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| Title: | Privacy & Confidentiality Policy |
| Policy Number: | 078 |
| Adopted By: | Council |
| Next Review Date: | 30/05/2018 |
| Responsibility: | Chief Executive Officer |
| Document Number: | 2915815 |

| Version | Decision Number | Adoption Date | History |
|---------|-----------------|---------------|---------|
| 1 | 21\2433 | 29/07/2014 | Adopted |

1 Policy Summary

The Local Government Act prescribes that a council must have a privacy policy protecting members and staff of the council from undue intrusion into their private affairs.

The Local Government Act and the Elected Members' Code of Conduct further prescribe that a member of the council has no power to direct or control staff, or to interfere with the management of staff.

2 Policy Objectives

This policy ensures that the provisions of the Local Government Act and the Elected Members' Code of Conduct are effectively implemented within City of Darwin (Council).

3 Applicability

This policy applies to all employees and the Elected Members of the City of Darwin.

4 Policy Statement

4.1 Requirements of Elected Members

Elected members are required to comply with the provisions of the Local Government Act, Privacy Act (Cwlth) and the Elected Members' Code of Conduct.

Elected Members must of necessity, for the conduct of their official duties, have access to certain information relating to the business affairs and operations of Council.

Elected Members may also be provided with generic information relating to:

- Council's internal policies for training, terms and conditions of employment; and disciplinary procedures;

- Council's spread of working hours;
- Remuneration rates as they apply to position classification levels;
- The identity of trade unions representing Council employees;
- General leave provisions offered as conditions of employment;
- Conflict of interest declarations as they apply to employees where such conflicts impact on Council policy or decisions

Elected Members will not be provided with, nor shall they seek access to, information defined as an employee record.

4.2 Requirements of Employees

Elected Members are entitled to receive certain allowances as prescribed in the Local Government Act.

Payment of these allowances is administered by employees of Council's Financial Services business unit and approved by employees of the Office of the Chief Executive Officer.

Employees are required to comply with the City of Darwin Code of Conduct in relation to information to which employees are privy as a consequence of processing Elected Members' allowances.

Failure to comply with this policy will result in disciplinary action being taken in accordance with the Certified Agreement and Code of Conduct.

5 Legislation, Terminology And References

5.1 Referenced Legislation and Documents

The Local Government Act 2013
The Privacy Act 1988 (Commonwealth)
City of Darwin Code of Conduct for Elected Members
Darwin City Council Certified Agreement 2011

5.2 Definitions

Act (the): means the Local Government Act

Certified Agreement: means the Darwin City Council Certified Agreement 2011

Code of Conduct: means the two approved City of Darwin Codes of Conduct as they apply to employees and the Elected Members

Council: means the City of Darwin

Employee: means any person employed by the City of Darwin as a contracted employee, salaried person, wages recipient, casual employee or volunteer

Employee record: (Privacy Act) in relation to an employee, means a record of personal information relating to the employment of the employee. Examples of personal information relating to the employment of the employee are health information about the employee and personal information about all or any of the following:

- a. the engagement, training, disciplining or resignation of the employee;
- b. the termination of the employment of the employee;
- c. the terms and conditions of employment of the employee;
- d. the employee's personal and emergency contact details;
- e. the employee's performance or conduct;
- f. the employee's hours of employment;
- g. the employee's salary or wages;
- h. the employee's membership of a professional or trade association;
- i. the employee's trade union membership;
- j. the employee's recreation, long service, sick, personal, maternity or other leave;
- k. the employee's taxation, banking or superannuation affairs.

6 Implementation And Delegation

The Chief Executive Officer is responsible for the adoption, implementation and administration of this policy.

7 Evaluation And Review

This policy will be reviewed every four years.