



Privacy Policy

Corporate & Customer Services

08 July 2026

This policy was adopted by Council to set governing principles in place that align with the Strategic Community Plan 2025-35: Focus Area How We Work: Outcome W4 Ethical Leadership: We demonstrate ethical leadership at all levels in our organisation, making decisions in an open, transparent and accountable way.

Objectives

To provide guidance to Elected Members and Officers in the collection, storage, use, disclosure and protection of personal information in accordance with the *Privacy and Responsible Information Sharing Act 2024 (WA)*.

Application

This policy applies to all employees and Elected Members of the Shire of Augusta Margaret River. It also applies to all contractors, volunteers and third-party service providers who handle personal information on behalf of the Shire.

Definitions

Personal Information means information or an opinion, whether true or not, and whether recorded in a material form or not, that relates to an individual, whether living or dead, whose identity is apparent or can reasonably be ascertained from the information or opinion; and includes information of the following kinds:

- a) a name, date of birth or address;
- b) a unique identifier, online identifier or pseudonym;
- c) contact information;
- d) information that relates to an individual's location;
- e) technical or behavioural information in relation to an individual's activities, preferences or identity;
- f) inferred information that relates to an individual, including predictions in relation to an individual's behaviour or preferences and profiles generated from aggregated information;
- g) information that relates to one or more features specific to the physical, physiological, genetic, mental, behavioural, economic, cultural or social identity of an individual.

Sensitive Personal Information means personal information that relates to an individual's:

- a) racial or ethnic origin; or
- b) gender identity, in a case where the individual's gender identity does not correspond with their designated sex at birth; or
- c) sexual orientation or practices; or
- d) political opinions; or
- e) membership of a political association; or
- f) religious beliefs or affiliations; or
- g) philosophical beliefs; or
- h) membership of a professional or trade association; or
- i) membership of a trade union; or
- j) criminal record; or
- k) health information; or
- l) genetic or genomic information; or
- m) biometric information.

Privacy Officer means the officer(s) designated by the Shire to manage privacy compliance and handle privacy enquiries and complaints.

Policy

1. Collection of personal information

The Shire will only collect personal information (including sensitive personal information) necessary to perform its functions or activities. Collection must be fair and reasonable in the circumstances and must not be done in an unreasonably intrusive way.

At or before the time of collection, the Shire will take reasonable steps to ensure individuals are informed of: the identity of the Shire and how to contact it; the purposes for which the information is collected; whether it is usually disclosed and to whom; any law requiring the collection; and the consequences of not providing it.

In some circumstances, the Shire may collect sensitive personal information. Where the Shire does collect sensitive personal information, it will only do so where the individual has consented, where collection is required or authorised by law, where it is necessary to lessen or prevent a serious threat to the life, health, safety or welfare of any individual, or where otherwise permitted under the Privacy and Responsible Information Sharing Act 2024 (WA). Sensitive personal information is subject to stricter access controls than other personal information and will not be disclosed without the individual's consent except as required or authorised by law."

2. Use of personal information

Any personal information collected by the Shire will only be used for the purpose for which it has been collected, or for a purpose you would reasonably expect in carrying out the Shire's activities and functions, including:

- a) To maintain the assessment record (rates) and other records of local government nature;
- b) To provide you with information about the Shire's services and facilities;

- c) To determine and provide appropriate services and facilities;
- d) To administer and manage processes such as applications for permits, animal ownership, billing and collection of levies and charges, parking controls and development proposals.

Before using personal information for a secondary purpose (any purpose other than the primary purpose of collection), the Shire will make a written record of that purpose.

3. Protection of personal information

The Shire will take reasonable steps to ensure that your personal information is not disclosed to third parties except in the following circumstances:

- a) to undertake market research for the Shire in which case the supplier is prohibited from using your personal information except to provide these services to the Shire of Augusta Margaret River.
- b) If, on an application by a person for information under the *Freedom of Information Act 1992*, the Shire (or the Western Australian Information Commissioner on appeal), adjudges that disclosure of that personal information would on balance be in the public interest.
- c) As required by a court order.
- d) As otherwise required or authorised by law.
- e) In order to complete the purpose or function for which the information was provided, which includes when submissions are provided as part of a report (or an attachment to a report) that is presented to Council for decision.
- f) For collecting monies owed to the Shire.
- g) In the recovering of outstanding library materials or monies, through a contracted debt collection agency.
- h) For property enquiries subject to the conditions set out in this policy.
- i) The release of rates record or electoral information in accordance with sections 5.94(m)-(s) of the *Local Government Act 1995*, but subject to the restrictions in 5.95(8) of that Act relating to silent electors and the conditions in r.29B of the *Local Government (Administration) Regulations 1996* including that a statutory declaration or otherwise, satisfies that the information will not be used for a commercial purpose.
- j) Otherwise, only with the consent, express or implied, of the customer or stakeholder.

4. Information retention and disposal

The Shire will take reasonable steps to destroy or permanently de-identify personal information once it is no longer needed for the purpose for which it was collected, unless retention is required or authorised by law. Retention periods are governed by the *State Records Act 2000 (WA)* and applicable General Disposal Authorities issued by the State Records Office of Western Australia. Where a retention period applies, personal information will be held securely for that period and disposed of in accordance with the approved schedule once it expires.

5. Information security

The Shire will take reasonable steps to protect personal information it holds from misuse, loss, and unauthorised access, modification or disclosure. When personal information is no longer needed for any purpose, the Shire will take reasonable steps to destroy or permanently de-identify it, unless required by law to retain it.

In the event of a personal information breach, the Shire will act promptly to contain the breach, assess the risk to affected individuals and take remediation steps. Where a breach is likely to result in serious harm to one or more individuals, the Shire will notify the Office of the Information Commissioner WA and affected individuals as soon as practicable. The Shire's Incident Response and Data Breach Plan sets out how breaches are identified, assessed, reported and reviewed.

6. Access to your own personal information

As the Shire is subject to the *Freedom of Information Act 1992 (WA)*, requests to access documents containing personal information, or to seek amendment of personal information, are managed under that Act.

Individuals wishing to access or amend their personal information should contact the Shire's Freedom of Information Officer. Applications will be processed in accordance with the *Freedom of Information Act 1992 (WA)*, including any applicable fees, review rights and statutory requirements.

7. Property enquiries

Property information will generally only be provided to the current owner of a property with adequate proof of identity. Property information may be provided to an agent where written authorisation from the current owner is provided. Property information will not be provided to prospective purchasers or their agents unless an electronic advice of sale (EAS) is provided to the Shire via Landgate and that sale requires property information to satisfy a condition.

8. Overseas disclosures

The Shire may disclose personal information to overseas recipients – including where the Shire uses third-party systems or platforms hosted outside Australia – only where permitted under the *Privacy and Responsible Information Sharing Act 2024 (WA)*. This includes where:

- a) the overseas service provider is subject to a law, binding scheme, or contract requiring substantially similar privacy protections;
- b) the individual has consented;
- c) the disclosure is required or authorised by law;
- d) the transfer is necessary to provide the service or activity you have requested (for example, an online booking, membership registration or subscription);
- e) or the Shire has taken reasonable steps to ensure the recipient will handle the information consistently with the Shire's privacy obligations.

9. Privacy complaints

Persons who believe the Shire has not handled their Personal Information correctly may contact the Shire's Privacy Officer, who will acknowledge the complaint and work to resolve it as promptly as possible. Where a person is not satisfied with the Shire's response, an internal review may be requested of Chief Executive Officer.

A person who remains unsatisfied following the internal review may contact the Office of the Information Commissioner WA: oic.wa.gov.au | info@oic.wa.gov.au | 1800 621 244 (freecall).

10. Contacting the Privacy Officer

For privacy enquiries, access requests or complaints, contact the Shire's Privacy Officer at: 41 Wallcliffe Road, Margaret River WA 6285 | (08) 9780 5255 | privacy@amrshire.wa.gov.au

Relevant legislation

Privacy and Responsible Information Sharing Act 2024 (WA)

Local Government Act 1995 (WA) and subsidiary regulations

Freedom of Information Act 1992 (WA)

State Records Act 2000 (WA)

Related documents

Privacy Management Plan

Incident Response and Data Breach Response Plan

Collection Notices Register

Information Asset Register

Document and version control table			
Responsible Directorate		Corporate and Customer Services	
Contact officer		Privacy Officer	
Adopted / approved by:		Council	
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Date of next review		July 2027	
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Version	Date	Decision Ref.	Brief description
1.0	27/08/2009	-	Initial Issue
2.0	23/01/2013	OM1301/ 6	Full Review
3.0	24/05/2017	OM2017 18	Full Review
4.0	22/05/2022	OM202 2/74	Full Review
5.0	08/07/2026	OM2026/97	Updated to comply with Privacy and Responsible Information Sharing Act 2024 (WA).