on applicants prior to employment with the Council. Such checks will only be carried out with written authorisation and the results will not be disclosed to third parties unless authorised by law.



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Personal information in written submissions on policy matters or matters of public consultation may be disclosed in reports that are made public unless it is clearly defined that the submission was submitted and accepted on a confidential basis.

Personal information may also be contained in Public Registers which must be made available by the Council for viewing by the public. The Council does not provide copies of these registers but information may be copied from them.

5.5 Accessing Personal Information

An individual has the right to request access to personal information the Council holds about them.

An individual who considers the personal information held about them to be incorrect, incomplete, and out of date or misleading, can request that the information be corrected.

There may be circumstances where it is not reasonable to provide access to the personal information the Councils holds. These circumstances may include where the Council believe that providing access would be unlawful; or may pose a serious threat to life or health of an individual or to public safety; or would reveal pending legal proceedings or prejudice an investigation in to unlawful activity.

If the Council does not allow an individual access details of your personal information you can request access in accordance with the *Right to Information Act 2009*. A Right to Information request form is available on the Council website www.derwentvalley.tas.gov.au and may attract a fee.

5.1 Privacy Officer

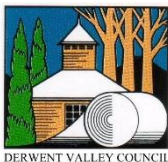
The Council will appoint a Privacy Officer to oversee the operation of the Privacy Policy.

A Privacy Officer receives and processes requests, enquiries, and complaints regarding personal information that is kept by the Council.

It is appropriate that the Principal Officer, appointed under the *Right to Information Act 2009*, be appointed Privacy Officer. The Principal Officer is the General Manager. As with the *Right to Information Act 2009* the Principal Officer may delegate functions to a Council Officer.

5.2 Anonymity

Individuals have the right to remain anonymous when supplying personal information as part of dealings with the Council, however this is only feasible when it is lawful and practical to do so.



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Remaining anonymous in many cases inhibits the Council's ability to process a complaint or follow up on a matter. The Council therefore reserves the right not to act upon requests, complaints or other matters where relevant personal information has not been provided to the Council, or is insufficient.

5.3 How To Make A Complaint

Complaints relating to privacy or the provision of personal information should be made directly to the General Manager. All complaints must be lodged in writing.

In accordance with the *Personal Information Protection Act 2004* the Council will endeavour to respond to a complaint within twenty (20) working days.

If a Councillor has submitted a written complaint on a person's behalf, the Council will also endeavour to respond to the Councillor within twenty (20) working days.

Where it is not possible to meet this deadline, e.g. where a complaint is a complex the General Manager or delegated Council Officer will endeavour to keep the complainant informed of any progress.

The General Manager will inform the complainant of the findings on completion of an investigation.

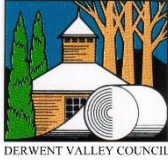
If the complainant is not happy with the outcome of the complaint or the process by which the complaint was dealt with, the avenue for appeal is for the complainant to contact the Ombudsman or the Local Government Division. The contact are:-

- The Ombudsman office is located at Ground Floor, 99 Bathurst Street, Hobart, 7000.
 - Phone: Free call from landlines in Tasmania 1800 001 170
 - email: ombudsman@ombudsman.tas.gov.au
- Local Government Division, Level 5, 15 Murray Street, Hobart (GPO Box 123, Hobart, 7001)
 - Phone: (03) 6232 7022.

While a complainant is entitled to refer a complaint directly to these bodies at any time, the Council encourages you to allow the Council to investigate the complaint first.

6. RELATED DOCUMENTS

DVC-POL-002 Customer Service Charter
DVC-POL-030 Information Management Policy
DVC-POL-027 Information Security Policy
Privacy Statement
Public Registers



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7. SCHEDULE 1 – PRIVACY STATEMENT

Privacy

We are committed to protecting your privacy and managing your personal information in a secure environment.

We will only collect necessary personal information from you directly and with your express consent.

When you browse our website, our system automatically makes a record of your visit for statistical purposes. No attempt will be made to identify users except in the unlikely event where it is necessary for legal purposes.

We will only record your email address if you send us a message and it will only be used for the purpose for which you provided it. We will not disclose your email address to other persons or organisations without your consent.

For more information see Derwent Valley Council's [Privacy Policy](#).