

PRIVACY POLICY

Policy No. 033

1 Purpose

The purpose of this policy is to set out City of Darwin's commitment to information privacy and its intent to comply with the provisions of the *Information Act (NT)* and the *Local Government Act (NT)*.

2 Scope

This policy applies to Elected Members, all Council Staff, City of Darwin Library members, ratepayers and residents of the City of Darwin, and all people who utilise the services of or transact business with the City of Darwin. This policy covers all personal information collected and held by the City of Darwin through engagement with Elected Members and Council staff.

To help Council achieve this policy, Council applies 7 Guiding Principles:

- **Transparency** – Darwin is an aware and informed community.
- **Value** – There is demonstrable value for the community in providing their personal information to Council.
- **Collection Limitation** – Personal information is collected only when it is necessary for the performance of Council functions.
- **Safety First** – where personal information must be collected, it is securely stored and de-identified wherever possible before use or disclosure.
- **Fair Decisions** – lawful decisions about the collection and handling of personal information are made by Council, and the decisions reflect community values and expectations.
- **Accountability** – Privacy by Design is supported for all initiatives involving personal information, privacy impact assessments are conducted, and Council privacy posture is regularly reviewed.
- **Agility** – Council adapts and responds to changes in legislation, public policy, technology, the information economy and the emerging body of privacy best practice.

3 Policy Statement

Council collects and manages personal information in the course of performing its role, functions and objectives so as to protect all people from undue intrusion into private affairs. The way in which Council manages personal information is governed by the Information Privacy Principles (IPPs) as outlined in the *Information Act (NT)* and the *Local Government Act (NT)*.

As part of the development of new initiatives and projects, Council will consider privacy impacts through Privacy Impact Assessments or other analysis.



PRIVACY POLICY

Policy No. 033

3.1 Collecting Personal Information

- 3.1.1 Council collects the personal information that it needs to carry out its functions and activities, including its statutory functions under the *Local Government Act*.
- 3.1.2 When collecting personal information, Council will take all reasonable steps to ensure that customers are aware of the information to be collected, purpose, whether it is required by law, and the consequences, if any, of not providing the information.
- 3.1.3 Council may collate statistical information from the personal information it collects. This information may be used by Council and other government bodies to assist in the provision of appropriate services and facilities, including open data. Once this kind of information is collected, it will be anonymised so that any compilation or publication of those statistics will not reveal an individual's identity.
- 3.1.4 Council may collect personal information in a number of ways, including:
- directly in documents such as application forms, statutory declarations, or by verbal or written correspondence;
 - through contact with Elected Members or staff; and
 - from third parties such as government bodies.

3.2 Use and Disclosure of Personal Information

- 3.2.1 Council may use your personal information in a number of ways, including:
- to carry out Council's functions
 - to provide you with information about the Council's services
 - to determine and provide appropriate services and facilities
 - to administer and manage processes such as applications for permits, animal ownership, billing and collection of levies and charges, parking controls, and development proposals
 - to administer and make enquiries on Elected Member, personnel and recruitment matters
- 3.2.2 Council will not use or disclose personal information to third parties except in certain circumstances, including:
- when / where you have consented to the release;
 - to lessen or prevent serious harm or where disclosure is authorised or required to comply with Council's legal obligations;
 - to enable Elected Members to refer requests for assistance to Council or other agencies; or
 - to enable Council or a third party to provide services.
- 3.2.3 Where Council requires a third party to collect, use or disclose information to perform Council functions, the third party will be bound by, and fully aware of their obligations to, the provisions of the Act and IPPs.



PRIVACY POLICY

Policy No. 033

- 3.2.4 Where lawful and practical, Council may give customers the option of not identifying themselves when supplying information or entering into transactions with Council and will provide advice of any consequences of remaining anonymous.
- 3.2.5 An individual may request Council to inform them of the personal information it holds, where it holds the information and how it collects, holds and uses and discloses the information.
- 3.2.6 Council will take all reasonable steps to suppress personal information from publicly available material in accordance with the *Local Government Act*.
- 3.2.7 Staff who are provided with telephony, email or other means of communication and contact by Council to enable fulfilment of the requirements of their roles will have these contact details disclosed. No private contact details will be disclosed.
- 3.2.8 Personal information of Council staff may be used to contact staff in emergency situations and natural disaster events.

3.3 City of Darwin Libraries

- 3.3.1 City of Darwin Libraries may collect information in order to provide an all-inclusive public library service, including lending and in-house services and to advise members on all facilities, services, programs, collections, special events and activities so that individual needs are met. The only information collected is provided by members when joining the library.
- 3.3.2 By applying to become a member of the Library, members are consenting to personal information being disclosed to the Northern Territory Government for the sole purpose of addition to and maintenance of a shared database.
- 3.3.3 This database is shared by libraries throughout the Northern Territory (LINNet) and provided by Northern Territory Library and Information Services (NTLIS). NTLIS allows authorised access to this information to authorised staff in all libraries in LINNet. This information sharing helps Council to provide services such as interlibrary loans to patrons throughout the Territory.
- 3.3.4 City of Darwin Libraries will only use or disclose the personal information collected for the purposes stated above, unless use or disclosure is required and authorised by law.

3.4 Data Security of Personal Information

- 3.4.1 The Council will take reasonable steps to protect the personal information it holds from misuse and loss and from unauthorised access, modification or disclosure.



PRIVACY POLICY

Policy No. 033

- 3.4.2 Council has in place a robust information security framework to protect your information which may be stored physically or in electronic form.
- 3.4.4 Council staff have access to your personal information only to the extent that is required for them to carry out their duties.
- 3.4.5 Council will take all reasonable measures to ensure the information it collects is accurate, complete and up to date.
- 3.4.6 Council will not transfer personal information unless:
- the information is being transferred to the individual;
 - the transfer is required or authorised by law;
 - the recipient is subject to laws substantially similar to the IPPs;
 - the individual has consented, or the transfer is required for performance of a contract with the individual or that benefits the individual; or
 - Council has taken reasonable steps to ensure that the information will not be held, used or disclosed by the person to whom it is transferred in a manner that is consistent with this policy.
- 3.4.7 Individuals may request access to or correction of personal information the Council holds about them (excluding exemptions under the *Information Act*).

4 Definitions

Access means providing an individual with personal information about himself 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.

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

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.

Council staff includes all employees and workers, contractors, volunteers and all others who perform work on behalf of Council.

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.



PRIVACY POLICY

Policy No. 033

Personal Information is Council information that discloses a person’s identity or from which a person’s identity is reasonable ascertainable. However, the Council information is not personal information to the extent that the person’s identity is disclosed only in the context of having acted in an official capacity for a public sector organisation; and the government information discloses no other personal information about the person.

Use means the handling of personal information within Council including the inclusion of personal information in a publication, taking personal information into account in the making of a decision, or transferring the information from one part of the Council with particular functions to another part of the Council having different functions.

5 Legislative References

Information Act (NT)

Local Government Act (NT)

6 Procedures / Related Documents

Nil

7 Responsibility / Application

The Executive Manager Corporate and Customer Services is accountable for the operation of this policy. This policy will be reviewed every two years or at other such time as is deemed necessary.

8 Document Control

Council/Administrative Policy			Responsible Officer: Executive Manager Corporate Services	
Version	Decision Number	Adoption Date	History	Next Review Date
1	Ord126/20	17/03/2020	This policy replaces the rescinded Policy No 033 Privacy and 078 Privacy and Confidentiality.	2022
2				
3				

