

Corporate Policy (WCC.022)

Privacy and Confidentiality Policy

Responsible Officer: General Manager

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Privacy & Confidentiality Policy

<i>Version</i>	<i>Document Adopted</i>	<i>Changes</i>
1	23 May 2023	New Policy
2	27 January 2026	<ul style="list-style-type: none">i. Change name to Privacy & Confidentialityii. Includes a statement of why confidentiality of Council information is importantiii. Includes a section (section 6) which describes what is considered to be confidential information

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1 Introduction

West Coast Council is committed to protecting the privacy of its website users and providing quality services to you. This policy outlines our ongoing obligations to our website visitors with respect to how we collect, use and disclose, store, secure and dispose of your personal information.

We comply with the Australian Privacy Principles (APPs) contained in the Privacy Act 1988 (Cth). These principles govern the way in which we handle Personal Information.

A copy of the Australian Privacy Principles may be obtained from the website of The Office of the Australian Information Commissioner at www.oaic.gov.au.

Council also understands the importance of confidentiality of its information and how the unauthorized sharing of information can lead to reputational risk and can undermine the decisions of Council.

2 Collection of Personal Information

2.1 What is Personal Information and why do we collect it?

Personal Information is defined as information or an opinion that identifies an individual. Examples of Personal information we collect may include names, addresses, email addresses, phone and facsimile numbers.

We may obtain your Personal Information through various channels, including interviews, correspondence, telephone, facsimile, email, media and publications, publicly available sources, forms you have lodged with us, and third parties.

We do not guarantee website links or policies of authorised third parties. We collect your Personal Information for the purposes of:

- Providing Services to you
- Enforcing statements and notices issued by us
- Protecting the rights or property of the Council, Council Staff, and members of the public

We may also use your Personal Information for secondary purposes closely related to the primary purpose, in circumstances where you would reasonably expect such use or disclosure.

2.2 Sensitive Information

Sensitive information as defined in the Privacy Act includes information or opinions about an individual's racial or ethnic origin, political opinions, membership of a political association, religious or philosophical beliefs, membership of a trade union or other professional bodies, criminal records, or health information.

If you provide sensitive information, we will use it only with your consent or where required or authorised by law.

2.3 Third Parties

In accordance with best practices, we will make reasonable efforts to collect your Personal Information directly and only from you. However, in some circumstances, we may receive information from third parties. If this occurs, we will take appropriate steps to ensure the accuracy and completeness of the information provided.

3 Use and Disclosure of Personal Information

There are several circumstances under which we may disclose your Personal Information, including:

- Third parties where you consent to the use or disclosure; and
- Where required or authorised by law.

4 Security of Personal Information

Council ensures that your Personal Information is held in a secure manner that effectively guards against misuse, loss, modification, disclosure and unauthorised access.

Once your Personal Information is no longer necessary for its intended purpose, we will take appropriate measures to securely dispose of it, either by permanently deleting it or by de-identifying your Personal Information.

5 Access to and Correction of Personal Information

5.1 To Access your Personal Information

You may access the Personal Information we hold about you and update and/or correct it, subject to certain expectations. If you wish to access your Personal Information, please contact us in writing.

West Coast Council will not charge any fee for your access request but may charge an administrative fee for providing a copy of your Personal Information.

To protect your Personal Information, we may require identification from you before releasing the requested information.

5.2 Maintaining the Quality of your Personal Information

Council takes appropriate measures to maintain the accuracy, completeness and currency of your Personal Information. If you discover that the information we possess is not current or is incorrect, please notify Council promptly, so we can update our records and continue to provide quality services to you.

6 Privacy of Council Information

Council often deals with information that is confidential in nature. The information may relate to negotiations in relation to various issues.

Council itself may deal with Confidential Information either through Workshops or via the Closed Council agenda.

Items that may be included in a closed session of Council are defined in Local Government (Meeting Procedures) Regulations 2025 and include;

- Personnel matters, including complaints against an employee of the council
- Industrial relations matters
- Information that, if disclosed, is likely to confer a commercial advantage or impose a commercial disadvantage on a person with whom the council is conducting, or proposes to conduct business
- Commercial information of a confidential nature that, if disclosed, is likely to
 - Prejudice the commercial position of the person who supplied it, or
 - Confer a commercial advantage on a competitor of the council, or
 - Reveal a trade secret
- Contracts, and tenders, for the supply of goods and services and their terms, conditions, approval and renewal
- The security of
 - The council, councillors and council staff, or
 - The property of council
- Proposals for the council to acquire land or an interest in land or for the disposal of land
- Information that is
 - Of a personal and confidential nature, or
 - Provided to the council, on the condition that it be kept confidential
- Requests by councillors for leave of absence
- Notifications by councillors of leave of absence for parental leave
- Matters relating to actual or possible litigation taken, or to be taken, by or involving the council or an employee of the council.
- The personal hardship of any person who is resident in, or is a ratepayer in, the West Coast Municipal area

Any information of this nature that is in the possession of staff and Councillors is not to be shared with anyone other than those it was originally intended for.

Any information of this nature is not to be taken out of a Council controlled information technology network either by forwarding to a private email of either the person in possession of the information or to a third party.

Any information of this nature is not to be printed and or provided by any means to a third party without the knowledge of the General Manager.

Further to this, Councillors are bound by Section 28C of the *Local Government Act 1993*.

This reads as follows;

28C. Confidentiality Undertaking

- 1) If the general manager considers that the information or document is confidential, the general manager may require the councillor to whom the information or document is to be made available to give an undertaking to keep it confidential*
- 2) If a councillor refuses or fails to give the undertaking, the general manager may refuse to make the information or document available to the councillor*

7 Auditing and Investigations

As the owner of the corporate information, Council will undertake random audits to determine if there have been any breaches to the policy. Also, where it may be suspected that a breach of the policy has occurred an investigation will be held.

Any staff or policy found to be in breach will be dealt with under the appropriate code of conduct.

8 Public Complaints and Enquiries

If a person believes that West Coast Council has mishandled personal information, they have the right to lodge a complaint with Council. To do so, please contact council via email or the address provided below and ensure that you include the following details in your complaint:

- Your name and contact details
- Any identification or reference numbers, if relevant
- A brief description of the matter and why you believe that your personal information has been mishandled (including what happened, when it happened, and any consequences)
- Your desired outcome for resolving the issue

If you choose to put your complaint in writing, please also include contact details and the date of your letter.

West Coast Council

11 Sticht Street

Queenstown TAS 7467

Email – wcc@westcoast.tas.gov.au

If you are not satisfied with our response to your complaint, you can lodge a complaint with the Office of the Australian Information Commissioner. Please note that they only accept complaints in writing, and you can send your complaint to:

Office of the Australian Information Commissioner (OAIC)

GPO Box 5288

Sydney NSW 2001

Fax - +61 2 6123 5145

Website – www.oaic.gov.au

Should another staff member or Councillor become aware of breach in relation to confidential information they should report it immediately to the General Manager.