

Information Privacy Policy

NOTE: Council regularly reviews and updates its policies. The latest controlled version can be obtained from the Policy Register on Council's intranet or by contacting Council's Corporate Services Branch. **A hard copy of this electronic document is considered uncontrolled when printed.**

Table of Contents

1. POLICY STATEMENT	1
2. SCOPE	1
3. GENERAL INFORMATION	1
4. DEFINITIONS	3
5. LEGISLATIVE REFERENCE	4
6. RELATED DOCUMENTS	4
7. NEXT REVIEW	4
8. VERSION CONTROL	4

1. POLICY STATEMENT

This policy provides a framework that South Burnett Regional Council ('Council') will adhere to in protecting the privacy of individuals by ensuring that the collection, use, disclosure, and handling of all personal information complies with the *Information Privacy Act 2009* ('Act') and other relevant legislation.

2. SCOPE

This policy applies to Council representatives in relation to personal information held by Council.

3. GENERAL INFORMATION

The protection of personal information, which can identify an individual, is a matter of significance and Council will handle personal information in accordance with the Act and comply with the Queensland Privacy Principles ('QPP').

3.1. Collection of personal information

Council collects personal information required to exercise its' statutory functions and meet legal obligations directly from individuals who access services and indirectly from third parties as part of carrying out Council's functions and business functions. Council may collect personal information in writing or by recording information provided verbally.

Council collects and holds personal information (including sensitive information including, but not limited to):

- name;
- contact details;
- date of birth;
- individual's interaction with Council;
- details about their concerns or complaints;
- photographs, video footage from Council's CCTV network;
- tax file number;
- qualifications;
- work history;
- health and safety information including medical records;

- entitlements
- next of kin;
- emergency contact;
- application documentation;
- identification information;
- assessment for suitability;
- referees and references.

3.2. Sensitive information

Council may collect sensitive information and will only collect sensitive information from the individual it is about or with their consent, or otherwise consistently with Council's obligations under the Act.

3.3. Use and disclosure of personal information

Council uses and discloses personal information for the purpose for which the personal information is collected, including:

- exercising Council's powers or performing its statutory functions and duties, such as responding to enquiries, conducting investigations, assessing applications;
- providing services;
- managing associated business processes, such as recruitment and human resources administration.

Council may use or disclose information for secondary or alternative purposes as permitted under the Act. This may include when authorised or required under a law, with consent, or where it would be reasonably expected for Council to use or disclose for a related, or in the case of sensitive information, directly related a secondary purpose. This may include disclosure to a court or tribunal or other judicial or regulatory authority.

Personal information is only disclosed after written consent from the individual is obtained and for the purposes stated in the collection notice unless required under a law or to lessen or prevent serious threat to the life, health, safety or welfare of the public or an individual.

Council will only transfer an individual's personal information outside of Australia if it is required for a legitimate purpose and only if:

- the individual consents to the transfer; or
- the transfer is authorised or required under a law; or
- the transfer is necessary to lessen or prevent serious threat to the life, health, safety or welfare of the public or an individual; or
- two (2) or more of the following:
 - the recipient is subject to equivalent privacy obligations; or
 - the transfer is necessary to perform a function of Council; or
 - the transfer is for the person's benefit; or
 - reasonable steps have been taken by Council to ensure the information will not be held, used or disclosed in a manner that is inconsistent with the Act.

When an individual communicates with Council by using a social media platform, the social media provider and its partners may collect and hold the individual's information outside of Australia.

3.4. Access and correction of personal information

An individual has the right to request access or amend their personal information held by Council. Access and correction rights are contained in the *Right to Information Act 2009* and Council will deal with any application for correction of personal information in accordance with the *Right to Information Act 2009*.

If an individual is not satisfied with the manner in which Council has handled their request for access to their personal information, they may lodge a formal complaint under Council's Complaint Management Policy – Statutory040.

3.5. Dealing with Council anonymously or using a pseudonym

Individuals are able to deal with Council anonymously or using a pseudonym if practical or lawful.

Anonymous or pseudonymous interactions are not possible for Council functions, where Council is required to collect information such as name, contact details and details of the matter so the matter can be dealt with effectively and in accordance with Council's legal obligations. The individual will be advised that Council's ability to respond, act and/or provide a requested service may be limited.

3.6. Security of personal information

Council holds personal information securely and takes reasonable steps to protect it from misuse, interference, loss, unauthorised access, modification or disclosure. Security measures used by Council include, but is not limited to password protection, multi-factor authentication of Council devices and systems, restricted access to Council facilities, policies and procedures, antivirus, malicious software detection and regular backup.

Where permitted by the *Public Records Act 2023*, Council will destroy or deidentify unsolicited personal information or personal information no longer required for any of its functions in accordance with Council's obligations under the QPP's if it is lawful and reasonable.

3.7. Privacy data breach

A privacy data breach occurs when Council has failed to comply with the Act. An identified or suspected breach will be assessed and treated by Council in accordance with the Act.

4. DEFINITIONS

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

Collection means the 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 the voluntary agreement to some act, practice, or purpose.

Council representative means Councillors, employees, consultants, contractors, apprentices, trainees and work experience students and volunteers.

Data breach means either unauthorised access to, or unauthorised disclosure of the information and the loss of the information in circumstances where unauthorised access to, or unauthorised disclosure of the information is likely to occur.

Disclosure means the release of personal information to persons or organisations outside the Council (third parties). It does not include giving individuals personal information about themselves.

Individual means a natural living person (entities and deceased persons do not have personal information).

Personal information means information or an opinion about an identified individual or an individual who is reasonably identifiable from the information or opinion:

- whether the information or opinion is true or not; and
- whether the information or opinion is recorded in a material form or not.

Public record means any record created, received or kept in an official capacity.

Queensland Privacy Principles ('QPP') means principles that set out how Queensland Government agencies should collect, use, store, secure and disclose personal information.

Sensitive information means information or an opinion about an individual's:

- racial or ethnic origin;
- political opinions;
- membership of a political association, a professional or trade association or a trade union;

- religious beliefs or affirmations;
- philosophical beliefs;
- sexual preferences or practices;
- criminal record; or
- health information about an individual;
- biometric information that is to be used for the purpose of automated biometric verification or biometric identification; or
- biometric templates.

Use means the handling of personal information within Council including the inclusion of personal information in a publication.

5. LEGISLATIVE REFERENCE

Information Privacy Act 2009 (Qld)

Information Privacy Other Legislation Act 2023 (Qld)

Local Government Act 2009 (Qld)

Public Records Act 2023 (Qld)

Right to Information Act 2009 (Qld)

6. RELATED DOCUMENTS

South Burnett Regional Council Complaint Management Policy – Statutory040


South Burnett Regional Council Employee Code of Conduct – Statutory011

7. NEXT REVIEW

As prescribed by legislation or July 2028.

8. VERSION CONTROL

Version	Revision Description	Adopted Date	ECM Reference
1	Development of policy	16 September 2010	2599230
2	Review of policy	14 December 2016	2599230
3	Review of policy	12 June 2019	2599230
4	Review of policy – Resolution 2021/98	25 August 2021	2599230
5	Administrative amendment – organisational structure review – resolution 2022/432	27 April 2022	2599230
6	Review of policy	13 December 2023	2599230
7	Review of policy	16 July 2025	2830114


 Mark Pitt PSM
 CHIEF EXECUTIVE OFFICER

Date: 16 July 2025

