

Policy Details

Directorate:	Organisational Services
Branch:	Corporate Governance
Responsible Manager:	Corporate Governance Manager
Date adopted:	04/12/2019 (minute number 188/2019)
Date for review:	2 years from the date of adoption or date of last review
Legislative basis:	<i>Information Privacy Act 2009</i> <i>Right to Information Act 2009</i> <i>Public Records Act 2002</i> <i>Local Government Act 2009</i>
Related Documents - forms and procedures	Information Privacy Management Procedure (DM: 13315310)

1. Policy Purpose

The purpose of this policy is to set out Council's position in relation to the management of personal information as required by the *Information Privacy Act 2009* and the management of confidential information as required by the *Local Government Act 2009*.

This policy applies to all personal information and confidential information that is collected, stored, used or disclosed by Council.

2. Scope

This policy applies to all Councillors, employees and contractors working for Council regardless of whether they are permanent, temporary, full-time, part-time or casual. For the purposes of this policy, the term contractor includes on-hired temporary labour services (agency staff) and sub-contractors.

3. Policy Statement

Principles

The responsible management of personal information and confidential information is a key aspect of good governance. Council is committed to upholding the confidentiality requirements of the *Local Government Act 2009* and the Information Privacy Principles (IPPs) contained in the *Information Privacy Act 2009*.

Information Privacy Management Procedure

Council's Information Privacy Management Procedure (DM: 13315310) takes into consideration the diverse range of activities and functions of Council and provides an overview for how compliance with the *Local Government Act 2009* and *Information Privacy Act 2009* is achieved. The Procedure also provides a guideline for Councillors and Council employees who deal with personal information and confidential information in relation to the functions and activities of Council.

4. Reporting

Councillors and Council employees must immediately report all suspected or actual breaches of confidentiality or the IPPs to Corporate Governance. Corporate Governance will receive, assess and make a decision on all suspected or actual breach reports.

5. Definitions

The following definitions apply to this Policy and to the Information Privacy Management Procedure.

TERM	DEFINITION
Confidential information	<p>is information generally not known by, or available upon request to, the public which:</p> <ul style="list-style-type: none">• identifies and relates to a particular individual; or• carries a risk that – if released or improperly used – would cause harm to the council or a member of the community, or give an unfair advantage to someone.
Councillor	all elected representatives including the Mayor.
Employee	any person employed directly by Logan City Council regardless of their employment status, and contractors undertaking duties on behalf of Council.
Personal information	<p>as defined in the <i>Information Privacy Act 2009</i>:</p> <p>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.</p> <p>Personal information is any information that may lead to the identity of a person. For information to be personal information, two criteria must be satisfied:</p> <ul style="list-style-type: none">• it must be about a living individual, and• the individual's identity must be apparent or reasonably ascertainable from the information. <p>There are some obvious examples of personal information such as a person's name and address, but it can also include information about a person's health, criminal or financial records and email addresses.</p> <p>Information does not have to be true in order to be personal information and it does not need to be written down or recorded in another material form, such as a photograph or audio.</p>
Routine personal work information	<p>routine personal work information relates solely to the work duties of a public-sector employee and is found in almost all documents held by Council.</p> <p>When disclosing routine personal work information for a legitimate function of Council, the infringement of a public-sector employee's right to privacy would, generally, be minimal or non-existent as the disclosure would be a matter of expectation in the legitimate course of their employment.</p> <p>Routine personal work information includes:</p> <ul style="list-style-type: none">• a work email address or work phone number• authorship of a work document, for example, where the person's name is listed as one of the authors of a report

TERM	DEFINITION
	<ul style="list-style-type: none"> • a professional opinion given wholly in a professional capacity • a position classification, for example, “planning officer” • a work responsibility, for example, that the officer is the contact person in response to a complaint or query from a member of the public; information about qualifications held where they are required for the officer's position, for example, where a Senior Engineer holds an engineering degree.

Document Control

File:	860146-1	Document Id:	13315298
Amendment History			
Version Number	Description of Change	Author / Branch	Date
1.0	Creation	Corporate Governance	4 December 2019