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## 1. Statement

In accordance with the *Information Privacy Act 2009* (the Act), Ipswich City Council (Council) is responsible for administering the fair collection and handling of personal information and an individual's statutory right to access and amend their personal information held by Council.

## 2. Purpose and Principles

Ipswich City Council collects and manages personal information in the course of performing its activities, functions and duties. The way in which Council manages this information is governed by the *Information Privacy Act 2009*.

## 3. Strategic Plan Links

This policy aligns with the following iFuture 2021-2026 Corporate Plan theme:

- A Trusted and Leading Organisation

## 4. Regulatory Authority

*Information Privacy Act 2009*

*Information Privacy Regulation 2009*

*Right to Information Act 2009*

*Right to Information Regulation 2009*

*Public Records Act 2002*

## 5. Human Rights Commitment

Ipswich City Council (Council) has considered the human rights protected under the *Human Rights Act 2019 (Qld)* (the Act) when adopting and/or amending this policy. When applying this policy, Council will act and make decisions in a way that is compatible with human rights and give proper consideration to a human right relevant to the decision in accordance with the Act.

## 6. Scope

This policy applies to all personal information collected, used and stored by Council in every aspect of its operations and performance. All elected representatives and Council officers, regardless of their employment status, (full time, part time, casual, contract or volunteer) are bound by the principles of the Act.

## 7. Roles and Responsibilities

- (a) The Chief Executive Officer is the principal officer of Council and is responsible for dealing with applications under the *Information Privacy Act 2009*. The Chief Executive Officer may delegate the power to deal with an application under the *Information Privacy Act 2009* to another officer, being Council's Right to Information (RTI) Officer/s.
- (b) The RTI Officer/s is responsible for coordinating information privacy requests within Council and administering the key provisions under the Act.

## 8. Use and Disclosure of Personal Information

Personal information is not divulged to third parties outside of Council for their independent use unless the person to which the information relates has authorised, in writing, for Council to do so, or the disclosure is required or allowed by law. Personal information is not made available in the public forum without the express written permission of the customer and other individuals detailed in any correspondence or collected in any way.

## 9. Applying for access to or amendment of personal information

Council is committed to ensuring that individuals have the right of access to their personal records. To achieve this, Council will:

- (a) Provide individuals with an avenue to make application to access and/or correct their personal information. The relevant application form is publicly available on Council's website at [www.ipswich.qld.gov.au](http://www.ipswich.qld.gov.au).
- (b) Where possible and upon submission of the relevant application form, allow individuals to access personal information about themselves.
- (c) Where it is not possible for Council to allow an individual to access personal information about themselves, Council will provide reasons for refusal of access in writing.

## 10. Amendment of documents containing personal information

Council will take reasonable steps to correct/update the personal information of individuals when Council is informed that such information is irrelevant, inaccurate, incomplete or out of date subject to any limitation in Queensland Law concerning the amendment of personal information held by Council.

## 11. Review Rights

An applicant has the right to request a review of Council's decision if they do not agree with the response. There are two (2) avenues available:

### **Internal – Council Review**

A request for a review must be provided to Council, in writing, within twenty (20) business days from the date stated on the decision notice. The Chief Executive Officer has the power to delegate the review of this application to an officer who is to be no less senior than the original decision maker. The reviewing officer is required to remake the decision with fresh eyes. There are no additional charges to the applicant for this review to be undertaken.

### **External – Office of Information Commissioner**

An applicant has the option to either:

- Firstly apply to Council for an internal review of its written decision and then make a further application to the Office of Information Commissioner (OIC) if they still do not agree with Council's decisions; or
- Forego the opportunity of an internal Council review and apply directly to the Office of Information Commissioner for an external review.

Details of how to apply for an external review are available on the OIC's website at [www.oic.qld.gov.au](http://www.oic.qld.gov.au)

## **12. Monitoring and Evaluation**

- Council ensures that all staff receive regular training to identify their obligations with regard to the fair collection and handling of personal information in line with all relevant legislation and Council policies.
- Internal staff have access to a "one source of truth" intranet site titled Legislative Compliance, hosted by the Legal and Governance Branch.
- That the community are provided with an opportunity to make application to access and/or correct their personal information.

## **13. Definitions**

**Record:** Includes paper and electronic documents, e-mails, video footage including CCTV, sound recordings and online content.

**Personal Information:** 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 a natural living person whose identity is apparent, or can reasonably be ascertained from the information or opinion, including a photograph or other pictorial representation of a person.

## **14. Policy Owner**

The General Manager (Corporate Services) is the policy owner and the Corporate Governance Manager is responsible for authoring and reviewing this policy.