

AP174 PRIVACY POLICY

PRIVACY STATEMENT

“Council will take all reasonable and appropriate steps to respect and protect the privacy of individuals having regard to the requirements of the [Information Privacy Act 2009 \(Qld\)](#) and the [Queensland Privacy Principles therein](#)”.

APPLICABILITY

This policy applies to all personal information, including employee records, collected, stored, used and disclosed by Council, its employees, volunteers, Councillors, contractors and consultants, unless otherwise exempted by legislation. It provides a summary of legislative obligations and commitments in relation to privacy of personal information.

DEFINITIONS

The following definitions apply to this Policy and Council's *AP298 Privacy Procedure* and *AP299 Privacy Guideline*.

Contracted Service Provider – an external entity to which Council has entered into a contract or other arrangement for the provision of services on Council's behalf.

Disclosure – an entity (the first entity) discloses personal information to another entity (the second entity) if:

- a) the second entity does not know the personal information and is not in a position to be able to find it out; and
- b) the first entity gives the second entity the personal information, or places it in a position to be able to find it out; and
- c) the first entity ceases to have control over the second entity in relation to who will know the personal information in the future.

Law Enforcement Agency – means:

- i. Queensland Police Service under the [Police Service Administration Act 1990 \(Qld\)](#); or
- ii. Crime and Corruption Commission under the [Crime and Corruption Act 2001 \(Qld\)](#); or
- iii. Community safety department; or
- iv. Any other 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.

Personal information – information or an opinion, about an identified individual or an individual who is reasonably identifiable from the information or opinion, whether true or not and whether recorded in a material form or not.

Privacy complaint – complaint by an individual about an act or practice by Council in relation to the individual's personal information that is a breach of Council's obligation under the [Information Privacy Act 2009 \(Qld\)](#) (IP Act) to comply with the [Queensland Privacy Principles \(QPP\)](#); or an approval that waives or modifies Council's obligation to comply with the QPPs in accordance with s 157, IP Act.

Routine Personal Work Information – personal information that is solely and wholly related to the routine day to day work duties and responsibilities of a Council employee. For further information refer to the [Office of Information Commissioner \(OIC\) Guidelines on *Routine personal work information of public sector employees*](#).

Sensitive information – for an individual, means the following:

- 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 – Council uses personal information if it:

- a) manipulates, searches or otherwise deals with the information; or
- b) takes the information into account in the making of a decision; or
- c) transfers the information from one part of Council having particular functions to a part of Council having different functions.

Whilst this does not limit what actions may be **use** of the personal information, **use** of personal information does not include the action of disclosing personal information to another entity.

POLICY

1. Queensland Privacy Principles

Council will adhere to the QPPs contained in [Sch 3, IP Act](#).

2. Purpose for which personal information is collected, held, used and disclosed

Council collects, holds, uses and discloses personal information that is necessary for its functions and activities in providing services to the community.

Council will use and disclose personal information only for the purpose for which it was collected, unless an exception outlined in [QPP 6, IP Act](#) applies.

When collecting, using and disclosing personal information, Council will take reasonable steps to ensure the quality of the information.

If Council receives unsolicited personal information it will be handled in accordance with [QPP 4, IP Act](#).

3. Kinds of personal information collected and held

Council may collect and hold personal information including name, address, contact information, financial details, and identification documentation. Council may also collect and hold sensitive information, including health information.

4. How personal information is collected and held

Council may collect personal information through various channels including online forms, written applications, in-person interactions, and correspondence.

When collecting personal information Council must:

- a) whenever it is lawful and practical to do so, provide individuals the option of not identifying themselves;
- b) at the time or as soon as practicable, take all reasonable steps to make a collection notice available to the relevant individual in accordance with [QPP 5, IP Act](#); and

- c) not collect any sensitive information without the relevant individual's consent in accordance with [QPP 3.3, IP Act](#).

Council will protect all collected personal information, including any sensitive information, against misuse, interference, loss, unauthorised access, modification or disclosure by utilising multiple layers of protection across its information systems.

5. Accessing and amending information

Individuals can access any of their personal information held by Council, either through Council's [Administrative Access process](#) or formally under the [Right to Information Act 2009 \(Qld\)](#) and Council's [Right to Information process](#).

An individual can also amend their personal information through Council's [change of contact details process](#) or by completing the Queensland Government's [Information Privacy Personal Information Amendment Application Form](#) and [contacting Council](#).

6. Disclosure of personal information outside Australia

Council and its contracted service providers will only disclose an individual's personal information outside Australia if:

- a) consent is obtained from the relevant individual for that disclosure; or
- b) Council is otherwise satisfied that it, or its contracted service providers that it is able to disclose the information outside of Australia in accordance with the provisions of [s 33, IP Act](#).

7. Contracted service providers

Council will take all reasonable steps to ensure that contracted service providers are required to comply with the requirements of the IP Act, particularly [Chp 2, Pts 1 and 2 and s 41](#), when provided with, or required to collect, personal information in order to provide services on Council's behalf. This applies to all contracted service providers engaged by Council on or after the 1 July 2025.

For all other contracted service providers engaged by Council on or after 1 July 2010, but before the 1 July 2025, the version of the IP Act which was in effect before the 1 July 2025 will apply. Contracted service arrangements entered into before 1 July 2010 are not obligated to follow [Chp 2, Pt 3](#) of the IP Act.

8. Law enforcement activities

Council will assess on a case by case basis and determine satisfaction on reasonable grounds, if non-compliance of [QPPs 3.6, 5, 6 or 10.1](#) is necessary in the performance of its law enforcement activities as a law enforcement agency.

9. Breaches of the IP Act and Complaints

9.1 Privacy complaints process

Council will handle all privacy complaints and enquires in accordance with its obligations under the [IP Act](#). Individuals who consider that Council has not complied with its obligations to protect personal information under [Chps, 2, 3 and 3A Pts 2 or 3, IP Act](#), may make a privacy complaint to Council in accordance with [Chp 5, IP Act](#).

Privacy complaints must be made in writing, within 12 months after the individual becomes aware of the subject of the complaint. The particulars of the complaint and an address in which to respond must be provided when [contacting Council](#).

Council must review a privacy complaint within 45 business days after the day the complaint is received, unless the individual who submitted the complaint agrees to an extension of this time as requested by Council.

A privacy complaint can be referred to the [OIC](#) if the individual:

- a) does not receive a response within 45 business days and does not agree to an extension of time, as requested by Council; or
- b) is dissatisfied with an investigation outcome; or
- c) is dissatisfied with Council's handling of the matter.

A privacy complaint cannot be made to the OIC without first making a privacy complaint to Council.

9.2 Compliance notices

The Privacy Commissioner, OIC can issue a compliance notice to Council for serious or multiple breaches of the QPPs, requiring action. Council will take all reasonable steps to comply with any compliance notice issued, in accordance with its legislative obligations.

9.3 Mandatory Notification of Data Breach

An eligible data breach will be handled in accordance with Council's policy dealing with mandatory notification of data breach upon Chp 3A of the IP Act commencing application on 1 July 2026.

10. Other privacy measures

In addition to the obligations imposed upon it by the [IP Act](#), Council will continue to apply the following:

10.1 Unique identifiers

Council will not:

- a) adopt as its own, any identifiers of individuals that have been assigned by any other government agencies (e.g. Australian Tax Office's Tax File Number); and
- b) use or disclose any identifiers of individuals that have been assigned by any other government agencies unless Council requires to do so in the course of its normal business activities or has reason to believe that unlawful activity is being engaged in and wishes to investigate/report its concerns or where Council reasonably believes that the use or disclosure is necessary to satisfy public safety, health or legal concerns.

AUTHORITY

Council: 29 November 2011

Chief Executive Officer approval to extend review date: 12 June 2018

Minor amendments approved by Chief Executive Officer: 19 April 2021; 10 November 2022

Council: 12 August 2025

POLICY OWNER

Group Executive and General Counsel, Governance and Legal Services

FURTHER ASSISTANCE

- General privacy policy advice and privacy complaints handling – [Policy and Compliance, Governance, Council and Committee Services, Governance and Legal Services](#)
- [City Legal, Governance and Legal Services](#)
- Information Security Operational Technology, Information Services, Corporate Services
- Strategic Procurement, Corporate Services
- [Office of Information Commissioner \(www.oic.qld.gov.au\)](http://www.oic.qld.gov.au)

RELATED INFORMATION

Content Manager container: 109/268/189/85

File R239/2(2)

AP187 Right to Information Procedure

AP298 Privacy Procedure

AP299 Privacy Guideline

HRP040 Code of Conduct

ICT29 Information Security Labelling and Protection Guideline

ICT Information Security intranet

Crime and Corruption Act 2001 (Qld)

Information Privacy Act 2009 (Qld)

Public Interest Disclosure Act 2010 (Qld)

Public Records Act 2023 (Qld)

Right to Information Act 2009 (Qld)

REVIEW DATE

Due: 12 August 2027

Last reviewed: 12 August 2025

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