
NUMBER:	S0023/OFFICE OF THE CEO
ACT:	<i>Information Privacy Act 2009 (QLD)</i>
POLICY TITLE:	INFORMATION PRIVACY STATEMENT

Background

The [Information Privacy Act 2009](#) (IP Act) came into effect on 1 July 2009.

Privacy is about protecting the personal information of individuals. The *Information Privacy Act 2009* provides for access to and amendment rights for personal information held by various defined agencies, including local governments.

Obligations about the collection, use, storage and disclosure of personal information are provided in the Information Privacy Principles now included in the *Information Privacy Act 2009*.

The IP Act contains two (2) set of rules which Council must comply with, in regard to:

1. How individuals may access and amend their own personal information that is held by Council. These rules are set out in *Chapter 3* of the IP Act, and
2. How Council must manage the personal information it holds to ensure the protection of the privacy rights of individuals, within the constraints of legislation. These rules are set out in *Chapter 2* and *Schedule 3* of the IP Act.

Definitions

The IP Act defines personal information as “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”.

Overview of the IP Act

The IP Act creates an obligation to comply with the Information Privacy Principles (IPP). There are eleven (11) IPPs that apply to Council. The IPPs are contained in *Schedule 3* of the IP Act.

- IPPs 1 – 3 set out the rules that need to be followed when collecting personal information.
- IPP 4 sets out how personal information must be stored and secured.
- IPP 5 requires information to be made available about the personal information held by Council, why it is held and how it can be accessed.
- IPP 6 sets out that an individual can access their own personal information.
- IPP 7 sets out that reasonable steps must be taken to ensure information is accurate – this includes allowing individuals to amend their own personal information.
- IPP 8 requires reasonable steps to be taken to ensure that personal information is accurate before it is used.
- IPP 9 sets out that, if personal information is to be used, only those parts of it that are relevant to the use are allowed to be used.
- IPP 10 sets out the general rule that personal information can only be used for the reason it was collected. There are six (6) exceptions to this rule.
- IPP 11 sets out the general rule that personal information cannot be disclosed to anyone except the individual it is about. There are six (6) exceptions to this general rule.

The IP Act provides special rules for law enforcement agencies. Law enforcement agencies do not have to comply with IPP 1-3 and 9-11. Law enforcement agencies are defined in *Schedule 5* and include any agency to the extent it has responsibility for the performance of functions and activities directed to the prevention, detection, investigation, prosecution or punishment of offences and other breaches of law.

Charters Towers Regional Council and Information Privacy

Information Collected

Council does collect personal information directly from you in order to conduct business and meet its statutory and regulatory obligations. For example, information is obtained when:-

- you purchase land in Council's area – land record;
- you apply for and / or secure employment with Council;
- you apply for a development or other permit for purposes of carrying out building or other development work or other permits to conduct a business;
- you apply to register an animal.

Employees

Charters Towers Regional Council employees are responsible for managing personal information in compliance with the IP Act and Council's [Privacy Plan](#). There are strict procedures in place for the management of information held. Employees are given access only to information which is relevant to their duties.

If you wish to be given access to a document held by Council, concerning personal information about you, you must:-

- (i) complete and lodge the approved form (available [here](#))
- (ii) give sufficient information concerning the document to enable a responsible officer of Council to identify the document sought;
- (iii) state an address to which notices under the IP Act may be sent to you;
- (iv) provide evidence of your identity in support of the application.

Requirements for evidence of identity are specified in *Section 3* of the [Right to Information Regulation 2009](#) and include:-

- passport;
- copy of a certificate of extract from a register of birth;
- driver's licence.

Certain fees apply. Information on possible fees payable are set out in *Schedule 4* of the [Right to Information Regulation 2009](#).

Complaints

If you believe that your personal information has not been handled in accordance with the IP Act, or if your request to access your personal information is refused or not to your satisfaction, you may make a complaint to the Office of the Information Commissioner.

[Office of the Information Commissioner](#)

The Office was established in 1992. The functions of the Information Commissioner include reviewing decisions of a Government agency (including Council):-

- that an access application is outside the scope of the IP Act;
- refusing access to a document.

For further information concerning the role of the Information Commissioner or any matter concerning Information Privacy, you may access the Information Commissioner's website at www.oic.qld.gov.au.

Official Use Only:

POLICY VERSION AND REVISION INFORMATION

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CEO Signature:

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