

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 2002* (NT) and the *Local Government Act 2019* (NT).

2 SCOPE

This policy applies to Elected Members, all City of Darwin 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 City of Darwin staff.

To help achieve this policy, City of Darwin 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 City of Darwin.
- Collection Limitation – personal information is collected only when it is necessary for the performance of City of Darwin 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 City of Darwin, 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 City of Darwin privacy posture is regularly reviewed.
- Agility – City of Darwin adapts and responds to changes in legislation, public policy, technology, the information economy and the emerging body of privacy best practice.

3 POLICY STATEMENT

City of Darwin 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 City of Darwin manages personal information is governed by the Information Privacy Principles (IPPs) as outlined in the *Information Act 2002* (NT) and the *Local Government Act 2019* (NT).

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

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3.1 COLLECTING PERSONAL INFORMATION

City of Darwin collects the personal information that it needs to carry out its functions and activities, including its statutory functions under the *Local Government Act 2019* (NT).

When collecting personal information, City of Darwin 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.

City of Darwin may collate statistical information from the personal information it collects. This information may be used by City of Darwin 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.

City of Darwin 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

City of Darwin may use your personal information in a number of ways, including:

- to carry out City of Darwin's functions
- to provide you with information about the City of Darwin'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

City of Darwin 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 City of Darwin's legal obligations
- to enable Elected Members to refer requests for assistance to City of Darwin or other agencies, or
- to enable City of Darwin or a third party to provide services.

Where City of Darwin requires a third party to collect, use or disclose information to perform City of Darwin functions, the third party will be bound by, and fully aware of their obligations to, the provisions of the Act and IPPs.

Where lawful and practical, City of Darwin may give customers the option of not identifying themselves when supplying information or entering into transactions with City of Darwin and will provide advice of any consequences of remaining anonymous.

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An individual may request City of Darwin 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.

City of Darwin will take all reasonable steps to suppress personal information from publicly available material in accordance with the Local Government Act.

Staff who are provided with telephony, email or other means of communication and contact by City of Darwin to enable fulfilment of the requirements of their roles will have these contact details disclosed. No private contact details will be disclosed.

Personal information of City of Darwin staff may be used to contact staff in emergency situations and natural disaster events.

3.3 CITY OF DARWIN LIBRARIES

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.

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.

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 City of Darwin to provide services such as interlibrary loans to patrons throughout the Territory.

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 authorized by law.

3.4 DATA SECURITY OF PERSONAL INFORMATION

The City of Darwin will take reasonable steps to protect the personal information it holds from misuse and loss and from unauthorised access, modification or disclosure.

City of Darwin has in place a robust information security framework to protect your information which may be stored physically or in electronic form.

City of Darwin staff have access to your personal information only to the extent that is required for them to carry out their duties.

City of Darwin will take all reasonable measures to ensure the information it collects is accurate, complete and up to date.

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City of Darwin 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
- City of Darwin 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.

Individuals may request access to or correction of personal information the City of Darwin holds about them (excluding exemptions under the *Information Act 2002* (NT)).

3.5 PRIVACY COMPLAINTS

In order to fulfill its obligations under the Information Act, City of Darwin will maintain a privacy complaints functions through the dedicated Privacy Champion role to deal with privacy complaints. If not resolved internally, complaints can be escalated through an external appeals process. Details about complaints management will be made available on the City of Darwin website.

4 DEFINITIONS

Access means providing an individual with personal information about himself that is held by the City of Darwin. 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.

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

Disclosure means the release of personal information to persons or organisations outside the City of Darwin (receiving entity) where the receiving entity does not know the personal information and the City of Darwin 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.

Personal Information is City of Darwin information that discloses a person’s identity or from which a person’s identity is reasonable ascertainable. However, the City of Darwin 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.

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Use means the handling of personal information within City of Darwin 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 City of Darwin with particular functions to another part of the City of Darwin having different functions.

5 LEGISLATIVE REFERENCES

Information Act 2002 (NT)

Local Government Act 2019 (NT)

6 PROCEDURES AND RELATED DOCUMENTS

Nil

7 RESPONSIBILITY AND APPLICATION

The Chief Financial Officer is accountable for the operation of this policy. The Privacy Champion is appointed by the Chief Executive Officer to provide awareness, advice and support for staff in meeting City of Darwin’s privacy obligations. The Privacy Champion also serves as an escalation point for privacy queries and complaints.

This policy will be reviewed every two years or at other such time as is deemed necessary.

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