



ADMINISTRATIVE POLICY
MOUNT ISA CITY COUNCIL
Information Privacy Policy

CEO APPROVED 29.04.2025 VERSION V3

APPLIES TO ADMINISTRATIVE POLICIES ONLY

This is an official copy of the **Information Privacy Policy**, made in accordance with the provisions of *Local Government Act 2009*, *Local Government Regulation 2012*, *Information Privacy Act 2009*, *Right to Information Act 2009* and current Council Policies. The **Information Privacy 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 employee instruction and is not a policy adopted by Council resolution. This policy is managed by the Chief Executive Officer and distributed to employees for their instruction.

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Tim Rose
Chief Executive Officer

DOCUMENT VERSION CONTROL

Governance/Policies/Administrative Doc ID# 13017			POLICY TYPE	Administrative
VERSION	DATE	AUTHORISING OFFICER	DETAILS	
V1	04.06.2013	Chief Executive Officer	Responsible Officer – Senior Records Officer	
V2	21.12.2023	Chief Executive Officer	Responsible Officer – Senior Records Officer	
V3	29.04.2025	Chief Executive Officer	Responsible Officer – Coordinator Governance and Disaster Management	
			REVIEW DUE	04.2028

DISTRIBUTION AND DISSEMINATION

Internal email to all employees	X	Section meetings / Toolbox talks	X
Internal email to all councillors		Included in employee inductions	
Employee noticeboards		Uploaded to Council website	X
Internal training to be provided	X	External training to be provided	
Registered in 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"). This policy outlines how Council will manage personal information in accordance with the requirements of the IP Act.

2. COMMENCEMENT

This policy will commence on and from 29 April 2025. It replaces all other policies or arrangements governing information privacy (whether written or not).

3. APPLICATION

This policy applies to employees, agents and contractors (including temporary contractors) of Council, collectively referred to in this policy as "employees" in their handling of personal information.

4. DEFINITIONS

Access – means providing an individual with personal information about himself or herself that is held by the Council. This may include allowing that individual to inspect personal information or to obtain a copy of the personal information.

CCTV System – includes any system installed by the Council to electronically record and display video or audio/video of any public place or Council facility.

Collection – means gathering, acquiring or obtaining personal information from any source and by any means.

Complainant – is the individual lodging the complaint.

Consent – in relation to solicited information, means a voluntary agreement (express or implied) to some act, practice or purpose. The individual must be adequately informed before giving consent and must have the capacity to understand and communicate their consent.

Disclosure – means the release of personal information to persons or organisations outside the Council (receiving entity) where the receiving entity does not know the personal information and the Council ceases to have control over the receiving entity in relation to who will know the personal information in the future. It does not include giving individuals personal information about themselves.

Frivolous – is a complaint that has no serious purpose or value. It may have little merit and be trivial in nature.

IP Act – means the Information Privacy Act 2009 (Qld)

Personal Information – means 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 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.

Receiving Officer – is the Council officer who received the initial complaint.

Vexatious – is a complaint reasonably considered to be:

- a complaint without merit and is made with the intention of causing inconvenience, annoyance or expense to Council, or
- a complaint made maliciously to damage a person's career or reputation or reputation of Council, or

- a collusion between more than once person or complainant in an attempt to discredit or take retribution against an Officer, Councillor or Council.

5. POLICY

The IP Act sets out the ways in which Council must handle personal information. It also gives individuals the right to request a copy of their personal information and request for documents to be amended if they are inaccurate or out of date.

When assessing whether it is in the public interest to disclose personal information, the Council will consider the factors detailed in the *Right to Information Act 2019* (RTI Act) namely the matters that:

- are relevant to deciding the public interest
- favour disclosure in the public interest, and
- favour non-disclosure in the public interest.

5.1 Openness

A copy of this policy will be available for public access at Council's Customer Service Centres and on its website.

Types of personal held by Council include:

- Names and addresses
- Telephone numbers
- Dates of birth
- Age and gender information
- Car registration and drivers licence numbers
- Email addresses
- Tax File Numbers
- Medicare Numbers
- Customer or accounts numbers assigned to individuals by Council
- Employment details
- Photographs or video of individuals
- Property ownership and/or occupier details
- Animal ownership
- Payment histories
- Pensioner / concession details; and
- Library membership.

The Council collects and holds personal information for many purposes, including:

- Determining rates
- Delivering waster services
- Assessing property development
- Processing applications for registration, permits and licenses; and

- Maintaining Council run facilities.

Disclosure of personal information is only made after prior written consent of the individual or for purposes stated in clause 5.4.10.

5.2 Transfer of Personal Information outside Australia

In complying with its obligations under s33 of the IP Act, Council will transfer an individual's personal information to someone outside Australia only if:

- the individual agrees to the transfer, or
- the transfer is authorised or required by Law, or
- Council is satisfied on reasonable grounds that the transfer is necessary to lessen or prevent a serious threat to the life, health or welfare of an individual, or to public health, safety or welfare, or
- two or more of the following apply:
 - Council reasonably believes that the recipient is subject to a law, binding scheme or contract that effectively upholds the principles for the fair handling of personal information that are substantially similar to the IPPs
 - the transfer is necessary for the performance of Council's functions in relation to the individual
 - the transfer is for the benefit of the individual and it is impracticable to seek their consent, but if it were practicable, the individual would be likely to consent
 - Council has taken reasonable steps to ensure that personal information it transfers will not be held, used or disclosed by the recipient in a way that is inconsistent with the IPPs.

5.3 Contracted Service Providers

Council will take all reasonable steps to ensure that contracted service provider comply with the requirements of the IP Act (Chapter 2, Parts 1 and 3) when they are provided with, or collect, personal information in order to provide services on the Council's behalf.

5.4 Information Privacy Principles (IPP)

5.4.1 Collection of Personal Information (Lawful & Fair) (IPP1)

All personal information collected by Council will be used only for the purpose of conducting Council business and for the provision of services to the community.

Council will only collect personal information in a lawful and fair manner for a purpose directly related to the necessary to fulfil a function or activity of Council.

5.4.2 Collection of Personal Information (Requested from an Individual) (IPP2)

When Council requests personal information or information of a type that would include the personal information from an individual, it will take all reasonable steps to ensure that the individual is generally aware of the purpose of the collection.

Council will advise the individual if the collection of the personal information is authorised or required under a law and the applicable law authorising the collection.

Where the Council's usual practice is to pass on personal information to another entity, Council will advise the individual of the name of that entity either before the personal information is collected or as soon as practicable after the personal information is collected.

Council installs closed circuit television (CCTV) systems in public areas for the purpose of promoting public safety and minimising damage or theft of Council assets. All CCTV systems are to be operated in a way that minimises intrusion upon individual privacy whilst still allowing the system to serve the objectives for which it was installed.

5.4.3 Collection of Personal Information (Relevance) (IPP3)

Council will take all reasonable steps to ensure that personal information collected is relevant to the purpose for which it is collected, is complete and up to date. The collection of personal information will not be done in a way that is an unreasonable intrusion into the personal affairs of the individual.

5.4.4 Storage and Security of Personal Information (IPP4)

Council will ensure that any personal information contained in a document under its control is protected against misuse, loss, unauthorised access, unauthorised use, modification, disclosure or any other abuse.

Data security including physical security, operational security and security of transmission. Council will take all reasonable steps to prevent unauthorised use or disclosure of personal information by service contractors contracted for the provision of a service to Council. Information is stored on Council's databases which are protected by passwords and other security measures, as determined by Council's Information Communication and Technology (ICT) department.

5.4.5 Providing Information about Documents Containing Personal Information (IPP5)

Council will take all reasonable steps to ensure that a person can find out whether it has control of any documents containing personal information, the type of personal information, the main purpose which the personal information is used and how an individual can obtain access to a document containing their personal information.

5.4.6 Access to, and Amendment of, Documents Containing Personal Information (IPP6 & 7)

An individual may request in writing access to their own personal information under the IP Act. Council will provide access to requested information unless it is authorised or required under an access law to refuse to give the access the individual is seeking or the document is excluded from the operation of an access law. Suitable identification must be provided prior to an individual accessing the documents requested.

An individual may apply for amendment of their personal information if the information is inaccurate, incomplete, out of date or misleading.

Unless a different processing time is agreed with the individual, Council will process information privacy applications within 25 business days, provided that the application meets all the requirements. If an application does not comply with all application requirements, Council must make reasonable efforts to contact the individual within this timeframe.

If an individual does not take steps to make an application compliant, Council may refuse to process it. In this case, Council will provide the individual with notice of the decision within 10 business days after making the decision.

There are no application fees where an individual is applying to access or amend their personal information with Council. However, there may be other costs associated with retrieving other documents that do not necessarily relate to the initial application but may be necessary to obtain in order to complete the application. If there are other associated costs the individual making the application will be notified before their application is progressed.

5.4.7 Checking of Accuracy of Personal Information before use by Council (IPP8)

Council will take all reasonable steps to ensure that, having regard to the purpose for which the personal information is proposed to be used, the information is accurate, complete and up to date.

5.4.8 Use of Personal Information Only Relevant Purpose (IPP9)

Council will only use the parts of personal information that are directly relevant to fulfilling the particular purpose for which it was collected.

5.4.9 Limits on Use of Personal Information (IPP10)

Personal information collected by Council for a particular purpose will not be used for another purpose unless:

- Council is satisfied on reasonable grounds that the use is necessary to lessen or prevent a serious threat to the life, health, safety or welfare of an individual, or to public health, safety or welfare, or
- use of personal information for another purpose is authorised or required under law, or
- Council is satisfied on reasonable grounds that use of the personal information for another purpose is necessary for 1 or more of the following by or for a law enforcement agency:
 - the prevention, detection, investigation, prosecution or punishment of criminal offences of breaches of laws imposing penalties or sanctions
 - the enforcement of laws relating to the confiscation of the proceeds of crime
 - the protection of the public revenue
 - the prevention, detection, investigation or remedying of seriously improper conduct
 - the preparation for, or conduct of, proceedings before any court of tribunal, or implementation of the orders of a court of tribunal

provided that, in each case, the Council includes with the document a note of the use.

- the other purpose is directly related to the purpose for which the information was obtained, or
- the use of the personal information is necessary for research or the compilation or analysis of statistics in the public interest; does not identify any particular individual the subject of the personal information; and it is not practicable to obtain the agreement of each individual the subject of the personal information before the use.

5.4.10 Limits on Disclosure (IPP11)

Council will not disclose personal information to a person, body or agency (other than the individual concerned) unless:

- the individual concerned is reasonably likely to have been aware, or made aware under IPP2, that information of that kind is usually passed to that person, body or agency, or
- the individual concerned has consented (either expressly or impliedly) to the disclosure, or
- the Council is satisfied on reasonable grounds that the disclosure is necessary to prevent or lessen a serious threat to the life, health, safety or welfare of an individual, or to public health, safety or welfare, or
- the disclosure is required or authorised by or under law, or
- the disclosure is reasonably necessary for the enforcement of the criminal law or of a law imposing a pecuniary penalty, or for the protection of the public revenue, or
- the disclosure is reasonably necessary for the prevention, detection, investigation or remedying of seriously improper conduct or the preparation for, or conduct of, proceedings of a court of tribunal, or implementation of the orders of a court or tribunal, or

- a duly authorised Australian Security Intelligence Organisation (ASIO) officer has requested that the information be disclosed and has certified that the personal information is required in connection with the performance of ASIO's functions and the disclosure is made to a duly authorised ASIO officer, or
- the disclosure is necessary for research or the compilation or analysis of statistics in the public interest; does not identify any particular individual the subject of the personal information; it is not practicable to obtain the agreement of each individual the subject of the personal information before the disclosure; and Council is satisfied on reasonable grounds that the relevant entity will not disclose the personal information to another entity.

Where personal information is disclosed for the purposes of enforcement of the criminal law or of a law imposing a pecuniary penalty or for the purpose of the protection of the public revenue or for purposes connected to remedying seriously improper conduct or the implementation of court or tribunal orders, the Council shall include in the record containing that information a note of the disclosure.

A person, body or agency to whom personal information is disclosed under this clause shall not use or disclose the information for a purpose other than the purpose for which the information was given to the person, body or agency. The information may be used for a commercial purpose involving the Council's marketing of anything to the individual only if the Council is satisfied on reasonable grounds that:

- it is impracticable to seek the consent of the individual before the personal information is used for the purpose of the marketing, and
- the person, body or agency will not charge the individual for giving effect to a request from the individual that the individual not receive any marketing communications, and
- the individual has not made a request that the individual not receive any marketing communications, and
- the person, body or agency prominently displays a notice in each marketing communication, or draws to the individual's attention, that the individual may ask not to receive any further marketing communications, and
- each written marketing communication from a person, body or agency to the individual states the business address and telephone number of that person, body or agency.

Council will ensure that disclosure of personal information does not occur unless the disclosure is:

- for the purpose of distributing materials for and on behalf of the Council, or
- when a third party has been contracted by Council, for the sole purpose of assisting Council in providing services to its community, or
- required to be made by law or for a law enforcement purpose.

6. INTERNAL AND EXTERNAL REVIEW

An individual may seek internal review of a decision by the Council. The application for internal review must:

- be in writing
- state an address to which notices may be sent to the applicant for internal review
- be made within 20 business days after the date of the written notice of the decision, and
- be lodged at the Council.

Instead of an internal review, an individual may seek an external review of the Council's initial decision by the Queensland Information Commissioner. The application for external review must:

- be in writing
- state an address to which notices may be sent to the applicant for external review
- give details of the decision for review
- be made within 20 business days after the date of the written notice of the decision, and
- be lodged with the Queensland Information Commissioner.

7. HOW DO I MAKE A COMPLAINT

An individual (including Council employees) can make a complaint about any act or practice that breaches the Council's obligations under the IP Act about the individual's personal information.

An individual should contact the Council and discuss the complaint with the Council's complaints section. An individual may also make a formal written complaint to the Council that outlines the act or practice that has breached the Council's obligations under the IP Act.

7.1 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.

7.2 Who receives a Privacy Complaint

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.

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.

7.3 What to include in the Privacy Complaint Lodgement

The complaint must contain, as a minimum:

- the complainants address (for correspondence to be forwarded to)
- the particulars of why the complainant believes Council has failed to fulfil their obligations to comply with the requirements of the IP Act
- the approximate date of the act or practice complained about, and
- what outcome the complainant expects.

7.4 Refusal to deal with the Privacy Complaint

Council may refuse to deal with a Privacy Complaint where:

- the complaint is reasonably considered to be frivolous or was made vexatiously (as outlined in 'Definitions'), or
- the complaint does not concern the personal information of the complainant, or
- 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

- 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
- 12 months have lapsed since the complainant first became aware of the act or practice that is the subject of the complaint.

7.5 Procedure for processing a Privacy Complaint

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.

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 complaint reference number
- where insufficient details have been provided, Council may request additional information, and
- if Council will be conducting an investigation.

7.6 Investigation of Privacy Complaints

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.

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.

The investigating Officer shall submit a report to the CEO for review within 15 business days of receipt of the complaint.

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.

7.7 Possible outcomes

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.

7.8 Where the complainant is not satisfied with the outcome

Where the complainant is not satisfied with the outcome of Council's investigation, they may lodge a written complaint to:

Office of the Information Commissioner (QLD)
Privacy Team

PO Box 10143
Adelaide Street
Brisbane Qld 4001

Or by email:
administration@oic.qld.gov.au

Or by using the online privacy form:
www.oic.qld.gov.au

A privacy complaint must be made to Council first before it is submitted to the Office of Information Commissioner. The IP Act allows a minimum period of 45 business days from the date a privacy complaint was received by Council to provide a response.

After the 45 business days have lapsed, a complaint may be lodged by an individual with the Office of Information Commissioner if:

- they are unhappy with the Council's response, or
- they have not received a response to their complaint.

8. VARIATIONS

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

9. ASSOCIATED LEGISLATION AND POLICIES

Local Government Act 2009

Local Government Regulation 2012

Information Privacy Act 2009

Information Privacy Regulation 2009

Right to Information Act 2009

Right to Information Regulation 2009

Human Rights Act 2019

Confidentiality Policy

Complaints Policy

Code of Conduct for Employees