

Privacy Policy

CEO



11 May 2022

This policy was adopted by Council to set governing principles in place that align with the Strategic Community Plan 2040: Focus Area Performance: Outcome PF.4: A culture of innovation, quality and continuous improvement.

Objectives

To provide guidance to Councillors and Officers in the collection, storage and use of personal information.

Application

This policy applies to all employees and Councillors of the Shire of Augusta Margaret River.

Definitions

Personal Information means 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.

Policy

1. 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.

2. Protection of personal information

PRIVACY POLICY

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 enquires 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 r29B 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.

3. Access to your own personal information

A person's right to access their own personal information held by a local government is dealt with by the *Freedom of Information Act 1992*. The Shire may deal with requests for access to people's own information, where the request is limited and specific in scope. For example a request for building permits issued in relation to a property owned by the applicant. The Shire reserves the right to charge a reasonable fee for the costs associated with providing such information.

4. Property enquires

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.

Relevant legislation

N/a

Related documents

N/a

Document and version control table

| Responsible Directorate | Office of the CEO | | |
|-------------------------------------|---------------------|--------------------------------|--------------------------|
| Contact officer | Records Team Leader | | |
| Adopted / approved by: | Council | | |
| Date of adoption / approval: | 11/05/2022 | Decision Ref: OM2022/74 | |
| Date of next review | 2026 | | |
| Document No. | N240646 | File No. | GOV/38 |
| Version | Date | Decision Ref. | Brief description |
| 1.0 | 27/08/2009 | [TBD] | Initial Issue |
| 2.0 | 23/01/2013 | OM1301/6 | Full Review |
| 3.0 | 24/05/2017 | OM201718 | Full Review |
| 4.0 | 22.05.2022 | OM2022/74 | Full Review |