

Privacy Policy

Reviewed 29 July 2022

non-legislative

PURPOSE

The purpose is to establish a Policy that forms the basis for the practices and procedures of the Council in relation to the collection, use, storage and disclosure of personal information. The provisions of the Privacy Act do not apply to this Council or any other South Australian Council, however it is the intention of the Council that its policies and practices in relation to privacy should be, so far as is reasonably practicable, consistent with the Privacy Principles set out in the *Privacy Act 1988*. This Policy is, therefore, a measure which is intended to promote what the Council considers to be "best practice".

STATEMENT

1. Collection of Personal Information

- 1.1 The Council may collect and hold personal information about current, potential and former employees, customers, contractors and/or suppliers of the Council, and other persons that the Council has dealings within the course of conducting its functions and objectives.
- 1.2 The personal information that may be collected will depend on the particular purpose for which it is collected (see section 4 "Use and disclosure of personal information"), and may include:
 - Telephone numbers
 - Name and addresses (postal, residential and e-mail addresses)
 - Age and/or date of birth
 - Property ownership and/or occupier details
 - Details of resident's/ratepayer's spouse or partner
 - Development applications, including plans or specifications of buildings
 - Pet ownership
 - Electoral roll details
 - Pensioner / concession information
 - Payment history
 - Financial, rental or income details
 - Details of land valuation
 - Preferred addresses and methods of contacts
 - Details of employment
 - Insurance details
 - Records of Council's communications or dealings with an individual including any complaints, incidents, requests or queries

- Information that a person posts to the Council's Sites, Apps or Channels
- Information collected when an individual accesses the Council's Sites, Apps or Channels, including device ID, device type, IP address, geo-location, computer and connection information, referral URL, statistics on page views, traffic to and from the Council's Sites, Apps and Channels
- For job applicants, contractors and suppliers, information about your occupation, employment history, education and suitability for the role or relationships [including criminal history, social media profiles and whether you hold any licences/permits or police clearances required for the role]
- CCTV footage from any of the Council's premises or broader council area
- License number plate recognition
- Body worn cameras

1.3 The Council will take reasonable steps to inform the person whose personal information it collects:

- (a) Of the purpose(s) for which the personal information is being collected.
- (b) If the collection of the information is authorised or required by law, that the collection is so authorised or required.
- (c) In general terms, of its usual practices with respect to the use and disclosure of personal information of the kind collected.

1.4 The Council will take reasonable steps to ensure that personal information it collects is relevant to the purpose(s) of collection and is up to date and complete.

1.5 The Council will take reasonable steps to ensure that its collection of personal information does not unreasonably intrude upon an individual's personal affairs.

1.6 The Council may collect information concerning persons from a number of private and public sector agencies, which may include, but are not limited to Transport SA, the State Electoral Office, Office of the Valuer General, SA Water, Telstra and from individual persons or publicly available websites or sources.

1.7 If Council has been provided information from a third party about another person, the third-party warrant that they have the person's permission to do so.

2 Collection of Sensitive Information

2.1 Council may collect sensitive information where relevant to the particular purpose for which it is collected. For example, for current, potential and former employees and/or contractors, the Council may collect health and medical information, diversity information (eg ethnicity, gender etc) and/or information about their criminal history or police clearances (as may be required for their

role/engagement).

- 2.2 The Council may also collect sensitive information from individuals for the purpose of health and safety compliance and/or complying with COVID-19 guidelines set down by the Australian Government and Australian State and Territory Governments, and to enable the Council to make informed health and safety decisions. This may include:
 - (a) COVID-19 vaccination status and proof of vaccinations.
- 2.3 The Council will not collect sensitive information about an individual unless:
 - (a) The individual has consented, and the collection is reasonably necessary for Council's functions or activities.
 - (b) The collection is required or permitted by law.
 - (c) The collection is necessary to prevent or lessen a serious and imminent threat to the life or health of any person.
 - (d) The collection is necessary for the establishment, exercise, or defence of a legal or equitable claim.

3 Maintenance and Storage of Personal information

- 3.1 The Council will retain an individual's personal information for as long as required to fulfil the purpose for which it was collected, unless a longer retention period is required for the purpose of discharging its legal, accounting and reporting requirements.
- 3.2 The Council may disclose some personal information to an offshore third-party cloud computing services provider. In this event, Council will take adequate and reasonable steps to assure appropriate data security.
- 3.3 The Council will take reasonable steps to:
 - (a) Protect the personal information it holds from misuse and loss and from unauthorised access, modification, or disclosure, for example through the use of technical and physical security measures, including restricting access to electronic records through technical access restrictions.
 - (b) Maintain its record keeping systems to ensure that all personal information collected is up to date, accurate and complete as far as reasonably practicable.
 - (c) Ensure that any person who, on behalf of the Council, uses or discloses personal information held by the Council has appropriate authorisation to do so.

Council will promptly and diligently comply with its legal obligations in the event of a data breach involving Tax File Number (TFN) information.

4 Use and Disclosure of Personal Information

- 4.1 In general, the Council collects, holds, uses and discloses personal

information for the following purposes:

- (a) To verify the identify and communicate with individuals.
- (b) To provide and market the Council's services
- (c) To respond to any feedback, queries or complaints.
- (d) To help the Council to operate, protect, manage, improve, conduct and develop its services, and its customers' experiences, for example, by performing analytics and conducting research.
- (e) To maintain and administer records.
- (f) To process, administer, collect payments from or make payments to individuals, and if applicable, make appropriate taxation deductions.
- (g) To assess suitability of potential employees or contractors.
- (h) To assess performance of current employees or contractors.
- (i) To ensure health and safety on the Council's premises and in the broader council area.
- (j) To provide joint marketing initiatives with other service providers.
- (k) To perform data analysis and/or market research.
- (l) To comply with the Council's reporting and other legal obligations.
- (m) As otherwise may be required for the general management and conduct of the Council's legislative functions.

4.2 In addition, CCTV footage specifically may be used for the following purposes:

- (a) Detecting and deterring unauthorised access to, and criminal behaviour on the Council premises/in the council area.
- (b) Monitoring the safety and security of the Council's customers, employees, contractors, and suppliers, and completing incidents investigations.
- (c) Investigating the actions of staff, contractors and members of the public where an allegation of serious misconduct is identified by Council to have occurred in a Council workplace.

4.3 Where the Council collects personal information for a particular purpose (the primary purpose), Council may use and disclose personal information for the purpose for which it was collected, any related secondary purpose (or directly related, for sensitive information) and otherwise where permitted or required by law or with the individual's consent. Council reserves the right to use or disclose the individual's personal information if it is reasonably believed that:

- (a) Use or disclosure is reasonably necessary to prevent or lessen a

serious or imminent threat to the life or health of the individual concerned or another person.

- (b) Use or disclosure is reasonably necessary for the enforcement of the criminal law or of law imposing a pecuniary penalty.

4.4 Direct Marketing:

- (a) Council may use an individual's personal information to contact them from time to time whether by email, phone or SMS, to tell them about services, offers, promotions and events.
- (b) If an individual does not want Council to contact them for these purposes, they can withdraw consent and advise at any time by unsubscribing from the mailing list by clicking on the link in the marketing communication or contacting the Customer Services (at the contact details below).

5 Disclosure to Third Parties

5.1 The Council may disclose personal information to third parties contracted by the Council to provide advice or services for the purpose of assisting the Council in providing benefits to persons (for example: State Electoral Office, Office of the Valuer General, insurers, legal service providers).

5.2 The Council will take reasonable steps to:

- (a) Contract only with third party service providers that are subject to the provisions of the *Privacy Act 1988* and the Australian Privacy Principles.
- (b) Where the third-party service provider is not subject to the provisions of the *Privacy Act 1988* and the Australian Privacy Principles, 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.

6 Integrity and Alteration of Personal Information

6.1 The Council relies on individuals providing personal information that is accurate, complete and up to date. It is the responsibility of persons to provide the Council with details of any changes to their personal information as soon as reasonably practicable following such change. Council does not accept responsibility for any loss or damage arising from reliance on personal information provided to them by Council.

6.2 A person may apply to the Council, in a form determined by the Council, to have their personal information amended so that it is accurate, relevant, complete, up-to-date, and not misleading. If Council is satisfied that the personal information held by it is not accurate, complete, or up to date, Council will take reasonable steps to amend its records accordingly.

Where the Council, on reasonable grounds, decides not to amend a resident's or ratepayer's personal information in the manner requested in the application, the Council will inform the person of its decision and the

reasons for refusing to make the requested amendments. If requested by a resident or ratepayer, the Council will take reasonable steps to attach to a record containing that person's personal information a statement provided by that person of the correction, deletion or addition sought.

7 Access to Personal Information

- 7.1 A person who wishes to access personal information held by the Council must make a written application to the Freedom of Information Officer. An applicant will be required to pay an application fee as determined by the *Freedom of Information Act 1991*.
- 7.2 Subject to the provisions of this legislation, the Council may grant or refuse access to personal information as it deems fit.
- 7.3 The Council recognises that there are certain documents, which may contain personal information, that the Council is legislatively required to make available for access by members of the public.
- 7.4 An application to access personal information will be dealt with within 30 days of receipt of the request. In certain circumstances, an applicant may be required to satisfy Council staff as to his or her identity.
- 7.5 Personal information may be released to others if requested under the Freedom of Information Act, however, in accordance with this legislation, a person 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 person, they have the right to request a review of the decision, on payment of the prescribed fee, prior to the information being released.

8 Suppression of Personal Information

- 8.1 A person's name or address may be suppressed from the Council's Assessment Record and Voters Roll where the Chief Executive Officer is satisfied that inclusion of the name or address on the Assessment Record and/or Voters Roll would place at risk the personal safety of that person, a member of that person's family, or any other person.
- 8.2 Enquiries regarding suppression of personal information should be directed to Customer Services staff at the Customer Service Centre in the first instance.

9 Privacy Impact Assessment

- 9.1 A privacy impact assessment (PIA) identifies the impact that a project may have on the privacy of individuals, and sets out the recommendations for managing, minimising or eliminating the impact. The assessment is an important component in the protection of privacy and should be part of the overall risk management and planning when considering a project that will include the privacy of the City of Adelaide customers.
- 9.2 Privacy issues that are not properly addressed can impact on the community's trust of Council and undermine a project's success. For any

project that will involve the handling of personal information the City of Adelaide should consider undertaking a privacy impact assessment. Under the *Privacy Act 1988*, information does not always have to include details such as the individual's name to qualify as personal information. It may include other information that can identify an individual or allow their identity to be determined.

- 9.3 For larger projects, it is recommended to complete a PIA as part of the project planning stage using the [Privacy Impact Assessment Tool](#).

10 Cookies and links to other sites

- 10.1 To improve the Council's Sites, Apps and advertising, and to help us better understand browsing behaviour, when an individual uses the Council's Sites and Apps, the Council may use website measurement software and other analytics tools and services (including Google Analytics) to gather information such as traffic patterns, mouse click activity, IP addresses, and any other information the individual may provide through use of the Sites or Apps. The Council may also use analytics tools available on its Channels. This information is aggregated and anonymised so that the individual cannot be identified.
- 10.2 Like many other websites on the internet, the Council may use 'cookies' to store and track information about an individual when they are using its Sites or Apps. A cookie is a data file that is sent to an individual's browser from a web server and stored on the individual's computer (or other device), then sent back to the server by the individual's browser each time they access certain sections of the Council's Sites or Apps.
- 10.3 This information helps the Council to remember the individual's preferences and can help to provide them with a tailored experience and customised content and material on the Council's Site and Apps and subsequent websites they may visit. This information may be retained in an anonymous or aggregated form after the Council has erased personal information that identifies individuals from its systems.
- 10.4 The Council also uses cookies to target online advertising to site users. This enables the Council and its partners to target relevant advertising content to individuals. The Council may provide data in an anonymous form from cookies to third parties to enable those third parties to promote the City of Adelaide via online advertising.
- 10.5 Website users can choose to disable cookies via their device's website browser settings. However, if they choose to reject cookies, they may not be able to use or access some features of the services that Council offer.
- 10.6 The Council may have links or references to other websites from our Site and Apps. This policy does not apply to those third-party websites, and the Council takes no responsibility for any information collected by such third parties.

11 Freedom of Information

- 12.1 Personal information may be released to others if requested under the

Freedom of Information Act, however, in accordance with this Act, a person 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 person, they have the right to request a review of the decision, on payment of the prescribed fee, prior to the information being released.

13 Queries, comments & complaints

- 13.1 Any individual who has any concerns regarding how the Council handles personal information or requires further information can contact the Customer Services staff at the Customer Service Centre in the first instance.
- 13.2 If the individual's concerns cannot be satisfied, they may lodge a formal complaint, under the Corporate Complaint Handling Guideline

Application of this document

This Policy applies to all people with access to Council information systems and stores (computer-based or otherwise) including:

- Council staff
- Council Members
- Volunteers
- Work experience placements
- Trainees
- Independent contractors and consultants

OTHER USEFUL DOCUMENTS

Related documents

- Code of Conduct for CoA Employees
- Elected Members Standing Orders (Operating Guideline)

Relevant legislation

- Local Government Act (SA) 1999
 - Privacy Act 1988
 - [Information Privacy Principles](#)
 - Freedom of Information Act 1991
 - Threshold Privacy Assessment - [SA Health Report Template - Blue and White - Helix Position A](#)
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GLOSSARY

Throughout this document, the below terms have been used and are defined as:

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.

Eligible Data Breach An eligible data breach for Council is when the unauthorised access, disclosure or loss of TFN information is likely to result in serious harm to one or more individuals

Notifiable Data Breach Scheme (NDB) Councils are subject to the NDB Scheme under the Privacy Act 1988 to the extent that TFN information is involved in an eligible data breach.

Personal information means information 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;
- Material kept in public records and archives such as the Commonwealth or State archives; or
- Anything kept in a library, art gallery or museum for the purpose of reference, study or exhibition.

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;
- Religious beliefs or affirmations;
- Philosophical beliefs;
- Sexual preferences or practices;
- Criminal record; or
- Health

ADMINISTRATIVE

As part of Council's commitment to deliver the City of Adelaide Strategic Plan, services to the community and the provision of transparent information, all policy documents are reviewed as per legislative requirements or when there is no such provision a risk assessment approach is taken to guide the review timeframe.

This Policy document will be reviewed every 3 years unless legislative or operational change occurs beforehand. The next review is required in **July 2025**.

Review history:

Trim Reference	Authorising Body	Date/ Decision ID	Description of Edits
ACC2022/96413	CEO	29 July 2022	Minor Review
ACC2021/130146	CEO	25th Oct 2021	Minor review – added Privacy Impact Assessment Tool & Cookies
ACC2019/15874	AD Information Management	12th Feb 2019	Minor review – added in Chatbot provisions and new template
ACC2008/52652	Council	March 2016	Major Review

contact:

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