

1. Document control

Policy Number:	16/51960	Council Resolution Number:	2022-26/1045
Document Owner:	Chief Executive Officer	Document Author:	Manager Governance and Office of the Mayor and CEO
Approval Date	18 August 2026	Next Review Date:	18 August 2030

2. Statement of Intent

- 2.1. Council is committed to maintaining a culture that values and protects privacy. Council acknowledges that the principles outlined in the below legislation, while not directly applicable to Councils in South Australia, provide appropriate standards for privacy protection and will be applied within Council where practicable:
- 2.1.1 Privacy Act 1988
 - 2.1.2 Australian Privacy Principles (APPs)
 - 2.1.3 Department of the Premier and Cabinet Information Privacy Principles (IPPS) Instruction 2020
- 2.2. This Policy sets out Council's practices and procedures in relation to the collection, storage, disclosure and use of personal information of its customers.

3. Policy Statement

- 3.1. **Customer Identification**
- 3.1.1 Council encourages its customers to use their true contact details when dealing with Council so that their requests and complaints may be dealt with as effectively and efficiently as practicable.
 - 3.1.2 However, in some situations a customer may be more comfortable to anonymously make a request or complaint. Council officers will assist a customer in these situations wherever it is practical to do so or where legislation does not require a name and contact to register a complaint or request.
- 3.2. **Collection of Personal Information**
- 3.2.1 Council will only collect personal information if it is reasonably necessary for, or directly related to, one or more of Council's functions or activities.
 - 3.2.2 As is appropriate, a higher standard applies to the collection of personal information that is deemed to be sensitive information, and so Council will only collect this kind of personal information if:
 - the individual consents to the collection; or
 - one or more of the following applies:

- the collection is required or authorised by or under Australian law or a court/tribunal order or as part of or related to Council's enforcement function.
- Council has permitted a general situation in relation to the collection of personal information, e.g. Council's Volunteer Registration Form.
- Council has permitted a specific health situation to exist in relation to the collection of personal information, e.g. to submit information regarding nature of a disability to secure Commonwealth funding.

3.2.3 The type of personal information that may be collected by Council includes, but not limited to:

- names and addresses (postal, residential and email addresses)
- photographic identification (e.g. drivers' licence)
- telephone numbers
- age/date of birth
- property ownership and/or occupier details
- dog ownership
- electoral roll details
- payment history
- financial, rental or income details (e.g. to support assessment of financial hardship or capability, tenders and contract due diligence, financial guarantees)
- pensioner/concession information
- library membership details
- library borrowing history
- visitor metadata from Visitor Information Centre booking services
- footage from Council's approved Closed Circuit Television monitors
- photographs of individuals taken by Council officers in the course of Council duties.

3.2.4 Website

- Council collects anonymous information, such as the IP address, date and timing of visits to the website and the pages of the website visited frequently. The information collected is used for statistical purposes only to help us with website development and to improve our service. This is never linked with personal information about the users.
- When you apply for a job via our website, we collect and store your personal information.
- We do not, under any circumstances, sell any information to other organisations.
- We do not store personal information about you on the Council website.
- We will ask you when we need information that personally identifies you (for example, to allow us to contact you).

- You can choose to disable cookies via your device's website browser settings. However, if you choose to reject cookies, you may not be able to use or access some features of the services that we offer.
- The website contains links to other sites. Council takes no responsibility for the content or privacy practices of these sites.

3.2.5 Photographs and Video Used or Published by Council

- Council may take photographs or video footage of individuals or locations for publication and use in:
 - Council publications
 - Promotional marketing and advertising
 - Online (i.e. on websites and social media)
- Where it is reasonably practical to do so, permission to take and use captured images or footage should be obtained from the individual concerned or their parent, guardian or an adult accompanying them (as appropriate), prior to taking or using the captured images or footage by completing a Photograph Permission and Release Form.
- Incidental capturing of images or footage not related to the activity may occur and every effort will be made to blur or remove such content but cannot always be guaranteed.
- All images, photographs, footage and permission and release forms will be stored in accordance with Council's *Knowledge Management Policy*.

3.2.6 Proof of Identity

- To action particular requests from its customers, Council will require proof of identification or entitlement from the customer – for example, for a request to change a name upon marriage or divorce or update an address or a request for a fee waiver to access a Council record.
- To reduce the risk of identity fraud, the attending Worker will not copy the original and retain the copied proof of identity or entitlement into Council's record management system, in those circumstances where they can instead reasonably sight the original identification source, note the reference and expiry date and return the original identification immediately to the customer.
- Where it is not reasonable to sight the original identification source and return it to the customer, any copies made or received by a Worker will be registered into Council's records managements system with strict access controls.

3.2.7 Council will only collect personal information by legal and fair means. This includes collection from a third party such as SA Water, State Electoral Office, Office of the Valuer-General, another ratepayer and resident.

3.2.8 Council may determine not to retain personal information received by an unsolicited or anonymous source where it is deemed to be trivial or unrelated to Council business.

3.2.9 Where practicable, at the time of collection, Council will take reasonable steps to inform its customers:

- of the reasons for the personal information collection,
- if such collection is authorised or required by the law, and

- where practicable, of any usual practices with respect to the use and disclosure of such personal information.

3.2.10 In collecting personal information, Council assumes that:

- the information is free from errors and omissions, is not misleading or deceptive and complies with all relevant laws;
- those who provide the information have the authority to do so;
- it may not verify the accuracy of the information; and
- it is the responsibility of the individual to provide Council with the details of any changes to their personal information as soon as possible.

3.3 Use or Disclosure of Personal Information

3.3.1 Distribution to Third Parties

- If Council holds personal information of an individual which was collected for a particular purpose (the primary purpose), it must not use or disclose the information for another purpose (the secondary purpose) unless:
 - the individual has provided written consent to the use or disclosure of the information for the secondary purpose; or
 - the individual would reasonably expect Council to use the information for the secondary purpose however:
 - the secondary purpose should be connected to the primary purpose; and
 - if the information is sensitive information – then the secondary purpose should be very closely connected to the primary purpose.

This requirement for a more direct relationship recognises that the use and disclosure of sensitive information can have serious ramifications for the individual and/or their associates; and

for the purpose of this sub-clause, the Worker releasing the information must record a file note explaining the rationale for release; or

- the provision of personal information is for the purpose of distributing material of and on behalf of Council and the body which is contracted for this purpose agrees to act in accordance with this Policy (eg for the provision of address data to a mailing service provider to post Rates Notices); or
- the use is by a third party or Worker who provides advice or services to assist Council provide benefits to ratepayers and/or residents (eg the State Electoral Office, Office of the Valuer-General, insurers, debt collectors); or
- the use or disclosure of the information is required or authorised under an Australian law or a court/tribunal order, for example mandated reporting under the *Children's Protection Act 1993*, or public notifications under the *Planning, Development and Infrastructure Act 2016*; or
- there is a situation where consent cannot be reasonably obtained and the Worker reasonably believes that the disclosure of the information is necessary to prevent or lessen a serious threat to the life, health or safety of a person or group of people, then they may disclose the information necessary to a service provider (eg Department of Communities and Social Inclusion) in order to prevent or lessen such a threat.

3.3.2 Commonwealth and State Contracts

- Where Council provides a service funded by a Commonwealth or State government contract, it must disclose to the authorised Commonwealth or State representative any personal information it has collected if this meets an obligation under the relevant contract.
- Where Council provides personal information to another service provider that is subject to the Australian Privacy Principles or Information Privacy Principles, Council will require that provider to sign an undertaking that it will maintain confidential when it handles the personal information supplied by Council.

3.3.3 Disclaimer

- While Council will take all reasonable steps to ensure that the personal information disclosed is accurate, current and complete, it cannot accept any responsibility for loss or damage suffered by those who receive such information and rely on it, or because of Council's inability to provide the requested information in the first place.

3.4 **Security of Personal Information**

3.4.1 Council will take all reasonable steps through its secure technology and records systems and supporting policies and processes to protect the personal information in its possession from misuse, interference, loss, unauthorised access, modification or disclosure.

3.5 **Access to Personal Information**

3.5.1 Public Access

- Council recognises that certain documents containing personal information are legislatively required to be made available for public access. These include:
 - Property Assessment Records
 - Adjoining Property Owner Requests
 - All Council Agenda items which have not been subject to a confidentiality order under section 90(3) of the *Local Government Act 1999*
 - Public Consultation documents under the *Planning, Development and Infrastructure Act 2016*
 - Voters' Roll
 - Petitions to Council (see clause 3.7.2 below for the specific information that will be available from a petition)

3.5.2 Freedom of Information (FOI) Act 1991

- To access personal information outside those document groups listed in clause 3.5.1 above, a person may apply to Council's Accredited FOI Officer who will process their application in accordance with the governing FOI Act. Application forms are available on Council's website at www.barossa.sa.gov.au.
- Personal information *may* be released to an applicant, subject to certain legal exemptions, but the subject of that personal information must be consulted prior to any determination to release that information to the applicant and is entitled to appeal any determination to release the Personal Information, prior to that information being released.
- The applicant will be charged in accordance with Council's Fees and Charges Register for any copies of personal information which they have been provided.

3.5.3 Refusal to give access

- If Council refuses to give access to the personal information or to give access in the manner requested by the applicant, it will (subject to any legal requirements) advise the applicant in writing that sets out the:
 - reason(s) for the refusal; and
 - complaints mechanisms available through Council's Complaint Handling Policy, Internal Review of Council Decisions Policy and/or the Ombudsman.

3.6 **Correction of Personal Information**

3.6.1 Where Council holds personal information about an individual; and either:

- is satisfied that, regarding the purpose for which the information is held, the information is inaccurate, out of date, incomplete, irrelevant or misleading; or
- the individual, with appropriate identification, requests in writing or in person to correct the information, or
- where the Personal Information is of a nature that requires a written application under the *Freedom of Information Act 1991*, the individual makes a formal application under that Act for Council to correct the information;

Council will take steps (if any) as are reasonable in the circumstances to correct that information to ensure that, having regard to the purpose for which it is held, the information is accurate, up to date, complete, relevant and not misleading.

3.6.2 If Council refuses to correct the personal information as requested by the applicant, it will (subject to any further legal requirements) advise the applicant in writing:

- the reason(s) for the refusal; and
- the mechanisms available to complain through Council's Complaint Handling Policy, Internal Review of Council Decisions Policy and/or the Ombudsman.

3.7 **Suppression of Personal Information**

3.7.1 Assessment Record and Voters' Roll

- An individual's name or address may be suppressed from the Council's Assessment Record (section 172 of the *Local Government Act 1999*) and Voters' Roll (section 15 of the *Local Government (Elections) Act 1999*), where on application by an individual, the Chief Executive Officer is satisfied that the inclusion of such details would place at risk the personal safety of that individual, a member of their family or another individual.

3.7.2 Petitions

- Council receives personal information when it receives petitions (ie names, signatures and addresses) from those who want Council to undertake a certain action. The CEO is required under the *Local Government (Procedures at Meetings) Regulations 2013* to place the petition on the public agenda for the next ordinary meeting of Council.

3.8 **Destruction of Personal Information**

3.8.1 Records which contain personal information are managed for the life of the record in accordance with the *State Records Act 1997*, the relevant General Disposal Schedule (GDS) and Council's Knowledge Management Policy.

3.8.2 When the information is no longer required by Council and is able to be destroyed in accordance with the GDS, the information and its meta-data elements within Council's record management system must be de-identified and/or destroyed.

3.9 Data Breach

- 3.9.1 While Council will always use its best endeavours to protect personal information within the parameters of its legal obligations and resources, in the event where a data breach occurs and Council is aware of that breach, Council will notify the affected individual(s) as soon as reasonably practicable so that any consequential damage might be minimised.

4 Scope

- 4.2 This policy applies to all people with access to Council information systems and stores (computer-based or otherwise):
 - 4.2.1 Council staff
 - 4.2.2 Elected Members
 - 4.2.3 Volunteers
 - 4.2.4 Work experience placements
 - 4.2.5 Trainees
 - 4.2.6 Independent contractors and consultants.
- 4.3 This Policy does not apply where legislation prevails and requires the release of personal information in certain circumstances - for example to the Ombudsman, the Independent Commissioner against Corruption, Royal Commissions, courts, auditors and other public bodies.
- 4.4 This Policy does not apply to the personal information of Council Workers where it is related to their employment with Council. It will apply, however, to the personal information of Council Workers when they are also Council customers.
- 4.5 This Policy does not apply to confidential information of organisations and businesses (refer to Council's Procurement Policy).

5 Responsibilities

- 5.2 While the mix of roles and responsibilities will vary depending on the circumstances, effective privacy implementation includes the following key functions and roles:
 - 5.2.1 CEO, Directors are responsible for considering privacy issues, as well as managing the handling of personal information across their business unit. For Council to achieve a robust privacy program, collaboration is essential across staff with key roles and responsibilities for privacy, information security and records.
 - 5.2.2 Cybersecurity staff are responsible for identifying and monitoring data privacy breaches.
 - 5.2.3 Employees are responsible for complying with the Policy and procedures set out by Council.

6 Legislation and References

Legislation

- *Children and Young People (Safety) Act 2017*
- *Freedom of Information Act 1991*
- *Local Government Act 1999*
- *Local Government (Elections) Act 1999*
- *Local Government (Procedures at Meetings) Regulations 2013*
- *Privacy Act 1988 (Cth)*
- *Privacy Amendment (Enhancing Privacy Protection) Act 2012 (Cth)*
- *State Records Act 1997*
- *Planning, Development and Infrastructure Act 2016*

Supporting Documents

- Australian Privacy Principles
- General Disposal Schedules 20, 21 and 32
- Information Privacy Principles Instruction (Department of Premier and Cabinet)

Related Policies

- Complaint Handling Policy
- Internal Review of Council Decisions Policy
- Knowledge Management Policy
- Safe Environments for Children and Vulnerable Adults Policy

7 Definitions

Access	Allowing an individual to inspect personal information or to obtain a copy.
Collection	Gathering, acquiring, or obtaining personal information from any source or by any means including unsolicited information.
Disclosure	Refers to the act of making personal information accessible or releasing it to an external party, person, or organisation outside the entity that originally collected it.
Elected Members	as stated in <i>the Local Government Act 1999</i> , member of a council means the principal member or a councillor of the Council. (Elected Member is commonly utilised to refer to Council Member.)
Freedom of Information	A system of access to information held by councils and other public bodies, through which interested parties may have a right to access that information as governed by the <i>Freedom of Information Act 1991</i> .
Personal Information	Information, including Sensitive Information, or an opinion (whether true or not), and whether recorded in 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 • anything kept in a library, art gallery or museum for the purpose of reference, study or exhibition.
Ratepayers	means a person who owes amounts for rates, fees, or other charges due and payable to the Council.
Residents	Individuals who reside in The Barossa Council district.
Sensitive information	(a) Information or an opinion about a customer - racial or ethnic origin - political opinions - membership of a political association - religious beliefs or affiliations - philosophical beliefs - membership of a professional or trade association - membership of a trade union - sexual preferences or practices - criminal record or (b) Health information about a customer (<i>Privacy Act 1988</i>)
Worker	A person is a Worker if the person carries out work in any capacity for a person conducting a business or undertaking (ie for Council) including work as: (a) an employee or (b) a contractor or sub-contractor – or their employee (c) an employee of a labour hire company, who has been assigned to work in the person's business or undertaking; or (d) an outworker (e) an apprentice or trainee (f) a student gaining work experience (g) a volunteer (h) a person of a prescribed class.

8 Version History

This Policy will be reviewed by the Policy Author in consultation with the relevant stakeholders, within four years or more frequently if legislation or Council's need changes.

Version No.	Date.	Summary of Changes
1	20/12/2016	New Policy
2	16/04/2019	Reviewed and updated
3	18/08/2026	Transferred to new corporate template. Updated references and legislation

9 Further Information

This Policy is available on Council's website at www.barossa.sa.gov.au. It can also be viewed electronically at Council's principal office at 43-51 Tanunda Road, Nuriootpa during ordinary business hours. A printed copy of this Policy can be obtained upon payment of a fixed fee.

Feedback regarding this Policy or its application can be made to the Customer Service Team on 8563 8444 or barossa@barossa.sa.gov.au in the first instance, who will refer you to the most appropriate officer.