Privacy

Objective

The City of Belmont values the privacy of its customers and stakeholders and is committed to protecting the personal information that it collects, stores, discloses, and uses.

The *Privacy and Responsible Information Sharing Act 2024 (WA)* (the Act) requires agencies bound by its principles to enact a policy on the handling of personal information.

This policy facilitates the City's commitment to the lawful and appropriate management of personal information held by it and outlines how the City deals with the personal information collected.

This policy applies to all City workers, including business partners, contractors, suppliers, consultants, service providers and third parties, who are responsible for handling personal information held and managed by the City.

Detail

1. Collection of personal information

a) The City is committed to upholding the right to privacy of all individuals who have dealings with the City and will take reasonable steps to endeavour that personal information is protected in accordance with the Act.

b) The City collects personal information to enable it to exercise its powers and perform its functions under the legislative framework and policy requirements. Personal information will only be collected for the purposes that relate to the City carrying out its functions as a local government. This can include research to improve our services or for public consultation.

c) The City collects personal information as required by law; through correspondence and service requests; and from online data and metadata collection.

d) The City will provide notice about how information will be used, stored and disclosed.

e) The City will comply, in relation to privacy, with:

i) The *Privacy Act 1988 (Cth)*, where required by contract.

ii) The *Freedom of Information Act 1992 (WA)* regarding amendments to personal information.

iii) The *Privacy and Responsible Information Sharing Act 2024 (WA).*

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2. Sharing of personal information

a) The City is bound by the Act when handling personal information during its operations as a local government.

b) Any personal information collected by the City will only be used for the purpose for which it has been collected, or for a purpose that one would reasonably expect it to be used in carrying out the City's activities and functions.

c) The City will use reasonable endeavours to maintain personal information collected by the City and will not disclose this information to third parties unless:

   i) The disclosure is authorised or required by law;

   ii) The information is one to which the public has a right to access under relevant legislation;

   iii) The individual has consented to the disclosure;

   iv) The disclosure is necessary to prevent a threat to the individual concerned; and

   v) The information is utilised by a third party engaged on behalf of the City to undertake business purposes.

d) City workers will take reasonable steps to ensure that personal information is accurate, complete, and up to date before use or disclosure.

3. Security and storage

a) All City workers must:

   i) respect the confidentiality of personal or sensitive information they collect, use, or access, and

   ii) follow all applicable privacy laws, this policy, and City requirements.

b) Documents held by the City that contain personal information will be handled in a secure and responsible manner in accordance with the City's relevant procedures and business processes, and under law. This includes the collection, storage, retention and destruction of records.

4. Use of automated decision-making processes

a) The City may use automated decision-making to support the streamlining of services and the enhancement of customer experience.

b) The City however, does not use Artificial Intelligence (AI) or other automated systems to make decisions about individuals. All decisions involving personal information are made by authorised officers in accordance with procedures and frameworks.

c) Should the City in the future use AI or automated decision-making technologies to make decisions about individuals, the policy will be updated to reflect this practice.

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5. Accuracy of information

The City will:

a) take reasonable steps to make sure that personal information is accurate, complete and up to date.

b) take reasonable steps to protect personal information from misuse and loss and from unauthorised access, modification or disclosure, and

c) where an individual requests access to, or the correction of, their personal information, the City will, as soon as practicable, assess the validity of these requests in accordance with the legislative framework.

6. Privacy Breaches and Risks

a) All identified privacy breaches must be immediately reported to the City's Privacy Officer or, in the case of Elected Members, to the Chief Executive Officer, who will assess the report and make decisions in relation to the breach.

7. Privacy Complaints

a) All privacy complaints will be investigated, and the complainant provided with information about the investigation and outcome. If a complainant is not satisfied with the City's response, they are entitled to refer their complaint to the Privacy Commissioner.

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Definitions

As defined in the *Privacy and Responsible Information Sharing Act 2024 (WA)*

'**Act**' means the *Privacy and Responsible Information Sharing Act 2024*

'**City worker**' means employees, contractors, agency staff, volunteers and third party service providers.

'**collect**' means to obtain the information from any source or by any means and includes to infer the information from, or generate the information by the use of interpretation of, other information.

'**handle**', means to collect, hold, manage, use or disclose the information.

'**Information Privacy Principles**' refers to the guidelines established under the PRIS legislation that regulates the handling of personal information by an agency.

'**personal information**' means:

a) information or an opinion, whether true or not, and whether recorded in a material form or not, that relates to an individual, whether living or dead, whose identity is apparent or can reasonably be ascertained from the information or opinion; and

b) includes information of the following kinds to which paragraph (a) applies:

   i) a name, date or birth or address

   ii) a unique identifier, online identifier or pseudonym

   iii) contact information

   iv) information that relates to an individual's location

   v) technical or behavioural information in relation to an individual's activities, preferences or identity

   vi) inferred information that relates to an individual, including predictions in relation to an individual's behaviour or preferences and profiles generated from aggregated information

   vii) information that relates to one or more features specific to the physical, physiological, genetic, mental, behavioural, economic, cultural or social identity of an individual

'**sensitive information**' means personal information:

a) that relates to an individual's:

   i) racial or ethnic origin,

   ii) gender identity, in a case where the individual's gender identity does not correspond with their designated sex at birth,

   iii) sexual orientation or practices,

   iv) political opinions,

   v) membership of a political association,

   vi) religious beliefs or affiliations,

   vii) philosophical beliefs,

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viii) membership of a professional or trade association,

ix) membership of a trade union,

x) criminal record, or

b) that is health information,

c) that is genetic or genomic information (other than health information),

d) that is biometric information, or

e) from which information of a kind referred to in any of paragraphs (a) to (d) can be reasonably inferred.

'**unique identifiers**' means a number or other identifier assigned by an entity to an individual to uniquely identify that individual for the purposes of the operations of the entity but does not include an identifier that consists only of the individual's name.

Reference/Associated Documents

Privacy Act 1988 (Cth)

Freedom of Information Act 1992 (WA)

State Records Act 2000 (WA)

Privacy and Responsible Information Sharing Act 2024 (WA)

City of Belmont Recordkeeping Plan

Reference to Internal Procedures

Nil.

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This Operational Policy is supported by:	
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Internal Stakeholder(s):	Privacy and Information Sharing Officer
Amendment Status:	
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