



City of  
Norwood  
Payneham  
& St Peters

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**NAME OF POLICY:** Privacy

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**POLICY MANUAL:** Governance

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## Introduction

The City of Norwood Payneham & St Peters (the Council) is committed to ensuring the privacy of all citizens and will endeavour to protect the Personal Information it collects, stores, discloses and uses.

Whilst there is no privacy legislation currently in place in South Australia which applies to South Australian Councils to regulate the manner in which personal information is managed, the Council has adopted the Australian Privacy Principles (APPs) contained in the *Privacy Act 1988* (Cth) (the Act), which apply to Commonwealth Government agencies for the purpose of this Policy. The APPs govern the way in which Personal Information is collected, used, disclosed, stored, secured and disposed of.

A copy of the Australian Privacy Principles may be obtained from the website of The Office of the Australian Information Commissioner: [www.aaic.gov.au](http://www.aaic.gov.au)

This Policy outlines the Council's obligations to citizens in respect to how the Council will manage Personal Information.

## Principles

The Council is committed to a culture that protects the privacy of individuals. The Council recognises that citizens who provide their personal and private information, expect the Council to protect that information against loss, unauthorised access, use, modification or disclosure and against all other misuse.

The Council will only collect Personal Information for a lawful purpose that is directly related to or necessary for the performance of its functions and activities and in doing so, will ensure that the collection of personal information is undertaken in a lawful and fair manner.

The Council will only collect Sensitive Information where consent has been given or otherwise as permitted by law.

Council Employees will treat Personal Information confidentially. In the event that the Council is required to share personal information with another person or entity for any purpose other than for which it was collected, the consent of the person who is the subject of the Personal Information will be sought before doing so (unless otherwise required by law).

## Scope

The objectives of this Policy are to:

- a provide information and assurance to the community in terms of the Council's collection, use, disclosure, storage and disposal of Personal Information; and
- b clearly outline for what purpose and on what basis the Council will use Personal Information which is held by the Council.

This Policy applies to Elected Members, Employees, Volunteers of, and Contractors engaged by the City of Norwood Payneham & St Peters who collect, hold, use or disclose Personal or Sensitive information, in the course of undertaking their duties as part of their role with the Council.

## Definitions

*Access* means providing to an individual, information about himself or herself that is held by the Council which may include an individual inspecting their personal information held or to obtain a copy of that information.

*CCTV* means Closed Circuit Television.

*Collection* means gathering, acquiring or obtaining of Personal Information from any source and by any means, including information that Council has come across by accident or has not asked for.

*Consent* means voluntary agreement to some act, practice or purpose.

*Disclosure* means the release of information to persons or organisations outside the Council. It does not include giving individuals information about themselves.

*Direct Marketing* involves the use and/or disclosure of Personal Information to communicate directly with an individual to promote goods and services.

*Express consent* means given explicitly, either orally or in writing;

*De-identification* involves removing or altering information that identifies an individual or is reasonably likely to do so (eg removing personal identifiers (name, address, Date of Birth or other recognisable characteristics)).

*Enforcement related activity* includes:

- the prevention, detection, investigation, prosecution or punishment of criminal offences or breaches of a law imposing a penalty or sanction; or
- the conduct of surveillance activities, intelligence gathering activities or monitoring activities; or
- the conduct of protective or custodial activities; or
- the enforcement of laws relating to the confiscation of the proceeds of crime; or
- the protection of the public revenue; or
- the prevention, detection, investigation or remedying of misconduct of a serious nature, or other conduct prescribed by the regulations; or
- the preparation for, or conduct of, proceedings before any court or tribunal, or the implementation of court/tribunal orders.

*Implied consent* means where consent may reasonably be inferred in the circumstances from the conduct of the individual and the Council.

*Personal Information* is defined by the *Privacy Act 1988* as '*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*'.

*Personal information can include written records about a person, a photograph or image of a person, or information about a person that is not written down but is in the possession or control of the Council. Even if the person is not named the test is whether or not the person's identity can 'reasonably be ascertained' from the information. As long as information is being communicated to someone who can identify the person it is about, the information may meet the definition of Personal Information*'.

Personal information does not include:

- (a) *generally available information;*
- (b) *material kept in public records and archives, such as the State and Commonwealth Archives; and*
- (c) *anything kept in a library, art gallery or museum for the purpose of reference, study or exhibition.*

*Sensitive Information* is a subset of personal information and is defined by the *Privacy Act 1988* as:

*(a) information or an opinion about an individual's:*

- (i) racial or ethnic origin; or*
  - (ii) political opinion; or*
  - (iii) membership of a political party; or*
  - (iv) religious beliefs or affiliations; or*
  - (v) philosophical beliefs; or*
  - (vi) membership of a professional or trade association; or*
  - (vii) membership of a trade union; or*
  - (viii) sexual preference or practice; or*
  - (ix) criminal record;*
- that is also Personal Information; or*

*(b) health information about an individual; or*

*(c) genetic information about an individual that is not otherwise health information'.*

*Public registers* are documents that councils are required to make publicly available pursuant to the *Local Government Act 1999* and other relevant South Australian legislation. Public registers are:

- open to inspection by members of the public or made available on Council's website;
- contain information required or permitted by legislation; and
- may contain personal information.

*Use* means the handling of Personal Information by the Council including the inclusion of information in a publication.

## **Policy**

### **Collection and Use of Personal Information**

Personal Information collected by the Council will only be used for the purpose of conducting business in accordance with the *Local Government Act 1999* (and any other relevant Acts), and in the provision of services and programs to citizens.

Personal Information which may be collected by the Council includes, (but is not limited to) the following:

- name and address (including postal, residential, email or social media addresses);
- telephone numbers;
- age and/or date of birth;
- property ownership and/or occupier details;
- details regarding the spouse or partner;
- development applications including plans of buildings;
- dog ownership;
- Electoral Roll details;
- Pensioner/Concession information;
- payment history;
- images;
- recordings (including oral history);
- financial, rental or income details;
- land valuations;
- employment details; and
- vehicle registration numbers

Personal Information may be obtained in many ways including correspondence, by telephone and facsimile, by email, via the Council's website: [www.npsp.sa.gov.au](http://www.npsp.sa.gov.au), publications, Federal and/or State Government agencies, surveys, social media, etc.

The Council will take reasonable steps to inform citizens of the following in respect to their Personal Information collected by the Council:

- (a) the purpose(s) for which the Personal Information is being collected, unless that purpose is obvious; (ie applications such as Development Applications, Dog Registrations, Permits, etc);
- (b) whether the collection of the Personal Information is authorised or required by law; and
- (c) in general terms, of its usual practices with respect to the use and disclosure of Personal Information of the kind collected.

It is important to note that in some cases, the Council holds Personal Information which it is required to make publically available.

The Council will not use Personal Information for purposes other than that for which it was originally collected unless:

- permission has been obtained from the person providing the information, or
- the provider of the information might reasonably expect the organisation to use or disclose the information for a secondary purpose within the Council, or
- the Council is required to collect, use or disclose the information collected by law.

### **Collection of Sensitive Information**

The Council will not collect Sensitive Information about an individual unless:

- the individual has consented;
- the collection is required by law;
- the collection is necessary to prevent or lessen a serious and imminent threat to the life or health of any person; or
- the collection is necessary for the establishment, exercise or defence of a legal or equitable claim.

If the Council collects Sensitive Information about an individual in accordance with the provisions of this Policy, the Council will take reasonable steps where appropriate to ensure the person cannot be identified before the Council discloses the information (ie the Personal Information may be redacted).

### **Maintenance and Storage of Personal Information**

The Council will take reasonable steps and use appropriate security mechanisms to ensure that the Personal Information held by the Council is protected from misuse and loss, and from unauthorised access, modification or disclosure.

### **Integrity and Security of Personal Information**

It is important to the Council that an individual's Personal Information is up-to-date and accurate. The Council will take steps to ensure that Personal Information held by the Council is accurate, complete and up-to-date.

However, as part of the Council's obligations regarding the collection and use of Personal Information, the Council assumes that:

- (a) any Personal Information provided by citizens is free from errors and omissions, is not misleading or deceptive and complies with all relevant laws; and
- (b) citizens have the necessary authority to provide any Personal Information submitted to the Council.

It is the responsibility of citizens to provide the Council with details of any changes to their Personal Information as soon as reasonably practicable following such change.

## **Information Obtained by Third Parties**

The Council may obtain Personal Information regarding citizens from a number of sources including, but not limited to, Centrelink, the Electoral Commission of SA, the Office of the Valuer General, SA Water, Telstra, and from other government agencies, service authorities, public utilities and private organisations.

In some circumstances, the Council may collect Personal Information from other third parties such as Real Estate agents, conveyancers, lawyers, neighbours or other community members.

In some instances, the Personal Information held by the Council about citizens may incorporate or summarise views or recommendations of third parties. The Council will endeavour to collect and record Personal Information in good faith, but cannot guarantee that it will necessarily involve a considered review of the information. It is the responsibility of persons to provide the Council with details of changes to their Personal Information.

## **Disclosure of Personal Information**

Where the Council holds Personal Information about a citizen that was collected for a particular purpose (the Primary Purpose), the Council will not use or disclose the information for another purpose unless:

- the citizen has consented to the use or disclosure of the information; or
- the citizen would reasonably expect that Council would use or disclose the information for the secondary purpose as it is directly related to the Primary Purpose; or
- the use or disclosure of the information is required or authorised by law; or
- the Council reasonably believes that the use or disclosure of the information is reasonably necessary for one or more enforcement related activities conducted by Council.

Information regarding the disclosure of Personal Information is set out below.

### Within the Council

The Council may disclose a citizen's Personal Information to other Council staff to assist in actioning a citizen's request.

The name and contact details of citizens may be added to or updated on the Council's Customer Records, which is used for a number of Council services (such as waste inquiries, parking permits, dog registrations, libraries, etc.). This enables the Council to use these contact details to liaise with citizens in relation to requests and the delivery of other Council services which citizens may inquire about in the future.

### Contracted Service Providers

The Council outsources some of its functions to third parties (contractors) who perform various services for and on behalf of the Council (eg Home & Community Care Services, Hard Waste Collection). The Council may disclose Personal Information it has collected about a citizen to the contractor, where it is necessary for the contractor to carry out a specific job or task.

For example, Personal Information is passed onto a contractor by the Council for the purposes of a hard waste kerbside collection. Information provided to contractors is limited to the information required by them to provide the services to you on behalf of the Council (including responding to any complaint you have made).

Contractors engaged by the Council are bound by the provisions of this Policy and cannot use the Personal Information which may be provided by the Council for any purpose other than the provision of the services which they are contracted to provide on behalf of the Council.

## Other Agencies

The Council may disclose Personal Information to other agencies in the course of an investigation and defence of legal claims against the Council. This includes the Council's lawyers, consultants and investigators, (eg Ombudsman SA, Independent Commissioner Against Corruption (ICAC), Office for Public Integrity (OPI), South Australian Police (SAPOL).

The Council may also use Personal Information contained in complaints which are made to the Council as part of any law enforcement function, including prosecution.

If a citizen has chosen to lodge a complaint with the Council, the Council may be obliged under legislation to investigate the complaint and if necessary, may initiate legal proceedings as a result of its investigation to prosecute possible offenders. For example, a complaint made to the Council that a nuisance exists under the *Local Nuisance & Litter Control Act 2016* (one of the Council's functions under the *Local Nuisance & Litter Control Act 2016* is to prevent and control local nuisance matters) and therefore if the Council initiates a prosecution as a result of any investigation relevant to a complaint under that Act, the Council may be compelled to disclose Personal Information regarding the complainant and the nature of the complaint to the defendant as part of the proceedings.

The Council may also disclose Personal Information to (without limitation) the following:

- debt collection agencies (for example, where you have failed to pay your property rates);
- government agencies;
- law enforcement agencies, including the courts and the South Australian Police, in instances where the Council is required to respond to a subpoena or provide information to assist a Police investigation;
- government agencies to enable them to advise you of works which may impact upon you or your property (such as road closures/reconstruction, undergrounding of services, etc.);
- other individuals or organisations, if the Council believes that the disclosure is necessary to lessen or prevent a serious and imminent threat to a citizen's life, health, safety or welfare or a serious threat to public health, safety or welfare.

## Employment with the Council

A number of the positions at the Council require a pre-employment Police Clearance and a Working with Children Clearance. Potential, or existing employees, provide the necessary information to the Council who facilitates this process. The results of these Clearances will not be disclosed to third parties unless authorised by law.

## Direct Marketing

The Council will not use or disclose Personal Information about an individual for the purpose of direct marketing unless the following applies:

- the citizen has consented to the use or disclosure of the information for that purpose; or
- the Council collected the information from the citizen and the citizen would reasonably expect the Council to use or disclose the information for that purpose; or
- the Council provides a simple means by which the citizen may request not to receive direct marketing communications from the Council; or
- the citizen has not made such a request to the Council.

## Community Consultations & Submissions to Council or Committee Meetings

The Council will not disclose Personal Information in a public document without the express or implied consent of the individual concerned.

Consent should be obtained as part of the community consultation or submission process if it is intended to include Personal Information with other comments in a report which will be considered as part of the Council's decision making process via a public Council Meeting or Committee Meeting.

Where consent is not provided, the Council will de-identify Personal Information prior to inclusion as part of a public document. Personal Information therefore, including addresses, email addresses and telephone numbers, will be redacted from any documents presented as part of the public agenda for the Council's consideration.

However, names of citizens submitting comments as part of a Council community consultation process will not be redacted from the documents.

## Development Assessment

The Council is required to disclose Personal Information to an Applicant as part of the public notification process required and related to a Development Application, in accordance with the *Development Act 1993*.

Personal Information may also be included as part of the public Agenda and Minutes of the Council Assessment Panel meetings, for the purpose of Development Assessment.

## Petitions

The Council receives Personal Information in petitions (for example, names, signatures and addresses) forwarded to the Council from citizens who are requesting that the Council undertakes a certain action. In accordance with the *Local Government (Procedures at Meetings) Regulations 2013*, the Chief Executive Officer is required to place the petition on the public Agenda for the next ordinary Council meeting following receipt of the petition.

In the event the Chief Executive Officer receives a request from a petitioner to suppress their Personal Information, this Personal Information will be suppressed by the Chief Executive Officer, prior to the inclusion of the petition in the public agenda for the Council's consideration.

Notwithstanding the above, Personal Information including addresses, email addresses and telephone numbers will be redacted from the petition prior to inclusion in the public agenda for the Council's consideration. Names of signatories to the petition will not be redacted from the petition.

The Chief Executive Officer, will also take into account any particular sensitivities surrounding the subject of the petition and at the discretion of the Chief Executive Officer, may provide only a summary of the petition in the public agenda for the Council's consideration.

## Freedom of Information

Applications received under the *Freedom of Information Act 1991* for access to a Council document which contains the personal affairs of any person, will be referred to the Council's Freedom of Information Officer who will assess the application in accordance with the *Freedom of Information Act 1991*.

## Closed Circuit Television (CCTV)

The Council is committed to providing a safe environment for its citizens and any persons who may wish to conduct business with the Council. The use of CCTV therefore, in some locations throughout the City aims to enhance public safety and forms part of the Council's strategies designed to meet this objective.

The capture, storage and release of CCTV footage will be in accordance with the Council's Closed Circuit Television Policy, procedures and relevant legislation.

If an activity that has been recorded by CCTV is identified by Council staff and deemed to be of a criminal nature (ie graffiti, vandalism, illegal dumping etc), the matter will be referred to the South Australia Police or other appropriate enforcement agency.

The Council will continue to work in conjunction with the South Australia Police for the prevention of disorderly behaviour and detection of crime.

#### Disability Claims and Financial Hardship Applications

Personal Information obtained by the Council in relation to claims for disability benefits and/or financial hardship will be used solely for the purposes of facilitating the claim to which the Personal Information relates, unless the citizen (or their representative), has specifically given permission in writing for it to be used for other applications or to be provided to a third party.

#### Access to Property Files

Owners of properties within the City of Norwood Payneham & St Peters and agents authorised in writing for this specific purpose, will be provided access to the Council's Property File relating to their property for inspection purposes only. Proof of identity such as a Rates Notice or Driver's Licence is required prior to approval being granted to inspect the file. Copies of documents on the file will be provided subject to any limitations under the *Copyright Act 1968* (Cth) and any charges which may apply for the provision of copies of the documents.

#### Photographs

The Council takes photographs both on Council premises and in public places (ie parks, roads, etc). These photographs may be used for promotion, inclusion in Council publications or enforcement purposes.

Prior to taking photographs which are to be used for promotional purposes, the Council will seek the consent (if practicable) from citizens to take and use the photograph(s). Where feasible, this consent will be obtained in writing.

If however, photographs are to be taken in a public place (such as at a community event), and obtaining individual consent forms is not practicable, the Council may use other methods to inform citizens that photographs are being taken and how they will be used. This may include signs advising the public that photographs are being taken and/or handing out flyers/cards. All of these methods will inform individuals that their photograph may be taken and provide them with an opportunity to approach Council staff and/or the photographer to advise that they do not want their photograph to be used.

Photographs of children will only be used by the Council where a consent form has been provided by the parent/care giver, to the photographer or Council staff.

#### City of Norwood Payneham & St Peters Website

When citizens visit the Council's website information is logged with our Internet Service Provider (ISP). The purpose of this logging is to manage website content. The following information is included as part of the logging process:

- a person's IP address;
- a person's top level domain name (for example .net, .gov, .au, .com, etc);
- the date and time the person visited the site;
- pages accessed and documents which were downloaded; and
- the type of browser the person is using.

The website also retains the e-mail address of people who send e-mails through the Online Customer Request Form for the purpose of sending a response to the person.



Information collected via the Council's website, including email addresses, is stored in a secure area within the site and will not be used for any other purpose, nor disclosed to a third party without your consent.

The Council will use a citizen's email address to respond to their enquiry if they choose to contact the Council via the Council website.

The Council's website contains links to other websites. It should be acknowledged that these links are provided for convenience only and the other websites' information handling practices may differ from that of the City of Norwood Payneham & St Peters.

There are inherent risks associated with transmission of information via the Internet. Citizens should make their own assessment of the potential risks to the security of their information when making a decision as to whether or not to use the Council's website. There are alternative ways to obtaining information from, and transacting business with the Council for those citizens who do not wish to use the Internet.

### Website Surveys

The Council uses various applications (such as SurveyMonkey) to conduct online surveys. This may mean the data collected online may be stored on the servers which are utilised by the suppliers of these applications. To ensure that citizens are fully informed on how any Personal Information provided as part of the survey will be stored, citizens should read the privacy policy which is contained on the online survey page, prior to participating.

The Council will provide a hard copy of the survey to those citizens who do not wish to complete the survey online, but would like to participate in the survey.

### Social Media

The Council uses social media networking services such as Twitter, Instagram and Facebook, in addition to traditional methods, to connect with its citizens. These include responding to enquiries and promoting Council events, programs, services, news, etc.

In doing so, the Council may temporarily collect and store Personal Information.

It is the responsibility of citizens to protect their own privacy and the privacy of others in relation to the inclusion of any Personal Information and/or Sensitive Information on social media sites, including telephone numbers and email addresses. Any Personal Information collected by the Council via social media sites, will be managed in accordance with this Policy and the Council's Social Media Policy.

Citizens should also be aware of social networking service policies as they relate to the privacy of users.

### Online Payments

Various payments can be made online via the Council's website, which in turn uses the Eservices payment gateway to collect the user's credit card details and accept payment for a variety of Council services, including the following:

- rates;
- expiations;
- invoices or accounts;
- permit fees; and
- dog registration renewal fees.

**The Council does not collect or hold credit card information for these payments.**

Eservices is fully compliant with the Payment Card Industry Data Security Standard and they have direct bank links to transact. The Eservices data is held in Australia.

Citizens not wanting to provide this information online should arrange to make payments either in person or by post to the Council.

### **Public Access to Information**

The Council is required to make a number of documents containing Personal Information available for public access, which includes the following:

- Assessment Records;
- Council and Committee Agendas and Minutes which have not been subject to a confidentiality order under Section 90(3) of the *Local Government Act 1999*;
- Public Consultation documents under the *Development Act 1993*;
- Voters Roll; and
- Petitions to the Council.

### **Suppression of Personal Information**

A citizen's name or address will be suppressed from the Council's Assessment Record and Voters Roll, where the Chief Executive Officer is satisfied that inclusion of the name or address on the Assessment Record and/or Voters Roll, would place the personal safety of that person, a member of that person's family, or any other person at risk.

Enquiries regarding suppression of Personal Information should be directed to the Council's Rates & Revenue Officer in the first instance.

### **Grievances**

Citizens who have any concerns regarding how the Council handles their Personal Information, or require further information, are encouraged to contact the Council's General Manager, Governance & Community Affairs in the first instance to discuss their concerns.

A formal complaint may be lodged in writing to:

Chief Executive Officer  
City of Norwood Payneham & St Peters  
PO Box 204  
KENT TOWN SA 5071

### **REVIEW PROCESS**

The Council will review this Policy within twelve (12) months of the next Local Government General Election which is scheduled to occur in 2022. The Council may however review this Policy at any time, if it considers it desirable and necessary to do so or as a result of any legislative amendments.

### **INFORMATION**

The Contact Officer for further information at the City of Norwood Payneham & St Peters is the Council's General Manager, Governance & Community Affairs, telephone 8366 4549.

### **ADOPTION OF THE CODE**

This Policy was adopted by the Council on 5 August 2019.

### **TO BE REVIEWED**

October 2023