

# Privacy Policy

<b>Policy Reference Number</b>	5977984
<b>Responsible Department</b>	Corporate Services
<b>Related Policies</b>	The ARC Campbelltown Policy; Social Media Policy; Staff Conduct Policy
<b>Related Procedures</b>	Closed Circuit Television Procedures, Council Meeting Evacuation Procedures
<b>Date of Initial Adoption</b>	16 August 2005
<b>Last Reviewed by Council</b>	28 August 2023

## 1. Purpose

Campbelltown City Council is committed to a culture that as far as reasonably practicable, protects privacy and will endeavour to protect the personal information it collects, stores, discloses and uses. This Policy outlines Council's approach to the management of personal information.

## 2. Power to Make the Policy

The Commonwealth Privacy Act 1988 sets out privacy principles in relation to the collection, use, storage and disclosure of personal information in relation to those entities to which that legislation applies.

Council acknowledges that the Australian Privacy Principles contained in the Privacy Act set an appropriate standard for privacy protection and apply for some Council funding arrangements; they otherwise do not apply to the Council.

## 3. Strategic Plan Link

This Policy has the following link to Council's Strategic Plan 2024:

- Leading our People (Goal 5)

## 4. Principles

Council will endeavour to only collect personal information for a lawful purpose that is directly related to or necessary for the performance of its functions and activities and in doing so will use lawful and fair means.

Council will endeavour to only collect sensitive information where consent has been given or otherwise as permitted by law.

Council Employees will treat personal information confidentially unless required or authorised to disclose the information. If Council needs to share personal information for any purpose other than for which it was collected, the consent of the person who is the subject of the personal information will, as far as practicable, be sought before doing so (unless disclosure is otherwise required or authorised by law).

Council will maintain secure systems for storing personal information. Council will also maintain operational policies and procedures to protect personal information from misuse and loss and from unauthorised modification or disclosure.

## 5. Definitions

Definitions for the purpose of this Policy are:

**Access:** Means providing to an individual or business, information about them that is held by the Council. This may include allowing that individual to inspect personal information or to obtain a copy.

**CCTV:** Closed Circuit Television.

**Collection:** Means gathering, acquiring or obtaining personal information from any source and by any means, including information that the Council has come across by accident or has not asked for.

**Consent:** Means voluntary agreement to some act, practice or purpose.

**Disclosure:** Means the release of information to persons or organisations outside the Council. It does not include giving individuals information about themselves.

**Direct Marketing:** Direct marketing involves the use and/or disclosure of personal information to communicate directly with an individual to promote goods and services. Direct marketing in relation to this Policy does not include promotion of Council programs, projects or services or promotion of events or services where Council provides support through funding or other contributions.

**Personal Information:** Is defined by the Privacy Act 1988 as:

‘Information or an opinion about an identified individual, or an individual who is reasonably identifiable:  
(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’.

Personal information can include written records about a person, a photograph or image of a person, or information about a person that is not written down but is in the possession or control of the Council. Even if the person is not named, the test is whether or not the person’s identity can ‘reasonably be ascertained’ from the information. As long as information is being communicated to someone who can identify the person it is about, the information may meet the definition of ‘personal information’.

Personal information does not include:

(a) generally available information;

- (b) material kept in public records and archives, such as the State and Commonwealth Archives;
- (c) anything kept in a library, art gallery or museum for the purpose of reference, study or exhibition.

**Sensitive Information:**

Is defined by the Privacy Act 1988 as:

- ‘(a) information or an opinion about an individual’s:
  - (i) racial or ethnic origin; or
  - (ii) political opinion; or
  - (iii) membership of a political association; or
  - (iv) religious beliefs or affiliations; or
  - (v) philosophical beliefs; or
  - (vi) membership of a professional or trade association; or
  - (vii) membership of a trade union; or
  - (viii) sexual preference or practice; or
  - (ix) criminal record;that is also personal information; or
- (b) health information about an individual; or
- (c) genetic information about an individual that is not otherwise health information; or
- (d) biometric information that is to be used for the purpose of automated biometric verification or biometric identification; or
- (e) biometric templates.’.

**Use:**

Means the handling of personal information within Council including the inclusion of information in a publication.

## 6. Policy

### 6.1 Collection and Use of Personal Information

All personal information collected by the Council is to be used only for the purpose of conducting business in accordance with the Local Government Act 1999 (and other relevant Acts under which the Council is charged with any responsibility) and in the provision of Council services to the City’s residents, visitors and ratepayers.

All personal information will be collected for a lawful purpose directly related to a legislative function or power of the Council where the personal information is necessary for or directly related to that purpose. The Council is committed to ensuring that its residents and ratepayers are aware of the purpose for which the personal information is being collected and aware that its collection is authorised or required by law. The Council will take reasonable steps to inform a resident or ratepayer whose personal information it collects:

- (a) of the purpose(s) for which the personal information is being collected, unless that purpose is obvious
- (b) whether the collection of the personal information is authorised or required by law; and

- (c) in general terms, of its usual practices with respect to the use and disclosure of personal information of the kind collected.

The Council will take reasonable steps to ensure that the collection of personal information does not unreasonably intrude upon an individual's personal affairs.

Council will not use personal information for purposes other than that for which it was originally collected unless:

- Permission has been sought from the resident, ratepayer or other person providing the information, or
- The provider of the information might reasonably expect the organisation to use or disclose the information for a secondary purpose within the Council, or
- It is for the purpose of training/coaching Employees, or
- It is for the purpose of obtaining customer satisfaction feedback, or
- Council Employees are required to collect, use or disclose the information collected by law.

#### **6.1.1 Type of Information Collected**

The type of personal information that is collected and held will depend on the services provided to residents and ratepayers, but may include:

- Telephone numbers
- Name and address (including postal, residential, email or social media addresses)
- Age and/or date of birth
- Property ownership and/or occupier details
- Details of the resident or ratepayer's spouse or partner
- Development applications including plans of buildings
- Animal ownership
- Electoral details
- Pensioner/Concession information
- Payment history
- Images
- Recordings (including oral history)

- Financial, rental or income details
- Details of land valuation
- Preferred addresses and methods of contacts
- Details of employment; and
- Insurance details.

### **6.1.2 Collection of Sensitive Information**

The Council will not collect sensitive information about an individual unless:

- The individual has consented;
- The collection is required by law;
- The collection is necessary to prevent or lessen a serious and imminent threat to the life or health of any person; or
- The collection is necessary for the establishment, exercise or defence of a legal or equitable claim.

If the Council collects sensitive information about an individual in accordance with the provisions of this Policy, the Council will take reasonable steps where appropriate to de-identify the information before the Council discloses it.

### **6.1.3 Petitions**

If a petition is received, it will be actioned in accordance with legislative requirements and the requirements of the Code of Practice for Meeting Procedures. Summary information will be provided publicly; individuals' private information will not be publicly disclosed.

### **6.1.4 CCTV (Closed Circuit Television)**

Council is committed to providing a safe environment in which residents, businesses and visitors may enjoy the amenity of the Council area without disruption or fear of harm. Procedures have been developed for the prevention of disorderly behaviour and detection of crime including the use of CCTV (Closed Circuit Television).

The use of CCTV has been introduced to contribute to encouraging a high standard of public safety that is expected in the Council area as a place for families, lifestyle and business. CCTV forms part of a number of broader safety strategies which focus on reducing crimes against the person and/or property and to assist in the provision of an effective policing service and enhanced public safety. Council continues to work in conjunction with the SA Police for the prevention of disorderly behaviour and detection of crime.

Access by way of viewing CCTV footage captured by CCTV installed, maintained or operated by the Council is restricted to the following Employees<sup>1</sup>. Other persons may also be authorised by the Chief Executive Officer (or nominee) from time to time either on a case by case or ongoing basis to view CCTV footage.

- Executive Management Team members
- Manager City Operations
- Manager Recreation & Leisure Services
- Manager Library Services
- Risk Management Coordinator
- ARC Team Leaders and Duty Managers
- Team Leader Library Customer Service.

These designated Employees will only review the CCTV footage if they have been directed by the Chief Executive Officer (or nominee), believe it is in the best interest of public safety, footage has been formally requested by the SA Police or SafeWork SA, or if they have notified that there is a reasonable suspicion that a potential crime has been committed.

The Manager Business & Technology Services (or nominee) can only access CCTV Systems to:

- View and distribute data upon a request from designated persons
- Maintain the system (including viewing of imagery as appropriate for this purpose).

The release of CCTV footage captured by CCTV installed, maintained or operated by the Council including access to a copy of such footage, is restricted to the following employees. Other persons may also be authorised by the Chief Executive Officer (or nominee) from time to time either on a case by case or ongoing basis to release CCTV footage.

- Executive Management Team members
- Manager Leisure Businesses
- Manager Library Services
- Risk Management Coordinator.

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<sup>1</sup> A current and satisfactory police check needs to be held by all persons authorised to view or release CCTV footage.

A CCTV Record of Release (ECM 2428600) is to be completed and provided to the Risk Management Coordinator when CCTV footage is released. Data is only to be released to the SA Police or SafeWork SA unless otherwise authorised by the Chief Executive Officer (or nominee).

CCTV cameras operate in the following locations:

- Council Library building and car park
- Council Office (building and car park)
- Council Function Centre, car park and outdoor gym
- Council Depot building and car park
- Athelstone Recreation Reserve
- Campbelltown Memorial Oval
- Hectorville Sporting Centre
- Max Amber Sportsfield
- The ARC Campbelltown (building and car park)
- Thorndon Park.

The Chief Executive Officer (or nominee) may install and operate CCTV cameras at other locations as deemed appropriate. Signage should be installed at locations where CCTV is in operation to advise visitors to the premises of the use of CCTV.

#### **6.1.5 Recording of Meetings**

Council meetings will be recorded where possible and the visual and/or audio recordings placed on Council's website for public information. Discussion of confidential matters will not be recorded.

#### **6.1.6 Accuracy of Information Collected**

In satisfying the collection and use of personal information obligations, which the Council has to its residents and ratepayers, the Council assumes that:

- (a) any personal information provided by residents, ratepayers and other persons is free from errors and omissions, is not misleading or deceptive and complies with all relevant laws; and
- (b) residents, ratepayers and other persons have the necessary authority to provide any personal information submitted to the Council.



The Council relies on the personal information provided to it. While the Council will make every effort to ensure that its records of an individual's personal information are up to date and accurate, this may not always be the case.

It is the responsibility of residents, ratepayers and other persons to provide the Council with details of any changes to their personal information as soon as reasonably practicable following such change.

#### **6.1.7 Information Obtained from Third Parties**

The Council may obtain information concerning residents, ratepayers and other persons from a number of sources including Centrelink, Electoral Offices, Office of the Valuer General, SA Water, Telstra, and from other residents, ratepayers or other persons. The Council will not check or verify the accuracy of any personal information it obtains from other residents, ratepayers or other persons (with the exception of bank and creditor information).

In some instances the personal information held by the Council about residents, ratepayers and other persons may incorporate or summarise views, guidelines or recommendations of third parties. The Council will endeavour to assemble and record such personal information in good faith but cannot guarantee that it will necessarily involve a considered review of the information.

#### **6.1.8 Use of Email Address Information**

The Council may use a person's email address to respond to their enquiry if they choose to contact the Council in an electronic form (that is, via a website, social media or by email) or if Council holds this information.

### **6.2 Disclosure of Personal Information**

#### **6.2.1 Distribution to Third Parties**

The Council will not permit the provision of personal information it holds on residents, ratepayers and other persons to third parties except where:

- the resident, ratepayer or other person has made a written request for personal information to be provided to a third party
- the resident, ratepayer or other person has given consent for the personal information to be available to a wider audience (for example, oral history recordings)
- the provision of personal information is for the purpose of distributing materials of and on behalf of the Council (eg. the provision of address data for use by a mailing service provider to post Rate Notices)



- the third party has been contacted by the Council to provide advice or services for the sole purpose of assisting the Council to provide benefits to residents, ratepayers and other persons (eg. State or Federal Electoral Offices, Office of the Valuer General, insurers)
- the Council is required or authorised by law to provide personal information to a third party (eg. provision of personal information to the State Electoral Office) or to the public at large (eg. in accordance with the Local Government Act 1999 or to an applicant under the Freedom of Information Act 1991 where the information is not otherwise exempt)
- the resident, ratepayer or other person has been advised of the Council's usual practice of disclosing personal information to that third party or a third party of that type for a particular purpose and where the disclosure is consistent with that purpose
- the individual has provided a response through a Council community engagement submission process and it is legislatively required for Council to disclose personal information. In these instances, unless directed by legislation otherwise, summary information will be provided publicly; individuals' personal information will not be publicly disclosed

Membership details collected through Connect 2 Campbelltown (Council's online community engagement platform) will not be shared with other organisations or individuals.

### 6.2.2 Distribution to Individuals

The Council may supply personal information about an individual to that individual as part of a standard communication or pursuant to a request made by the individual.

### 6.2.3 Direct Marketing

**Reasonable expectation to use or disclose:** If Council holds personal (non-sensitive) information about an individual, it will not use or disclose the information for the purpose of direct marketing except when Council has collected the information from the individual and the individual would reasonably expect Council to use or disclose the information for that purpose.

**No reasonable expectation to use:** In the event that the individual would not reasonably expect Council to use or disclose personal (non-sensitive) information for direct marketing, the individual needs to have given consent to the use or disclosure of the information for direct marketing.

Council will endeavour to establish a simple means by which the individual may easily request not to receive direct marketing communications from Council, except when Council is required by legislation to provide information.

Council will only use or disclose **sensitive information** about an individual for direct marketing purposes if the individual has consented to the use or disclosure of the information for that purpose.

#### **6.2.4 Disclaimer**

The Council does not accept any responsibility for any loss or damage suffered by residents, ratepayers or other persons because of their reliance on any personal information provided to them by the Council or because of the Council's inability to provide residents, ratepayers or other persons with any requested personal information.

Before relying on any personal information that the Council provides, it is expected that the resident, ratepayer or other person will first seek confirmation from the Council about the accuracy and currency of the personal information.

### **6.3 Maintenance and Storage of Personal Information**

The Council will take reasonable steps to protect the personal information it holds from loss and from any unauthorised access, use, modification, or disclosure and from other misuse. Council will maintain systems to ensure that all personal information collected is, as far as possible, up to date, accurate and complete. Council will ensure that any person who, on behalf of the Council, uses or discloses personal information held by the Council has appropriate authorisation to do so.

#### **6.3.1 E-Services**

The Council uses software that contains a form of encryption (encoding software) to protect credit card personal information that is entered via Council's e-services payment web page.

### **6.4 Disability Claims and Financial Hardship Applications**

Personal information obtained in relation to claims for disability benefits and financial hardship will be used solely for the purpose of facilitating the claim to which the personal information relates, unless the resident, ratepayer or other person has specifically given permission in writing for it to be used for other applications or to be provided to a third party.

### **6.5 Access to Personal Information**

Residents, ratepayers or other persons who wish to access the personal information that the Council holds in relation to them can do so by contacting the Freedom of Information (FOI) Officer at the Council Office. These requests will be dealt with as soon as it is reasonably practicable, having regard to the nature of the information requested but, in any event, in accordance with the obligations imposed on the Council by the Freedom of Information Act 1991. The person making the request will need to satisfy the FOI Officer as to their identity and may need to complete a Freedom of Information *Request for Access* application and pay the relevant fee.

If a resident, ratepayer or other person can show that the personal information held by Council is not accurate or complete they may apply in writing for the amendment of Council's records.

## **6.6 Access to Property Files**

Owners of properties within the City of Campbelltown, and agents authorised in writing for this specific purpose, will be given access to the Council file relating to their property for perusal only. Proof of identity such as a rate notice or driver's licence is required. Copies of documents on the file will be provided at Council's standard photocopy charge, subject to any limitations under the Copyright Act 1968 (Cth).

Before a file is given to a property owner for perusal it is to be viewed by Council's FOI Officer to assess whether there are any documents which could be considered exempt. Any such documents are to be removed from the file prior to it being viewed by the owner. Application for access to these documents must be made in accordance with the FOI provisions.

## **6.7 Suppression of Personal Information**

Personal information may be suppressed from the Council's assessment record and from the Council's Voters' Roll if inclusion in these records would place at risk the personal safety of a resident, ratepayer or other person, a member of that person's family, or any other person.

Enquiries regarding suppression of personal information on Council's assessment record and/or Voters' Roll should be directed to the Electoral Commission of South Australia.

## **6.8 Freedom of Information**

Personal information about a person may be released to an organisation or other individual if requested under the Freedom of Information Act, however, in accordance with this Act, that person may be consulted to obtain their opinion on release of the information. Should a determination be made that the information will be released against the view of the person, the impacted person has the right to request a review of the decision, prior to the information being released and on payment of the prescribed fee.

## **6.9 Grievances**

Residents, ratepayers or other persons that have any concerns regarding how the Council handles their personal information, or require further information, should contact the Chief Executive Officer in the first instance.

A formal complaint may be lodged in writing to [mail@campbelltown.sa.gov.au](mailto:mail@campbelltown.sa.gov.au) or:

Chief Executive Officer  
Campbelltown City Council  
PO Box 1  
CAMPBELLTOWN SA 5074

## **7. Review & Evaluation**

Within six months of each new Council term Council will review this policy. Following this initial review this policy will be reviewed annually by staff with minor administrative adjustments being approved by the Chief Executive Officer.

## **8. Availability of the Policy**

Copies of this Policy will be available at Council's principal office during ordinary business hours and at Council's website [www.campbelltown.sa.gov.au](http://www.campbelltown.sa.gov.au).