

Information Privacy Policy

Information Privacy Act 2009



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1. Policy Statement

Townsville City Council (Council) collects and manages personal information in the course of performing its activities, functions and duties.

The way in which the Council manages personal information is governed by the *Information Privacy Act 2009* (Qld) (IP Act). This policy sets out how Council collects and manages the personal information that it holds in accordance with the requirements of the IP Act.

2. Principles

In dealing with personal information, Council complies with the obligations imposed on personal information requirements and obligations prescribed under the IP Act and the Queensland Privacy Principles (QPPs).

3. Scope

This policy applies to workers and Councillors.

4. Responsibility

All Councillors and workers are responsible for ensuring this policy is understood and adhered to at all times.

5. Definitions

Term	Definition
Access	means providing an individual with personal information about himself or herself that is held by the Council. This may include allowing that individual to inspect personal information or to obtain a copy of the personal information.
CCTV System	includes any system installed by the Council to electronically record and display video or audio/video of any public place or Council facility.
Collection	means gathering, acquiring or obtaining personal information from any source and by any means.
Consent	in relation to solicited information, means a voluntary agreement (express or implied) to some act, practice or purpose. The individual must be adequately informed before giving consent and must have the capacity to understand and communicate their consent.
Disclosure	means the release of personal information to persons or organisations outside the Council (receiving entity) where the receiving entity does not know the personal information and the Council ceases to have

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Term	Definition
	control over the receiving entity in relation to who will know the personal information in the future. It does not include giving individuals personal information about themselves.
Enforcement-Related Activity	means - (a) the prevention, detection, investigation, prosecution or punishment of criminal offences or breaches of laws imposing penalties or sanctions; or (b) the enforcement of laws relating to the confiscation of the proceeds of crime; or (c) the protection of public revenue; or (d) the prevention, detection, investigation or remedying of seriously improper conduct; or (e) the preparation for, or conduct of, proceedings before any court or tribunal, or implementation of the orders of a court or tribunal.
Law Enforcement Agency	means an agency to the extent it has responsibility for - (a) the performance of functions or activities directed to the prevention, detection, investigation, prosecution or punishment of offences and other breaches of laws for which penalties or sanctions may be imposed; or (b) the management of property seized or restrained under a law relating to the confiscation of the proceeds of crime; or (c) the enforcement of a law, or of an order made under a law, relating to the confiscation of the proceeds of crime; or (d) the execution or implementation of an order or decision made by a court or tribunal; or (e) the protection of public revenue.
Manager	means an individual responsible for overseeing and coordinating specific functions, departments, teams or projects within Townsville City Council.
Personal Information	means information or an opinion about an individual or an individual who is reasonably identifiable from the information or opinion whether the information or opinion is true or not and whether the information or opinion is recorded in a material form or not.
Public Record	means a Ministerial record of a Minister or an Assistant Minister or is information recorded on, in or by using any medium, that is made, received or kept in the course of another public authority carrying out activities for a purpose of the authority, including the exercise of its statutory, administrative or other public responsibilities and that evidences the activities, affairs or business of the authority. See section 9 of the <i>Public Records Act 2023</i> .
Sensitive Information	for an individual means:

Term	Definition
	(a) information or an opinion, that is also personal information, about the individual's - (i) racial or ethnic origin; or (ii) political opinions; 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 orientation or practices; or (ix) criminal record; (b) health information about the individual; (c) genetic information about the individual that is not otherwise health information; (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 personal information in a publication, taking personal information into account in the making of a decision, or transferring the information from one part of the Council with particular functions to another part of the Council having different functions.
Workers	includes employees, contractors, volunteers and all others who perform work on behalf of Council.

6. Policy

The IP Act sets out the ways in which Council must manage and handle personal information.

6.1. Type of Personal Information

The kinds of personal information that Council collects and holds includes:

- names and addresses;
- telephone numbers;
- dates of birth;
- age and gender information;

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- car registration and driver's licence details;
- email addresses;
- tax file numbers;
- medicare numbers;
- customer or account numbers assigned to individuals by Council;
- employment details;
- photographs or video of individuals (including CCTV footage);
- property ownership and/or occupier details;
- animal ownership;
- payment histories;
- pensioner/concession details; and,
- library membership.

Council collects personal information by in writing or by recording information provided verbally.

Council collects and holds personal information for many purposes, including:

- determining rates;
- delivering waste services;
- assessing property development;
- processing applications for registration, permits and licenses;
- maintaining Council run facilities;
- dealing with complaints or requests for service;
- carrying out investigations and including evidence collection from third parties;
- responding to enquiries from members of the public; and,
- human resources management and recruitment processes.

Disclosure of personal information is only made after prior written consent of the individual or for purposes provided in the IP Act.

6.2. Disclosure of Personal Information Outside Australia

In complying with its obligations under section 33 of the IP Act, Council may disclose an individual's personal information to someone outside Australia only if:

- the individual agrees to the transfer; or,
- the transfer is authorised or required by law; or,
- Council is satisfied on reasonable grounds that the transfer is necessary to lessen or prevent a serious threat to the life, health, safety or welfare of an individual, or to public health, safety or welfare; or,
- two or more of the following apply:
 - 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;

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- the transfer is necessary for the performance of Council's functions in relation to the individual;
- the transfer is for the benefit of the individual and it is impracticable to seek their consent, but if it were practicable, the individual would be likely to consent;
- Council has taken reasonable steps to ensure that personal information it discloses will not be held, used or disclosed by the recipient in a way that is inconsistent with the QPPs.

6.3. Contracted Service Providers

Council will take all reasonable steps to ensure that contracted service providers comply with the requirements of the IP Act (Chapter 2, Parts 1 and 2 and section 41) when they are provided with, or collect, personal information in order to provide services on the Council's behalf.

6.4. Queensland Privacy Principles (QPP)

6.4.1 Open and Transparent Management of Personal Information (QPP1)

All personal information collected by Council will be managed in an open and transparent way and will be used only for the purposes of conducting Council business.

Council will ensure compliance with the QPPs and will develop and implement processes to enable Council to deal with enquiries and complaints from individuals about Council's compliance with the QPPs.

This policy will be available for public access at Council's Customer Service Centre and on its website at www.townsville.qld.gov.au.

6.4.2 Anonymity and Pseudonymity (QPP2)

Individuals have the option of not identifying themselves, or of using a pseudonym, when dealing with Council in relation to particular matters except where:

- (a) Council is required or authorised under an Australian law, or a court or tribunal order, to deal with individuals who have identified themselves; or
- (b) it is impracticable for Council to deal with an individual who has not identified themselves or have used a pseudonym.

In cases where an individual does not identify themselves or uses a pseudonym and depending on the nature of the request, Council may not be able to action a request, complete an investigation or provide a response without a person's identity.

6.4.3 Collection of Solicited Personal Information (QPP3)

All personal information collected by Council will be used only for the purpose of conducting Council business and for the provision of services to the community.

Council will only collect personal information in a lawful and fair manner for a purpose directly related and necessary to fulfil a function or activity of Council.

6.4.4 Dealing with Unsolicited Personal Information (QPP4)

If Council receives an individual's personal information and Council did not solicit the personal information, Council will assess the information and decide whether or not it could have collected the information under QPP3.

Where permitted by the Public Records Act 2023, Council will destroy or deidentify unsolicited personal information or personal information no longer required for any of its functions in accordance with our obligations under the QPPs if it is lawful and reasonable to do so.

6.4.5 Notification of the Collection of Personal Information (QPP5)

When Council requests personal information or information of a type that would include personal information from an individual, it will take all reasonable steps to ensure that the individual is generally aware of the purpose of the collection and advise of any main consequences, if any, for the individual if the personal information is not collected.

Council will advise the individual if the collection of the personal information is required or authorised under a law and the applicable law authorising the collection.

Where the Council's usual practice is to disclose the personal information to another agency or entity, Council will advise the individual of the name of that agency or entity at or before the time or, if that is not practicable, as soon as practicable after the personal information is collected.

Council will inform the individual about this policy and that the individual may access their personal information held by Council, seek the correction of the information and that they may make a complaint about how Council manages personal information under the QPPs.

6.4.6 Use or Disclosure of Personal Information (QPP6)

Council may use or disclose personal information for secondary or alternative purposes as permitted under the IP Act. This may include where Council is authorised or required under Australian law, with the individual's consent or where it is expected that the personal information would be used or disclosed for a related - or in the case of sensitive information, directly related - secondary purpose.

Council may, as a law enforcement agency, use or disclose personal information when it reasonably believes that the use or disclosure of the information is reasonably necessary for one or more enforcement-related activities.

Council may use or disclose personal information when all of the following apply:

- (a) the use or disclosure is necessary for research, or the compilation or analysis of statistics, in the public interest;
- (b) the use or disclosure does not involve the publication of all or any of the personal information in a form that identifies any individual;
- (c) it is not practicable to obtain the express or implied agreement of each individual the subject of the personal information before the use or disclosure; and,
- (d) if the personal information is disclosed to another entity - the Council is satisfied on reasonable grounds that the relevant entity will not disclose the personal information to another entity.

Where personal information is used or disclosed for the purpose of an enforcement-related activity conducted by Council, Council will make a written note of the use or disclosure.

This may include disclosure to a court or tribunal, for example where an offence is prosecuted in the Magistrates Court or where a third party exercises an external review right through the Queensland Civil and Administrative Tribunal.

6.4.7 Quality of Personal Information (QPP10)

Council will take all reasonable steps to ensure that, having regard to the purpose for which the personal information is proposed to be used, the information used or disclosed is accurate, complete and up to date.

6.4.8 Security of Personal Information (QPP11)

Council will take all reasonable steps to protect the personal information contained in a document under its control is protected against misuse, loss, unauthorised access, unauthorised use, modification, disclosure or any other abuse.

Council's databases are protected by passwords and other security measures to ensure information can be accessed by authorised workers only.

Council will take all reasonable steps to destroy or de-identify documents containing an individual's personal information where:

- (a) the information is no longer required for the purpose for which it may be used or disclosed under the QPPs;
- (b) the information is not contained in a public record; and,
- (c) Council is not required under an Australian law, or a court or tribunal order, to retain the information.

6.4.9 Access to and Correction of Personal Information (QPP12 & 13)

An individual may request, in writing, access to their own personal information under the *Right to Information Act 2009* (RTI Act). Council will provide access to requested information unless it is authorised or required under the RTI Act or another law in force in Queensland that provides for access to documents to refuse to give access.

An individual may apply for amendment of their personal information under the RTI Act if the information is inaccurate, out of date, incomplete, irrelevant or misleading. If Council refuses to correct the personal information and the individual requests Council to associate with the information a statement that the information is inaccurate, out of date, incomplete, irrelevant or misleading, Council must take all reasonable steps to associate the statement in a way that will make the statement apparent to users of the information.

6.5. Privacy Complaints

An individual can make a complaint about any act or practice that breaches the Council's obligations under the IP Act about the individual's personal information (a privacy complaint).

An individual should contact the Council and discuss the complaint with Legal Services or the Council's complaints section. An individual may also make a formal written complaint to the Council that outlines the act or practice that has breached the Council's obligations under the IP

Act. The Council will treat all complaints in accordance with its Complaint Management Policy and associated Procedure.

If an individual is not satisfied with the Council's response, they may make a privacy complaint to the Queensland Information Commissioner, provided that at least 45 business days have elapsed since the complaint was first made.

7. Legal Parameters

Human Rights Act 2019

Information Privacy Act 2009

Information Privacy Regulation 2025

Local Government Act 2009

Local Government Regulation 2012

Public Records Act 2023

Right to Information Act 2009

Right to Information Regulation 2025

8. Associated Documents

Complaint Management Policy and associated Procedure

Confidentiality Policy

Information Management Policy

Management, Operation and Use of CCTV and Recording Devices Policy

Records Governance Policy

Right to Information Policy