

INTENT

This Operational Privacy Policy outlines Council's commitment to protecting the privacy of personal information in accordance with the Queensland Privacy Principles (QPPs) and *Information Privacy Act 2009* (Qld) (IP Act).

The intent of this policy is to ensure that all personal information collected, stored, used, and disclosed by Council is handled responsibly, securely, and transparently.

SCOPE

This policy applies to all personal information collected, stored, managed, used and disclosed by Council, including employees, Councillors, contractors and consultants, unless otherwise exempted by legislation. It provides a summary of Council's legislative obligations and commitments in relation to protecting the privacy of personal information by:

- Promoting trust and confidence in how Council manages personal information.
- Supporting accountability and good governance in privacy practices.
- Providing a framework for responding to privacy enquiries and complaints.
- Ensuring that privacy risks are identified, assessed, and managed appropriately.
- Fostering a culture of privacy awareness and continuous improvement.

DEFINITIONS

Agency means a local government such as Council.

Application fee means the application fee prescribed under the RTI Regulation.

Consent is the act of voluntarily giving permission to a specific action whether expressed or implied.

Contractor means contracted service provider.

Council means Bundaberg Regional Council.

Document means a document, in the possession, or under the control, of Council whether brought into existence or received by Council, and includes —

- (a) a document to which Council is entitled to access; and
- (b) a document in the possession, or under the control, of an officer of Council in the officer's official capacity.

Disclosure occurs when information is disclosed to another entity if:

- that entity does not know the personal information and is not in a position to otherwise find it out; and
- Council provides the information or places an entity in a position to enable them to find it out; and
- Council ceases to have control over the entity in relation to who will know the personal information in the future.

Employee means a local government employee as defined pursuant to the *Local Government Act 2009*.

ICT means Information Communication and Technology.

IP Act means *Information Privacy Act 2009*

Personal information means information or an opinion about an identified individual or an individual who is reasonably identifiable from the information or opinion—

- (a) whether the information or opinion is true or not; and
- (b) whether the information or opinion is recorded in a material form or not.

Pseudonym means an alias in the form of a name, term or descriptor used instead of an individual's real name.

RTI Act means *Right to Information Act 2009*

Sensitive information is information or an opinion about an individual's racial or ethnic origin, political opinions, membership of a political association, membership of a union or professional or trade association, religious or philosophical beliefs or affiliations, criminal record, health, impairment, and sexual preferences or practices.

POLICY PRINCIPLES

1. Queensland Privacy Principles

- 1.1. Council will take reasonable steps to ensure that practices, procedures and systems are compliant with the QPPs.
- 1.2. Council is not required to comply with the QPPs in relation to an individual's personal information if that information has been published previously.
- 1.3. This privacy policy will be published in an accessible format and made available free of charge.

2. Collection of personal information

2.1 When collecting personal information, Council will:

- collect the minimum amount of personal information required for a purpose directly related to a Council function, service or activity and disclose such purpose at the time of collection.
- collect personal information in a manner that is transparent, lawful and fair in the least intrusive way.
- at the time of collection, or as soon as practical thereafter, take reasonable steps to make an individual aware of:
 - who is collecting the information and their contact details.
 - the purpose of the collection.
 - if the collection is authorised or required by law.
 - if it is Council's usual practice to disclose your personal information and to whom it will be disclosed to.
- advise you what information is necessary to access services, including payments and transactions.
- not ask for or collect any sensitive information about you unless:
 - you have consented to the collection.
 - it is necessary to provide a service you have requested.
 - it is required by law.

- a permitted general situation applies, as defined in schedule 4, part 1 of the IP Act.
 - take reasonable steps where practicable to verify the information being collected is accurate and up to date.
- 2.2 Council may not provide a notice of collection in circumstances where it is unreasonable or impracticable to do so, including in disaster management situations.
- 2.3 The type of personal information Council may collect includes:
- names, nicknames and/or monikers.
 - residential address.
 - contact details (e.g. postal address, telephone number, email address, etc.).
 - date of birth.
 - evidence of identity (e.g. birth certificate, passport, drivers licence etc.)
 - digital media (e.g. photographs, video, audio recordings, etc.).
 - financial information (e.g. bank account details, transaction records, etc.).
 - evidence of your eligibility for services/functions (e.g. concession card, health care card, medical history etc.).
 - information in relation to potential employment with Council (e.g. educational history/qualifications, previous work history, referee reports, medical assessments, police checks, etc.).
 - if you are a Council employee, information pertaining to your employment with Council such as:
 - training records, tickets and licences,
 - vaccination records,
 - performance appraisals,
 - medical information (e.g. medical reports, doctor's certificates etc.)
 - opinions and views expressed by an individual.
- 2.4 Council may collect your personal information in several ways:
- directly from you, either verbally, in writing or electronic form.
 - when you visit and interact with Council websites and/or social media platforms.
 - electronic surveillance devices such as CCTV, body worn cameras and drones.
 - from publicly available sources of information.
 - from third parties, such as:
 - if you are a minor, a parent/guardian.
 - contracted service providers.
 - other Government agencies and bodies.
 - nominations for awards, recognition etc.
- 2.5 Where personal information is collected from a third-party, Council will take reasonable steps where practical to determine if the third-party is permitted to disclose the individual's personal information and the information is accurate.
- 2.6 Website
- Council's website is hosted in Australia, personal information is collected where it is provided by individuals via the following methods:
- subscribing to electronic mailing lists.
 - using an online form.
 - making an online payment.
 - completing a survey.
 - submitting an email enquiry or maintenance request.

Non identifying information is collected, usually in the form of “cookies” and this information typically includes:

- your server address.
- your top-level domain name (e.g. .com, .gov, .au, .org etc.).
- the date and time of your visit to our website.
- the pages you access and files you download.
- the previous site visited.
- your browser type.
- time spent on individual pages and the site overall.

Council will not attempt to identify users or their browsing activities. This information will however be provided to law enforcement agencies in the event of a compliant law enforcement investigation.

Council may use third-party service providers to monitor and analyse the use of our website services, such as Google Analytics to track and report on website traffic. Google uses the data collected to track and monitor the use of our Service.

Where appropriate and practicable, Council will delete, destroy, or de-identify personal information published on its website or other digital platforms when:

- the information is no longer required.
- the individual to whom the information relates, requests removal and no legal or administrative reason exists to retain it; or
- publication of the document is no longer in the public interest.

2.7 Social media

Council uses the following social media channels to publish information which may contain personal information.

- LinkedIn
- Facebook & Instagram (Meta)
- YouTube

Council will ensure personal information (including images) published on social media channels is disclosed in accordance with this Policy. Once this information has been published it will be managed in accordance with the Privacy Policy of the relevant channel and may be cached, copied, or recorded by third parties beyond Council's control.

3 Use and disclosure of personal information

3.1 Personal information collected by Council will only be used for the purpose it was provided and related functions.

3.2 We will not disclose your personal information to any other entity, government agency or individual unless one of the following applies:

- You have expressly or impliedly consented to the disclosure.
- Council has notified you of the actual or potential disclosure.
- Disclosure is required or authorised under a law.

- Disclosure is necessary to prevent or lessen a serious threat to the life, health, safety or welfare of an individual, or to public health, safety or welfare.
 - Disclosure is reasonably necessary for law enforcement, or for the protection of public revenue.
 - The third party is a Council related entity.
 - A permitted general situation exists, defined in schedule 4, part 1 of the IP Act.
- 3.3 Reasonable steps will be taken where practical to verify the personal information being used is accurate and up to date and that any information being disclosed is relevant to the use or purpose.
- 3.4 Use or disclosure of personal information for secondary or alternative purposes will only occur if the purpose is compliant with the IP Act.
- 3.5 Where Council lawfully discloses personal information, information will be supplied to the third party to advise of the purpose of the disclosure. A copy of the same and the disclosed information will be retained by Council.

4 Disclosure of personal information outside of Australia

- 4.1 Personal information will only be disclosed to an entity outside Australia if:
- you have expressly or impliedly consented to the disclosure;
 - it is required or authorised under a law;
 - it is to prevent or lessen a serious threat to the life, health, safety or welfare of an individual, or to public health, safety or welfare; or
 - 2 or more of the following applies:
 - Council reasonably believes that the recipient is subject to a law, binding scheme or contract that effectively upholds the principles for the fair handling of personal information that are substantially similar to the QPPs.
 - the disclosure is necessary for the for the performance of Council's functions in relation to the individual.
 - the disclosure is for the benefit of the individual, but it is not practicable to seek the agreement of the individual, and if it were practicable to seek the agreement of the individual, the individual would be likely to give the agreement.
 - the agency has taken reasonable steps to ensure that the personal information it discloses will not be held, used or disclosed by the recipient of the information in a way that is inconsistent with the QPPs.
- 4.3 Notice will be provided at the time of collection, where practicable, if Council is likely to disclose personal information to another entity outside of Australia and will provide notice of the Country of origin where the entity is located.

5 Information storage and security

- 5.1 In accordance with QPP 11, Council will take all reasonable and appropriate technical and organisational measures to protect against loss, interference or misuse and unauthorised access, modification or disclosure. This includes:
- roll based access controls and multi-factor authentication (MFA) enforced across all user accounts and devices.

- use of application control mechanisms including firewalls, and endpoint protection software.
- encryption of data in transit and at rest using industry standard protocols.
- regular security audits and vulnerability assessments.
- restricted access to Council offices, computer server rooms, equipment and facilities.
- conducting security risk assessments for all third-party software and cloud-based services prior to deployment.

- 5.2 Reasonable steps will be taken to comply with relevant Queensland Government Information Standards and security protocols to protect information.
- 5.3 Personal information that is no longer required to undertake a Council function will be destroyed or deidentified lawfully in accordance with the *Public Records Act 2023*.

6 Access or amend your personal information

- 6.1 Apply to Council in writing to request access to your own personal information either administratively or under the RTI Act.
- 6.2 When requesting access to personal information you will be required to show proof of identification. If you are requesting access on behalf of another individual you will be required to provide evidence of an authority to act on their behalf and evidence of identity of both parties.

6.3 Administrative access

To apply under Council's Administrative Access Scheme, you will need to submit your request in writing, provide your name, contact details and a description of the personal information you are requesting.

Your request will be considered under this scheme in the first instance, if access cannot be provided administratively the applicant will be provided with a response and redirected to apply under the under the RTI Act.

6.4 Right to information

To apply to access personal information under the RTI Act, submit a request in writing using the [Right to Information Application Form](#), or a contact method listed in section 11.

7 Correction of personal information

- 7.1 A directly affected individual or their authorised representative who believes Council is in possession of personal information that is inaccurate, out of date, incomplete, irrelevant or misleading can apply to Council to correct the information.
- 7.2 To apply to correct personal information, submit a request in writing to Council via a contact method listed in section 11.
- 7.3 Council will take reasonable steps to correct the information as soon as practicable upon notification regarding the purpose for which it was collected or held, noting that information published online may be cached, copied, or recorded by third parties beyond the Council's control. Council cannot guarantee complete removal from all internet sources or platforms.

8 Contracted service providers

- 8.1 Council will take all reasonable steps to bind contractors when entering into a service arrangement to comply with the IP Act, when the contractor:
- deals with personal information for Council. or
 - provides services that will include the transfer of personal information to Council from either the contractor or any engaged subcontractors.
- 8.2 Privacy obligations of bound contractors will continue to be enforceable after the expiration or termination of the contract.

9 Interacting with Council anonymously

- 9.1 Individuals may interact with Council anonymously or through the use of a pseudonym, unless:
- Council is required or authorised by law to deal with identified individuals.
 - it is impracticable to deal with an individual who has not identified themselves or used a pseudonym.
- 9.2 Personal information will only be linked to a pseudonym when:
- the individual consents for this to occur.
 - where it is required or authorised by law.
- 9.3 Upon request, where practicable Council will remove personal information that has been made publicly available that is not required by law to be published.

10 Privacy complaints

- 10.1 If you believe Council has not handled your personal information in accordance with the IP Act, you can make a privacy complaint.
- 10.2 The complainant must:
- submit the complaint in writing to Council.
 - provide an address for Council to respond to (e.g. an email address or postal address).
 - give details about the matter/s or issue/s forming the complaint.
 - make the complaint within 12 months of becoming aware of the act or subject of the complaint.
- 10.3 Council will:
- ensure the complaint is handled by a privacy officer who was independent of the initial decision/action.
 - handle the complaint in accordance with Council's [Complaints Management Policy](#) and chapter 5 of the IP Act.
 - provide an outcome to the complainant within 45 business days.
 - advise the complainant if an outcome cannot be provided within 45 business days.
- 10.4 Submit a privacy complaint using the [Administrative Action Complaint Form](#) or a contact method listed in section 11.

11 Contact method

Email: rti@bundaberg.qld.gov.au

Post: Privacy Officer
Bundaberg Regional Council
PO Box 31
Bundaberg QLD 4670

In person: Customer service centres, located at:

- 190 Bourbong Street, Bundaberg QLD 4670
- Dear Street, Gin Gin QLD 4671
- 45 Churchill Street, Childers QLD 4660

Phone: 1300 883 699

REFERENCES/ASSOCIATED DOCUMENTS

- *Information Privacy Act 2009*
- *Right to Information Act 2009*
- *Public Records Act 2023*
- Right to Information Policy
- [Right to Information Application Form](#)
- Complaints Management Policy
- Administrative Action Complaint Procedure
- [Administrative Action Complaint Form](#)

DOCUMENT CONTROLS

This policy will be reviewed biennially or in response to changes in law or best practice.

POLICY OWNER

Chief Legal Officer