



<b>Council Policy</b>	Privacy Policy		
<b>Reference</b>	<i>Strategic Community Plan 2013-2023</i> Priority Area: 6.2 Major Strategy: 6.2	<i>Corporate Business Plan 2020 - 2024</i> Priority Area: 6.2 Actions: 6.2	
<b>Responsible Officer</b>	Manager Corporate Services and Governance		
<b>Policy Area</b>	Governance		
<b>Council Adoption Date</b>	28 July 2020	<b>Version Number</b>	1
<b>Amendment Dates</b>	25 October 2022	<b>Next Review Date</b>	

This Policy replaces all previous policies related to this topic.

## 1. Policy Purpose

- 1.1. This Policy provides the framework in which personal information is collected, used and disclosed by the Town of Cottesloe (the Town).
- 1.2. This Policy has the following aims:
  - To state what personal information is collected and why.
  - To state what use this information is put.
  - To state to whom this information may be disclosed

## 2. Policy Scope

- 2.1. This Policy applies to Elected Members, the Executive Management Team and all employees and contractors involved in any Town of Cottesloe operations.

### **3. Policy Requirements**

#### **3.1. Information collected**

To allow the Town to respond to Customer/Community requests, there is the need to collect people's personal information. The Town through written correspondence, telephone, email and in-person interactions with the Town's Officers may collect this.

The Town maintains a comprehensive database of properties, which includes personal information relating to property owners such as names, addresses, and also records any issues such as complaints and enquiries relating to a property.

#### **3.2. How Information Is Used**

The information is used for responding to requests received by the Town relating to the various services provided by the Town. Personal information is often required to administer and manage those services, including billing arrangements. Additionally, this information may be used for ongoing research and development of services.

#### **3.3. Sensitivity and Anonymity**

- a. The Town will not collect sensitive information unless an individual has consented or is required to by law.
- b. The Town often collects information in the course of community engagement, the use of which is used solely for the purpose of gaining demographic insight to assist Council in its decision making.
  - Information that identifies a person may not be published in any part of publically available data or documents related to the engagement.
- c. The Town uses "cookies" and similar technology on its websites. The use of such technology is an industry standard, and will be used to monitor the effectiveness of Town of Cottesloe advertising and how our websites are used. The Town also uses cookies to generate statistics, measure activity, improve the website/applications and to enhance the customer experience. Town of Cottesloe website users can opt-out of cookies and adjust their internet browsers to refuse cookies or to notify them when cookies are being used. Certain features on the Town's website may not function properly or optimally if cookies have been turned off.
  - It should be noted that the Town of Cottesloe website contains links to third party websites, which are not under the control of the Town; therefore the Town is not responsible for the privacy practices on any third party website.
- d. Emails received may only be used for the purpose for which it was provided and are subject to the conditions set out in this Privacy Policy. Due to the nature of the Internet, sending personal information in an email is at the discretion of and risk of the sender.

### 3.4. Information Disclosure

The Town of Cottesloe will not, without prior consent, disclose personal information for any purpose other than for purposes described in this Policy. Additionally, the Town will generally not disclose addresses of individuals and will make every endeavour to broadly describe any information relating to a person's location.

The exceptions to this are where information is required or authorised by law to do so or when in good faith the Town is of the belief that such action is necessary to:

- a. comply with the law or with legal process;
- b. protect and defend the Town's rights and property;
- c. protect against misuse or unauthorised use of the Town of Cottesloe's website; or
- d. to protect the personal safety or property of our staff and members of the public.

### 3.5. Security of Personal Information

The Town of Cottesloe takes all reasonable steps to protect the personal information it holds from misuse and loss, from unauthorised access, modification and disclosure.

In addition to the statutory obligations already imposed, the Town has in place physical, electronic, and managerial procedures to protect personal information held from unauthorised access, maintain data accuracy and to ensure the appropriate use of information collected.

#### a. Data Breaches

The Town of Cottesloe will take reasonable steps to notify individuals impacted by eligible data breaches (as defined under the Privacy Act), as soon as it becomes aware of the breach.

### 3.6. Access and Correction of Personal Information

- a. Personal information provided by a person may be accessed by that person.
  - In the event access is denied the Town will provide reasons for such denial.
- b. Persons seeking access to information they have provided, or wanting to submit a correction to their personal information are required to contact the Town's Administration.
  - Identification may be required before such information is released.
  - Such applications may possibly be subject to the exemptions allowed by law under the *Freedom of Information Act 1992*.

## 4. Definitions

- 4.1. **Sensitive Information** - has the meaning in the Privacy Act and includes information or an opinion about an individual's racial or ethnic origin, sexual orientation or practices, political opinions or associations, religious beliefs or affiliations,

philosophical beliefs, membership of professional or trade associations or trade unions, or criminal record that is also personal information, or health information or genetic information about an individual and which is Confidential Information”.

- 4.2. **Personal Information** as defined by the Office of the Australian Information Commissioner: “...information or opinion (including information or opinion forming part of a database) whether true or not, and whether recorded in a material form or not, about an individual whose identity is apparent, or can be reasonably ascertained, from the information or opinion”.

## 5. Legislation

- 5.1. The Town recognises the *Federal Privacy Act 1988* and the 13 Australian Privacy Principles. These principles are found in Schedule 1 of the *Privacy Amendment (Enhancing Privacy Protection) Act 2012* and are observed by the Town in the development and implementation of this Policy.
- 5.2. *Local Government Act 1995* sections 5.94 (m) and (s) and 5.96 with respect to making available members of the public rates records, electoral rolls and registers owners and occupiers.
- 5.3. *Local Government (Administration) Regulations 1996* clause 29B in respect to privacy, places restrictions on providing information where it is suspected that the information may be used for commercial purposes. The Chief Executive Officer must be satisfied, by statutory declaration or otherwise, that a commercial purpose is not the intent of someone seeking such information.
- 5.4. *Freedom of information Act 1992*
- 5.5. *State Records Act 1992*

## 6. Other Relevant Procedures/Key Documents

- 6.1. Code of Conduct
- 6.2. Community Engagement Policy
- 6.3. Email Management Policy
- 6.4. Media Policy
- 6.5. Records Management Policy
- 6.6. WALGA Public Information Access Guide

## 7. Further Information and Contact

Further information may be obtained on privacy issues in Australia by visiting the Office of the Australian Information and Privacy Commissioner’s website at:

<http://www.oaic.gov.au>