



ADMINISTRATIVE POLICY
MOUNT ISA CITY COUNCIL
Information Privacy Complaint Policy

CEO APPROVED 23.08.2023 VERSION 2

APPLIES TO ADMINISTRATIVE POLICIES ONLY

This an official copy of the **Information Privacy Complaint Policy**, made in accordance with the provisions of *Local Government Act 2009*, *Local Government Regulation 2012*, *Information Privacy Act 2009* and current Council Policies. The **Information Privacy Complaint Policy** is approved by the Chief Executive Officer of Mount Isa City Council as an **Administrative Policy** for the operations and procedures of Council.

This Policy serves as Staff Instruction and is not a Council Policy adopted by Council resolution. It does not therefore form part of the Council Policy Register. It is recorded under the Administrative Policy Register and is managed by the Chief Executive Officer and distributed to staff for their instruction.

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 Tim Rose
Acting Chief Executive Officer

DOCUMENT VERSION CONTROL			
Governance/Policies/Administrative Folder ID #14990		POLICY TYPE	Administrative
VERSION	DATE	AUTHORISING OFFICER	DETAILS
V1	04.06.2018	Governance	Responsible Officer – Corporate Governance Officer
V2	23.08.2023	Chief Executive Officer	Responsible Officer – Corporate Governance Coordinator
		REVIEW DUE	07.2024

DISTRIBUTION AND DISSEMINATION			
Internal email to all employees	X	Section meetings / Toolbox talks	X
Internal email to all Councillors		Included in employee inductions	
Staff noticeboards		Uploaded to Council website	
Internal training to be provided		External training to be provided	
Magiq	X		

1. PURPOSE

Mount Isa City Council (“Council”) collects and manages personal information in the course of performing its activities and duties. Council respects the privacy of all the personal information it holds. The way in which Council manages the personal information it holds is governed by the *Information Privacy Act 2009* (Qld) (“the IP Act”). Individuals (including Council employees) may make a complaint to Council where they consider the Council has failed to comply with the IP Act and Councils Information Privacy Policy in the handling the individuals information.

2. COMMENCEMENT

This policy will commence on and from 23 August 2023. It replaces all other policies or arrangements governing privacy complaints (whether written or not).

3. APPLICATION

This policy applies to how employees, agents and contractors (including temporary contractors) of Council (collectively referred to as ‘employees’), will handle privacy complaints.

4. PRIVACY BREACHES

Where an employee becomes aware that they have or may have breached their obligations contained in Councils Information Privacy Policy or the IP Act, in their handling of an individual’s personal information, they must immediately notify their supervisor to determine the appropriate course of action to take.

5. WHO RECIEVES A PRIVACY COMPLAINT

5.1 A privacy complaint may be lodged in person, by mail, by email or verbally to Council. While Council will accept verbal complaints, complainants are encouraged to submit their complaint in writing to ensure Council have all relevant information and contact details for the complainant.

5.2 Where a complainant does not wish to lodge a written complaint, the receiving officer shall complete a Complaint Lodgement form on behalf of the complainant.

6. WHAT TO INCLUDE IN THE PRIVACY COMPLAINT

6.1 The complaint must contain, as a minimum;

- a) The complainants address (for correspondence to be forwarded to);
- b) The particulars of why the complainant believe Council has failed to fulfil their obligations to comply with the requirements of the IP Act;
- c) The approximate date of the act or practice complained about; and
- d) What outcome the complainant expects.

7. REFUSAL TO DEAL WITH THE PRIVACY COMPLAINT

7.1 Council may refuse to deal with a privacy complaint where;

- a) The complaint is reasonably considered to be frivolous or was made vexatiously (as outlined in ‘Definitions’); or
- b) The complaint does not concern the personal information of the complainant; or
- c) The complaint concerns the personal information of a child and the person making the complaint is not the parent or guardian of the child; or
- d) The complaint concerns the personal information of an individual and the person lodging the complaint is not authorised to act on the individual’s behalf; or
- e) 12 months have lapsed since the complainant first became aware of the act or practice that is the subject of the complaint.

8. PROCEDURE FOR PROCESSING PRIVACY COMPLAINTS

- 8.1 Where appropriate, an attempt will be made to resolve the complaint informally through discussions with Council. Where this does not resolve the matter to the complainant's satisfaction, Council shall forward the written complaint to the Governance section for assessment.
- 8.2 Council's Governance section will issue a written acceptance of all complaints within 5 business days of receipt. This notice will advise;
- confirmation of receipt of complaint;
 - the reference number;
 - where insufficient details have been provided, Council may request additional information; and
 - if Council will be conducting an investigation.

9. INVESTIGATION OF PRIVACY COMPLAINTS

- 9.1 Where it is decided by Council that a formal investigation of the complaint is appropriate, the CEO shall delegate the investigation to the appropriate section.
- 9.2 Where the complaint is made against a particular employee, the person chosen to conduct the investigation shall not be less senior than the officer who was complained about. The investigator shall remain neutral and have no conflict of interest or perceived conflict of interest.
- 9.3 The investigating officer shall submit a report to the CEO for review within 15 business days of receipt of the complaint.
- 9.4 Council shall provide a written response to the complainant within 20 business days of receipt of the complaint. This response shall contain as a minimum;
- The outcome of the investigation;
 - The proposed remedies to resolve the issue complained about;
 - Options for the complainant should they not be satisfied with Council's response.

10. POSSIBLE OUTCOMES

- 10.1 Where Council is satisfied that the alleged breach did occur, resolution outcomes may include;
- An apology to the complainant;
 - A change to Council policies or work practices;
 - An explanation of how the breach occurred and what steps Council will take to prevent a re-occurrence;
 - An offer of assistance to deal with the consequences of the breach.

11. WHERE THE COMPLAINANT IS NOT SATISFIED WITH OUTCOME

- 11.1 Where the complainant is not satisfied with the outcome of Council's investigation, they may lodge a complaint to the Office of the Information Commissioner (QLD).
- 11.2 A complainant may refer a privacy complaint to the Office of the Information Commissioner where they have made a written complaint to Council and;
- They have not received a response within 45 days; or
 - They are not satisfied with Council's response to their complaint.

12. VARIATIONS

- 12.1 Council reserves the right to vary, replace or terminate this policy from time to time.



13. DEFINITIONS

- a) **Complainant** – is the individual lodging the complaint.
- b) **Frivolous** – is a complaint that has no serious purpose or value. It may have little merit and be trivial in nature.
- c) **Receiving Officer** – is the Council officer who received the initial complaint.
- d) **Vexatious** – is a complaint reasonably considered to be;
 - i) a complaint without merit and is made with the intention of causing inconvenience, annoyance or expense to Council; or
 - ii) a complaint made maliciously to damage a person's career or reputation or reputation of Council; or
 - iii) a collusion between more than one person or complainant in an attempt to discredit or take retribution against an Officer, Councillor or Council.

ASSOCIATED LEGISLATION AND POLICIES

- *Information Privacy Act 2009*
- Information Privacy Policy



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