

Information Privacy Policy

DETAILS

Council Admin

Effective from:	6 December 2019	
Contact officer:	ICT Governance and Policy Officer, Business Innovation and Technology Services	
Next review date:	December 2021	
File reference:	IM634/171/02(P4)	
iSpot #	This policy	#23730151
	Value Proposition	#65706406

OBJECTIVES AND MEASURES

Objectives	To ensure that personal information managed by Council of the City of Gold Coast (Council) is dealt with in accordance with the <i>Information Privacy Act 2009</i> (Qld).
Performance measures	<ul style="list-style-type: none"> Percentage of Council staff that complete Council's Information Privacy Training. Number of resolved customer service inquiries relating to privacy breaches and the processing of personal information (Reported in Council's Annual Report). Number of substantiated breaches of the <i>Information Privacy Act 2009</i> (Qld) (published in Council's Annual Report).
Risk assessment	Medium

POLICY STATEMENT

The Council of the City of Gold Coast (Council) collects and manages the personal information of individuals and must comply with the *Information Privacy Act 2009 (Qld)* (the Act) and its 11 Information Privacy Principles (IPPs). This policy and the supporting standards guides Councillors and Council staff to balance the necessary information flow for the delivery of Council services with the legislative obligations of the Act.

The Act regulates Council's information handling by requiring;

- protections of personal information from misuse or unauthorised disclosure,
- lawful, fair collection, use and, disclosure of personal information in Council's possession, or under Council's control,
- a customer service , including handling complaint and access and amendment requests relating to personal information,
- Council to publish information about Council's personal information handling practices.

Compliance with this legislation must be embedded in Council's administrative practices and service delivery. Privacy Impact Assessments (PIA) (see [Privacy Impact Assessment Guideline](#)) support Council staff to identify, manage or eliminate potential privacy risks whenever proposed, new or redesigned information management systems or services, customer service delivery or legislation, involve new or changed ways of handling personal information.

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A privacy breach occurs when there is a failure by Council to comply with the *Information Privacy Act 2009 (Qld)*. An identified or suspected breach will be assessed and treated by Council in accordance with the [Information Privacy Breach Response Standard](#). The Office of the Information Commissioner (OIC) can issue a compliance notice to Council for serious or multiple breaches of the *Information Privacy Act's* 11 Information Privacy Principles (IPPs). Council will take all reasonable steps to comply with any compliance notice that may be issued.

An individual may make a complaint to Council when the individual believes that Council has not dealt with their personal information in accordance with legislation. The Act allows a minimum of 45 business days for Council to respond and/or to resolve the subject matter to the satisfaction of the individual. Council will maintain a [privacy complaint function](#) with staff assigned to investigate, resolve and report on privacy complaints. The City's Legal Services Branch provides statistics on privacy complaint investigations for publication in Council's Annual Report.

Legal Services Branch investigates complaints from individuals who consider that the City has not fulfilled its legislative obligation. If an individual is dissatisfied with the outcome of a privacy complaint investigation, the individual can refer their complaint to the Office of the Information Commissioner (OIC). An individual may seek referral of their privacy complaint to the Queensland Civil and Administrative Tribunal (QCAT) if the OIC considers that resolution of the complaint is not reasonably likely to be achieved through mediation.

The *Information Privacy Act 2009 (Qld)* gives an individual the right to make application to access and request amendments to their personal information. Requests for access are made either via a [Right to Information and Information Privacy access application](#) or are made via a formal Council administrative access scheme or via a customer service point.

The OIC monitors and reports on Council's compliance with the *Information Privacy Act 2009 (Qld)* by conducting audits, reviews and surveys of agencies including local governments, in order to measure the extent of compliance with the Act and report on review outcomes to the Queensland Parliament.

SCOPE

The policy applies to all of the following:

- The Mayor, Councillors, Chief Executive Officer (CEO), Directors, Managers, staff, contractors, work experience students, apprentices, volunteers, consultants, vendors, contracted external service providers and outsourced business functions.
- All personal information, collected, stored, used and disclosed by Council, regardless of format, medium and source, unless otherwise exempted by legislation.
- All administrative and technological environments in which Council's business is conducted.
- Information systems regardless of whether manual or automated.

DEFINITIONS

Definitions related to information privacy derived from the [Office of Information Commissioner](#) and *Information Privacy Act 2009 (Qld)*. Information privacy is a sub-domain of information management. The definitions below are relevant for this policy and its supporting standards. For broader definitions relating to information management or information security see respectively the Information Management Policy and the Information Security Policy.

Information Privacy Policy

Term	Meaning
Access	Providing an individual with personal information that is held by the Council. Access may include allowing that individual to inspect (view) personal information or to obtain a copy of the personal information.
Collection	Gathering, acquiring or obtaining personal information from any source and by any means.
Consent	In relation to information privacy means a voluntary agreement (express or implied) to some act or practice which impacts an individual's personal information. An individual must be adequately informed before giving consent and must have the capacity to understand and communicate their consent.
Disclosure	Personal information is disclosed to an external person or entity if: <ul style="list-style-type: none"> • that person/entity does not know the personal information and is not in a position to otherwise find it out and, • the personal information is provided to the person/entity or placed in a position to enable them to find it out; and • Council ceases to have control over personal information provided to the external person/entity (Section 23, <i>Information Privacy Act 2009</i>).
Evidence of Identity	The types of evidence that, when combined, provide confidence that an individual is who they say they are.
Flow of personal information	Describes the creation, collection, retention, use, disclosure and disposition of personal information. It also includes the identification of partners and third parties who handle the personal information during the administration of a project or an activity.
Information Privacy Principles (IPPs)	Principles that set out how Queensland Government agencies should collect, use, store, secure, and disclose personal information.
Personal information	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.
Reasonable	Determining what is reasonable involves considering all factors are considered and properly balanced. Factors include considering Council's responsibilities, the personal information in question, the public interest in the proposed action, and any other relevant circumstances. Generally, the practical difficulty or cost will not make something unreasonable.

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Term	Meaning
Surveillance Technology	A digital or analogue device that has the capability to monitor or record audio, video, images, or location data, including but not limited to cameras microphones, audio recorders, and Global Positioning Systems (GPS). See reference to Council's management of surveillance technologies in the Information Privacy Standard.
Use	<p><i>Information Privacy Act 2009</i></p> <p>Section 23 What it means to disclose personal information and to use personal information</p> <p>(3) <i>An entity [Council] uses personal information if it</i></p> <p>(a) <i>manipulates, searches or otherwise deals with the personal information; or</i></p> <p>(b) <i>takes the information into account in the making of a decision; or</i></p> <p>(c) <i>transfers the information from a part of the entity having particular functions to a part of the entity having different functions</i></p> <p>(4) <i>Subsection (3) does not limit what actions may be use of the personal information.</i></p> <p>(5) However, use of the personal information does not include the action of disclosing the personal information to another entity.</p>

RELATED POLICIES AND DELEGATIONS

Code of Conduct for Employees Policy
 Disciplinary Policy
 Digital City Data Policy
 Information Security Policy
 Information Management Policy
 Right to Information and Information Provision Policy

Full details of each delegated power; (referenced by delegation number below) the delegate position and the current incumbent are recorded in Council's [Delegations and Authorisations Register](#).

DE01407
 DE01474
 DE01510
 DE02262
 DE02263
 DE02137
 DE01758

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LEGISLATION

Disaster Management Act 2003 (Qld)
Electronic Transactions (Queensland) Act 2001 (Qld)
Information Privacy Act 2009 (Qld)
Local Government Act 2009 (Qld)
Local Government Regulation 2012 (Qld)
Planning Act 2016 (Qld)
Privacy Act 1988 (Cth)
Privacy (Tax File Number) Rule 2015
(issued under s 17 of the Privacy Act 1988 (Cth))
Public Records Act 2002 (Qld)
Right to Information Act 2009 (Qld)

SUPPORTING DOCUMENTS AND STANDARDS

Appendix A: Information Privacy Roles and Responsibilities
[Information Privacy Standard](#) iSPOT #72647142 (Council of the City of Gold Coast)
[Information Privacy Breach Response Standard](#) iSPOT #72655367 (Council of the City of Gold Coast)
[Privacy Impact Assessment Guideline](#) iSPOT #72654439 (Council of the City of Gold Coast)

POLICY RESPONSIBILITIES

Sponsor	Director Organisation Services
Owner	Chief Information Officer (CIO)

VERSION CONTROL

Document	Date	Approved	Amendment
#23730151 v2	06.12.2019	ETG19.12.03.005 / G19.1206.013	Major change. Policy previously named/included in Information Management and Information Privacy Policy.
N/A	15.03.2010	GF10.0310.001 / G10.0315.016	Information Management Policy was renamed to Information Management and Information Privacy Policy (#23730129 v3)
N/A	03.11.2008	GF08.1029.007 / G08.1103.018	Replaced by Information Management Policy
#23730151 v1	21.03.2003	G03.0321.013 / C03.0314.002	New policy named Information Privacy Policy

Appendix A: Information Privacy

Roles and Responsibilities

Information Privacy Policy

CEO	<ul style="list-style-type: none"> • Assigns and delegates information privacy responsibilities to Council positions. • Accounts to relevant State and Federal authorities for Council's information privacy management and practices.
Directors	<ul style="list-style-type: none"> • Ensure compliance (within their directorate) with this policy and relevant policy instruments. • Ensures information privacy management requirements are identified and addressed. • Ensures all privacy breaches are managed as required by Information Privacy Breach Response Standard. • Timely reporting of policy metrics to the CIO.
Chief Information Officer (CIO)	<ul style="list-style-type: none"> • Leads policy implementation activities. • Leads monitoring of information privacy training and awareness to all staff. • Oversight of policy performance, compliance monitoring and reporting.
Managers/Information Asset Custodians	<ul style="list-style-type: none"> • Leads implementation of business processes which are compliant with the <i>Information Privacy Act 2009</i>, other privacy legislation and information security requirements. Responsibilities include the periodic review of business processes to ensure protection of personal information. • Responsibility for the completion of a Privacy Impact Assessment (PIA) and assigns responsibility to a role holding functional responsibility for a project or activity, to undertake the PIA. • Decides whether analysis or additional information is necessary for the purpose of the PIA. • Decides requirements and processes for administrative release of personal information. • Provides or arranges for information to be provided to privacy complaint/beach investigators to support the investigation, resolution and preparation of reports on privacy complaints. • Ensures all privacy breaches are managed as required by Information Privacy Breach Response Standard.
City Solicitor	<ul style="list-style-type: none"> • Responsibility for the Information Privacy access and amendment application process. • Responsibility for information privacy complaint investigation.
Legal Information Unit Right to Information /Information Privacy Officer	<ul style="list-style-type: none"> • Investigates, prepares and responds to information privacy complaints. Identifies compliance advice and reports to City Solicitor and the CIO and affected business areas on information privacy complaint handling and investigation outcomes.
Councillors and Individual Staff	<p>When handling personal information, the Mayor, Councillors, staff and contractors must</p> <ul style="list-style-type: none"> • comply with the <i>Information Privacy Act 2009</i> requirements

Appendix A: Information Privacy

Roles and Responsibilities

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	<p>outlined in this Policy and supporting standards whilst undertaking their duties.</p> <ul style="list-style-type: none">• comply with system usage rules and monitoring procedures concerning the collection and use of the information. Councillors and Council staff are bound by the <i>Local Government Act 2009</i> and respectively the Code of Conduct for Councillors in Queensland and Code of Conduct for Employees Policy.
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ACKNOWLEDGEMENTS

Queensland Office of the Information Commissioner (OIC)