



WUJAL WUJAL ABORIGINAL SHIRE COUNCIL

Information Privacy Policy

Document Control

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1. Origin / Authority

Wujal Wujal Aboriginal Shire Council

2. Purpose and Scope

This Policy sets out Council's legislative obligations and establishes a framework for the responsible collection and handling of personal information by Wujal Wujal Aboriginal Shire Council.

This Policy applies to councillors, employees, volunteers, contractors, consultants and other agents of council. The policy applies to all personal information collected, used and stored by council in every aspect of its operations and performance.

3. Policy Statements

3.1 Definitions

Agent	Means an individual or entity authorised to act or perform functions on behalf of Wujal Wujal Aboriginal Shire Council i.e. legal counsel engaged to act for council in legal proceedings.
Council	Wujal Wujal Aboriginal Shire Council.
Complaint	A Privacy Complaint as defined in section 164(1) of the <i>Information Privacy Act 2009</i> ; namely a complaint by an individual about an act or practice of Council in relation to the individual's personal information that is a breach of Council's obligation under the <i>Information Privacy Act 2009</i> .
Collection	Means gathering, acquiring or obtaining personal information from any source and by any means, including information that Council has come across by accident or has not asked for.
Consent	Voluntary agreement to some act, practice or purpose.
CCTV	Closed-circuit television, or the use of video cameras to transmit images to a specific limited number of televisions on the same network or circuit.
Disclosure	The release of information to persons or organisations. It does not include giving individuals personal information about themselves.
People Leader	All managers, team leaders and other supervisory positions.
Local Government Act/s (LG Act)	As defined in Schedule 4 of the <i>Local Government Act 2009</i> .
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 an individual whose identity is apparent, or can reasonably be ascertained, from the information or opinion.
Public Record	As defined by the <i>Queensland Public Records Act 2023</i> .

3.2 Privacy Obligations

Personal information of residents, employees and others is collected for the purpose of ensuring that business is conducted efficiently and effectively and to meet statutory obligations.

Personal information is only collected when it is directly relevant and necessary.

The protection of personal information which can identify an individual is a matter of great significance to Council.

Council will comply with the Information Privacy Principles contained in the *Queensland Information Privacy Act 2009* namely:

- IPP 1: Collection of Personal Information (lawful and fair)
- IPP 2: Collection of Personal Information (requested from an individual)
- IPP 3: Collection of Personal Information (relevance)
- IPP 4: Storage and Security of Personal Information
- IPP 5: Providing Information about Documents Containing Personal Information
- IPP 6: Access to Documents Containing Personal Information
- IPP 7: Amendment of Documents Containing Personal Information
- IPP 8: Checking of Accuracy of Personal Information before use by Council
- IPP 9: Use of Personal Information only for Relevant Purpose
- IPP 10: Limits on Use of Personal
- IPP 11: Limits on Disclosure

3.3 Collection of Personal Information

Council will not collect personal information about an individual unless:

- consent is provided by the individual; or
- it is required by Council to fulfil its responsibilities under Section 8 of the Local Government Act 2009 (LG Act), other Local Government Acts; or to provide services and facilities to individuals; or
- collection is required by law; or
- collection is necessary to prevent or lessen a serious threat to life, health, safety or welfare of an individual, or to public health, safety or welfare; or
- collection is necessary for the establishment, exercise or defence of a legal or equitable claim.

3.4 Collection Notices

3.4.1 Written Notifications

All forms used by Council to collect personal information will carry the following notice:

"Wujal Wujal Aboriginal Shire Council is collecting your personal information for the purposes of processing your request and undertaking associated Council functions and services. Council is authorised to collect this information in accordance with the Local Government Act 2009 and associated laws. Your personal information will not be disclosed to third parties without your consent, or, if required to do so by law. This document is subject to the provisions of the Information Privacy Act 2009, Right to Information Act 2009 and the Public Records Act 2002."

The collection notice can be modified to include additional or changed information where it is necessary and appropriate to do so, in line with the Office of the Information Commissioner of Queensland's advice as follows: *"What do I need to include in a collection notice?"*

You must take all reasonable steps to make an individual generally aware of:

- Why the information is being collected.
- Details of any law that specifically allows or requires the collection.
- Any entity to whom it is the agency's usual practice to give the information, and (if known) anyone who they will in turn give it to."

3.4.2 Other Recorded Information

Council may collect and record the personal information of individuals in other non-written forms including:

- Telephone calls for quality and training purposes
- CCTV for public safety and security
- Drone footage for operational and other purposes.

This information will be managed in accordance with Council's privacy obligations and collection notifications will be provided in the following ways:

- Telephone Calls: Council will provide callers with recorded privacy collection advice through its main call centre/s.
- CCTV: public notices will be placed in prominent positions in the areas where permanent fixed CCTV is installed in council controlled public places. Public notice exemptions apply for temporary, portable devices and those that attract a section 29 exemption under the *Information Privacy Act 2009* (for example: cameras used for law enforcement activity, portable devices used for inspecting water and sewerage pipes).
- Drone Footage: collection notifications will be made via Council's website; or in respect to footage to be used for monitoring legislative compliance, notification will be provided in accordance with the relevant legislation.

3.5 Access to Information

3.5.1 Personal Information

The *Queensland Information Privacy Act 2009* allows individuals to apply to Council for access to documents containing their personal information. Individuals can also apply to have their personal information amended if they consider it is incomplete, inaccurate, out of date, or misleading.

3.5.2 Non-Personal Information

Local Governments are also subject to the *Right to Information Act 2009* which allows individuals to apply for access to public records held by the business. Applications will be assessed in accordance with the *Queensland Right to Information Act 2009* and released to the applicant, unless disclosure would on balance be contrary to the public interest, or if it contains other exempt matter such as the personal information of an individual other than the applicant.

3.6 Complaints

Chapter 5 of the *Queensland Information Privacy Act 2009* provides for an individual to make a complaint about a breach of the privacy principles which occurred on or after 1 July 2010. If an individual is not satisfied with the manner in which their personal information has been handled, managed, used or disclosed, they may lodge a formal complaint under the Council's Complaints Management Policy which is available from its website.

3.7 Disclosure under Legislative Requirements

There are circumstances where Council is legislatively required to disclose information which may contain personal information. If another law requires personal information be dealt with in a certain way, Council has not breached its privacy obligations to individuals.

Examples:

- Council meetings are legislatively required to be open to the public and therefore information on Council agendas is publicly available. Council will exclude personal information of individuals from agendas where it is not required or not relevant for Council decision making. However, there will be circumstances where the personal information of individuals will be disclosed as part of council meeting agendas.
- In a disaster or emergency event, Council may pass on the personal information of individuals to other emergency service agencies for emergency response purposes.
- The *Planning Act 2016* requires that Council publish online, the names of development proponents and submitters at certain points of the development application process.

3.8 Responsibilities

3.8.1 Councillors, employees, volunteers, contractors, consultants and other agents of the business:

- Comply with this policy and the requirements of the *Queensland Information Privacy Act 2009* and the *Queensland Information Privacy Regulations 2009*.
- Only access documents that are relevant to their role and responsibilities (for example: customer service requests should only be accessed by those Officers that have involvement with, responsibility to action, or other review/reporting obligations).
- Report any potential breaches of privacy in accordance with Council's Complaints Management Policy.

3.8.2 Responsibility of all people leaders within council

All people leaders within Council will ensure that employees, volunteers, contractors, consultants and other agents of Council are aware of and/or trained in their privacy obligations.

3.8.3 Information Communication and Technology Team (Fourier)

Will ensure that personal information held digitally by Council is not transferred out of Australia unless the transfer complies with Section 33 of the *Queensland Information Privacy Act 2009*.

4. Application

As per section 2. Purpose and Scope, this Policy applies to councillors, employees, volunteers, contractors, consultants and other agents of Council. The policy applies to all personal information collected, used and stored by Council in every aspect of its operations and performance.

This Policy will commence on adoption by Council. It replaces all other policies (whether written or not).

5. Associated Policies

- Closed Circuit Television (CCTV) Policy
- Complaints Management Policy
- Records (Information) Management Policy

6. Relevant Legislation

- [Commonwealth Privacy Act 1988](#)
- [Queensland Evidence Act 1977](#)
- [Queensland Human Rights Act 2019](#)
- [Queensland Information Privacy Act 2009](#)
- [Queensland Local Government Act 2009](#)
- [Queensland Local Government Regulation 2012](#)
- [Queensland Public Records Act 2023](#)
- [Queensland Public Sector Ethics Act 1994](#)
- [Queensland Information Privacy Regulation 2009](#)
- [Queensland Right to Information Act 2009](#)
- [Queensland Right to Information Regulation 2009](#)
- [Planning Act 2016](#)

7. Review

This policy will be reviewed when any of the following occur:

1. The related legislation or governing documents are amended or replaced; or
2. Other circumstances as determined by resolution of Council or the CEO; or
3. Two years from date of adoption



Kiley Hanslow

Chief Executive Officer

Wujal Wujal Aboriginal Shire Council