

Personal Information Protection (Privacy) Policy

PURPOSE

The Council collects and uses personal information of individuals to enable it to carry out its functions under the *Local Government Act 1993*. It also has the responsibility to keep information securely so as to protect the privacy of individuals, in accordance with the *Personal Information Protection Act 2004* (**the Act**).

The Personal Information Protection (Privacy) Policy sets out the City of Launceston's (**Council**) approach to managing, handling and protecting the personal information of customers and demonstrates its commitment, as the custodian of personal information, to protecting the privacy of customers.

SCOPE

This policy:

- applies all employees, elected representatives, contractors, workplace participants and volunteers of the Council; and
- covers all personal information, including employee records, collected, stored, used and disclosed by the Council, its employees, Councillors, contractors and consultants, unless otherwise exempted by legislation. It provides a summary of legislative obligations and commitments in relation to privacy of personal information.

POLICY

1. Collection of Personal Information

- (i) The Council will collect personal information only if it is necessary for it to perform one or more of its functions or activities. The Council will only use or disclose this information for the purpose/s for which it is collected.
- (ii) At the time that personal information is collected, an individual will be provided with a copy of a Privacy Statement applicable to such collection, whenever it is practical to do so. Where a Privacy Statement has not been provided, one can be provided upon request. The Privacy Statement will address the matters set out at clause 1(iii) below. Privacy Statement template will be readily available and accessible to the public.
- (iii) Before, during or as soon as practicable after the Council collects personal information, the Council will take all reasonable steps to ensure the individual is made aware of:
 - The Council's identity and how to contact it;
 - The individual's rights in regard to accessing the information collected;
 - The reasons for collection of the information;
 - The intended recipients of the information;

- Legislation that requires the information to be collected;
- The main consequences, if any, of not providing all or part of that information.

(iv) The Council will only use personal information collected for the purpose/s for which it was collected and for any other use authorised or required by law, including law enforcement and compliance activities. Some of these purpose/s may include but not limited to:

- Provision of services, as requested by the individual;
- Investigation of complaints or issues;
- Where an individual has been included on a mailing or distribution list;
- Facilitate the collection and/or payment of fees and charges.

(v) Sensitive information will only be collected if any of the following applies:

- where an individual provides express consent; or
- when the collection is required or authorised by law, or
- if the collection is necessary for the establishment, exercise or defence of a legal or equitable claim.

2. Use And Disclosure

(i) Personal information will only be used or disclosed for the purpose/s for which it is collected, and will not be divulged to third parties outside the Council for their independent use unless the person to which the information relates has authorised the Council to do so, or the use or disclosure is required or allowed by law.

(ii) The Council and its employees will not sell, trade or make available personal information to others. Information provided by members of the public will only be accessible to other business units within the Council, where necessary and required for the role.

(iii) Where the Council outsources functions that involve the collection, utilisation and/or holding of personal information, the Council will take all reasonable steps to ensure that the contracted service providers:

- do not act in a way that would amount to a breach of privacy standards;
- maintain the confidentiality of the information collected; and
- abide by all applicable laws.

The Council will not permit third parties to sell or use the information for their own purposes.

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

3. Data Quality

The Council will take all reasonable steps to ensure that customer's personal information is accurate, complete and up to date. Where practicable, the Council will check on the accuracy of personal information before it is used.

The Council will respond to any request from the public to correct inaccurate information in a timely manner. Such requests should be made in writing and submitted to the Council either by:

- **Email:** contactus@launceston.tas.gov.au; or
- **Post:** PO Box 396, Launceston TAS 7250.

The Council also provides opportunities for the public to provide updated information.

4. Data Security

- (i) 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.
- (ii) All Council employees will maintain confidentiality and respect the privacy of individuals who have dealings with the Council. The Enterprise Agreements, Code of Conduct Policy (22-PI-030) and individual employment contracts set out legal obligations on employee access to and use of personal and confidential information.
- (iii) Wherever possible, requests for personal and confidential information from police, government agencies or any other person, should be made in writing.
- (iv) Any personal information which you provide to the Council which is no longer necessary for the Council's purpose/s 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.
- (v) Employees must be conscious of security within the office environment when members of the public may be present. External customers must not be left unattended with any of the Council's files (regardless of format), except where the contents have been assessed as suitable for public access.
- (vi) Where a complaint or objection is received by the Council, the identity of the complainant will not be disclosed unless required or authorised by law.

5. Openness

The Council has developed this Policy to clearly set out how it manages personal information.

When the Council collects personal information, it will take all reasonable steps to ensure that a Privacy Statement is provided to the customer.

6. Access And Correction

Individuals are entitled to request access to personal information which is held by the Council. Individuals are entitled to know generally what sort of personal information the Council holds about them, for what purposes, and how it collects, holds, uses and discloses that information.

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

- (i) Requests to access or correct personal information are to be made in writing and addressed to the City of Launceston either by:
 - **Email:** contactus@launceston.tas.gov.au; or
 - **Post:** PO Box 396, Launceston TAS 7250.

Proof of the identity of the individual asking for the information will be required.

- (ii) The request is to specify a postal or email address to which the Council's response to the request can be sent, give particulars of the information the individual believes is incomplete, incorrect, out of date or misleading, and specify the amendments that the individual wants made to that information.

There may be circumstances where the Council declines to provide individuals with access to personal information held about them. 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 into unlawful activity.

If the Council does not allow an individual to access personal information, a request can be made under the *Right to Information Act 2009*. A Right to Information Application for Assessed Disclosure Form is available on the Council website (<https://www.launceston.tas.gov.au/Council/Access-to-Information>) and this application will need to be accompanied by the application fee.

7. Anonymity

The Council will whenever it is lawful and practicable, allow individuals to not identify themselves when dealing with the Council. This may limit the service we can provide to an individual.

8. Sensitive Information

The Council will not ask for or collect any sensitive information unless it is necessary to meet legal, public interest or statistical requirements related to and required by the service or transaction you have requested for, and with your express consent. Provision of this information is at your discretion except where it is a legal requirement, and you will be notified if this is the case.

9. Unique Identifiers

The Council will not:

- (i) adopt as its own, any identifiers of individuals that have been assigned by any other government agencies (e.g. a Tax File Number generated by the Australian Taxation Office); or
- (ii) use or disclose any identifiers of individuals that have been assigned by any other government agencies unless the Council is required to do so in the course of its normal business activities or has reason to believe that the use or disclosure is necessary to satisfy public safety, health or legal concerns.

10. Disclosure Of Personal Information Outside Tasmania

In complying with its obligations under Principle 9, Schedule 1 of the Act, the Council will disclose an individual's personal information to someone outside Tasmania only if:

- (i) the individual consents to the disclosure; or
- (ii) the disclosure is required or authorised by law; or
- (iii) The Council is satisfied on reasonable grounds that the disclosure is necessary to lessen or prevent a serious threat to the life, health, safety or welfare of an individual, or to public health or public safety; or
- (iv) two or more of the following apply:
 - the Council reasonably believes that the recipient of the information is subject to a law, binding scheme or contract that has principles for fair handling of the information that are substantially similar to the personal information protection principles; or
 - the disclosure is necessary for –
 - (a) the performance of a contract between the individual and the Council; or
 - (b) the conclusion or performance of a contract concluded in the interest of the individual between the Council and a third party; or
 - the Council has taken reasonable steps to ensure that personal information it discloses will not be held, used or disclosed by the recipient in a way that is inconsistent with the personal information protection principles.

11. Children And Individuals Without Full Legal Capacity To Consent

In event that a child or an individual is legally unable to or incapable of providing consent to the collection, use or disclosure of their personal information or sensitive information, the Council will ensure that the necessary consent is obtained from a parent, legal guardian or responsible person.

BREACHES OF THE PERSONAL INFORMATION PROTECTION ACT AND COMPLAINTS

If an individual is dissatisfied with the outcome or handling of a request for information, or request to change their information, they can make a complaint. Complaints should be made directly to the Chief Executive Officer.

In Writing

Via Post: PO Box 396, Launceston Tas 7250
Via email: contactus@launceston.tas.gov.au

Phone:

Customer Service Centre: (03) 6323 3000

Upon receipt of the complaint, the Chief Executive Officer/Council will appoint an appropriate Council Officer to conduct the internal review. The relevant Council Officer must not be substantially involved in any matter relating to the complaint and must be suitability qualified.

Council will endeavour to complete the internal review and/or respond to an individual's complaint as soon as practicable, but in any case not later than 20 working days after the complaint was received. If a Councillor has submitted a complaint on an individual's behalf we will also endeavour to respond to the Councillor as soon as practicable, but in any case not later than 20 working days after the complaint was received.

Sometimes it is not possible to meet this deadline, e.g. where a complaint is complex, and Councillors are to be briefed on the outcome of the investigations. In these cases, we will endeavour to keep the customer informed of progress.

The Council will inform the customer of the findings on completion of an investigation and/or internal review.

If a customer is not happy with the outcome of the complaint/internal review or the Council's process in dealing with it, the customer may seek an external review by contacting the following external bodies:

- (i) The Ombudsman 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

(ii) Local Government Division, Level 5, 15 Murray Street, Hobart (GPO Box 123, Hobart, 7001) Phone (03) 6232 7022.

While the customer is entitled to refer a complaint directly to these bodies at any time, the Council encourages customers to allow the Council to investigate the complaint or conduct an internal review first.

RELATED POLICIES & PROCEDURES

17-PI-001 Information Resource Policy

22-PI-030 Code of Conduct Policy

RELATED LEGISLATION

Local Government Act 1993 (Tas)

Personal Information Protection Act 2004 (Tas)

Right to Information Act 2009 (Tas)

REFERENCES

n/a

DEFINITIONS

For the purpose of this Policy:

Child or Children	Means a person or persons under 18 years of age as defined in section 3 of the <i>Children, Young Persons and Their Families Act 1997</i> .
Individual	Means any person
Enterprise Agreements	Means the City of Launceston Enterprise Agreement 2021 (as amended) and City of Launceston Leisure & Aquatic Centre Enterprise Agreement 2022 (as amended), as the case may be.
Employee Information	<p>Includes personal information about an individual who is, was, or applies to be an employee relating to:-</p> <p class="list-item-l1">(a) the selection, employment, training, discipline or resignation of the individual; or</p> <p class="list-item-l1">(b) the termination of the employment of the individual; or</p> <p class="list-item-l1">(c) the terms and conditions of employment of the individual; or</p> <p class="list-item-l1">(d) the performance or conduct of the individual in carrying out the duties or functions of employment; or</p> <p class="list-item-l1">(e) the suitability of the individual for appointment or for employment held by the individual; or</p> <p class="list-item-l1">(f) the hours of employment of the individual; or</p> <p class="list-item-l1">(g) the salary or wages of the individual; or</p> <p class="list-item-l1">(h) the membership of the individual of a professional association, trade association or trade union; or</p>

	<ul style="list-style-type: none">(i) the recreation leave, long service leave, sick leave, personal leave, maternity leave, paternity leave or other leave of the individual; or(j) information that supports employment statistical reporting and personnel planning; or(k) information in relation to employees as required by law.
Personal Information	Means any information or opinion in any recorded format about an individual – <ul style="list-style-type: none">(a) whose identity is apparent or is reasonably ascertainable from the information or opinion; and(b) who is alive or has not been dead for more than 25 years.
Privacy Statement	Means the Council's statement on the collection, use and disclosure of personal information, to be generally in the form set out at Annexure 'A' of this document
Sensitive Information	Means:- <ul style="list-style-type: none">(a) Personal Information or an opinion relating to Personal Information about an individual's:<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;that is also personal information; and(b) health information about an individual or a child; and(c) genetic information about an individual or a child that is not otherwise health information.

Examples of personal information held by the Council include: name, residential address, postal address, date of birth and gender of an individual, and sensitive information like health information, racial or ethnic origin, membership of professional or trade associations, or membership of a trade union, Employee Information, and images captured or data recorded by a surveillance device (e.g. CCTV). The personal information that the Council collects depends on the services being sought by the individual.

REVIEW

This policy will be reviewed no more than 5 years after the date of approval (version) or more frequently, if dictated by operational demands and with the Executive Leadership Team's approval.

ANNEXURE "A" - Privacy Statement Template

Privacy Statement

As required under the *Personal Information Protection Act 2004*

1.	Personal information is managed in accordance with the <i>Personal Information Protection Act 2004</i> (the Act) and may be accessed by the individual to whom it relates, on request to City of Launceston.
2.	<p>Your personal information is collected for the purpose of [..... insert a clear and specific description of the purpose]. The intended recipient or class of recipient/s for this information is:</p> <p>[-- select and amend as applicable, then delete this line --]</p> <ul style="list-style-type: none">• Internal Recipient/s: City of Launceston teams only, including [..... insert relevant network or team name]; and or• External Recipient/s:<ul style="list-style-type: none">• Individuals: [..... insert the names of relevant individuals]• Groups or organisations: [..... insert the names of third-party groups or organisations] <p>("the Purpose").</p>
3.	City of Launceston will take all reasonable steps to ensure that the use or disclosure of your information to a third party is consistent with the Purpose.
4.	Information may be used and disclosed for other purposes permitted by the Act. Personal information may be disclosed to third parties, including other public sector bodies, agents or contractors of the City of Launceston, in accordance with our Personal Information Protection (Privacy) Policy (17-Plx-005) and the Act.
5.	Failure to provide this information may result in your application not being able to be accepted or processed.

DOCUMENT INFORMATION

Reference number	17-Plx-005
Version	10/12/2025
Review	06/10/2030
Key function	Information Management
Document type	Policy
Responsible Network	Delivery and Performance
Approved by	Executive Leadership Team
Action Officer	Senior Leader Governance
Text search key words	Personal Information Protection (Privacy) Policy

To be communicated to <i>(To be identified by Approver)</i> (Insert ✓ in relevant row)	Department/Area only
	Network via General Manager and Team Managers
	Specific Areas: •
	✓ Organisation-wide
	✓ Website
	✓ Intranet (via a link)
	External notification e.g. Department Premier and Cabinet, Director Public Health, Tasmania Police •

Hard copy distribution	N/A
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