

Council Policy

Privacy



Legislation/local law requirements	<i>Privacy and Responsible Information Sharing Act 2024</i> <i>Freedom of Information Act 1992</i> <i>Local government Act 1995</i> <i>State Records Act 2000</i>
Relevant Delegation	Refer to the City's delegation register.
Related policy procedures and documents	Information Breach Policy FOI Statement Recordkeeping Plan Recordkeeping guidelines and procedures Privacy Impact Assessment Guide Privacy Impact Assessment Template Complaints Policy

Introduction

This Privacy Policy (**Policy**) is published in accordance with the *Privacy and Responsible Information Sharing Act 2024 (Act)*.

The City of Kwinana (**City**) is an Information Privacy Principle (**IPP**) entity under the Act and is committed to complying with the Information Privacy Principles (**IPPs**) set out in Schedule 1 of the Act.

This Policy forms part of a number of documents that support the City's responsible information sharing framework and is intended to ensure transparency in how the City collects, uses, discloses, stores and manages personal and sensitive information, and to support lawful and responsible information sharing.

Purpose

The purpose of this Policy is to explain, in a clear and transparent manner, the following:

- The personal information the City collects;
- How the City uses personal information it collects, including for purposes permitted under the Act such as service delivery, regulatory compliance, community engagement and fulfilling legal obligations;
- How the City handles sensitive personal information, ensuring it is subject to additional privacy protections in accordance with the Act, including limitations on collection, stricter security measures and its restricted disclosure;
- Who the City may disclose information to, ensuring compliance with the Act's responsible information sharing provisions;
- How the City keeps your information secure;
- The rights of individuals to access and correct their personal information under IPP 6, including the process for making such requests; and
- How the City remains transparent regarding the handling of personal information, including publication of this Policy and clarity about individual's rights.

Objective

The objectives of this Policy are as follows:

- Compliance with relevant privacy laws and regulations;
- Build trust and confidence with our community by demonstrating responsible information handling practices;
- Ensuring transparency in our collection, use, and disclosure of personal information;
- Empowering individuals with control over their personal information by upholding their rights to access and correct their data; and
- Ensuring that contracted service providers uphold equivalent privacy obligations and standards.

Scope

This Policy applies to all personal information collected by the City through various channels, including but not limited to:

- Our website, online services and digital platforms (including mobile applications and social media);
- Phone calls, emails and in-person interactions;
- Application for permits, licences and other services;
- Participation in community programs and events, surveys and consultations; and
- CCTV footage and other security or monitoring systems.

This Policy applies to all personal information collected by the City and is designed to comply with the Act. It also extends to contracted service providers (CSPs) engaged by the City to perform functions or services on its behalf. In accordance with Division 11 of the Act, CSPs must adhere to the same privacy obligations as the City, ensuring compliance with IPPs and any applicable privacy codes of practice.

This Policy does not apply to anonymous or de-identified information, which cannot be used to identify a specific individual.

Policy Provisions

Definitions

‘Personal Information’ is 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;

‘Sensitive personal information’ means personal information:

- that relates to an individual's:
 - racial or ethnic origin; or
 - gender identity, in a case where the individual's gender identity does not correspond with their designated sex at birth; or
 - sexual orientation or practices; or
 - political opinions; or
 - membership of a political association; or
 - religious beliefs or affiliations; or
 - philosophical beliefs; or
 - membership of a professional or trade association; or
 - membership of a trade union; or
 - criminal records;
- that is health information; or
- that is genetic or genomic information (other than health information); or
- that is biometric information.

Policy

The City collects personal information via the performance of its services and functions, as well as where required by law. For example, personal information is collected by the City:

- When joining one of the City's services or facilities (Kwinana Recquatic, Kwinana Public Library etc.);
- Through correspondence, communication and service requests;
- Through the 'Love My Kwinana' engagement hub;
- When registering for an event or program;
- When making an application to the City (for example, for a building permit); and
- When members of the public are invited to make submission or comment (for example, in the course of public consultation or when making a submission in relation to a planning application).

Information Handling Principles

The City's handling of personal information is governed by the IPPs, including:

- IPP 1–2: Lawful and transparent collection and openness;
- IPP 3–4: Use, disclosure and security safeguards;
- IPP 5–6: Access to and correction of personal information;
- IPP 7–8: Data quality and retention;
- IPP 9: Cross-border disclosure controls; and
- IPP 10: Accountability and governance.

Personal information is collected only when necessary, with individuals informed of its purpose. It is used solely for its intended function unless lawful exceptions apply, and any disclosure to third parties, including government agencies or CSPs, follows the Act's responsible information-sharing provisions. Information is retained only as long as necessary before securing disposal.

Individuals have the right to access and correct their personal information under IPP 6, with requests handled promptly. The City ensures accountability through staff training, compliance audits, and consultation with the Office of the Information Commissioner when required.

This Policy should be read and applied consistently with these principles.

Information Security Measures

The City implements robust security measures to protect personal information from unauthorised access, misuse, loss or disclosure, in compliance with the Act. Security controls include encryption, access restrictions, secure storage, and regular system monitoring to safeguard digital and physical records. Staff are trained in data protection responsibilities, and CSPs must adhere to the same security standards.

Retention and Disposal

Personal information will be destroyed or permanently de-identified when it is no longer required for any lawful purpose, unless a written law such as the *State Records Act 2000* requires the City to retain the information. This reflects the requirements of IPP 4.2.

Re-identification of De-identified Information

The City will not re-identify de-identified information except where permitted under IPP 11.2, such as where required by law, to test de-identification processes, or where authorised by another IPP entity.

Collecting personal information – documenting the purpose of collection

Before collecting personal information, the City will create a written record that sets out the specific purpose(s) for which the information is being collected, and how it will be used or disclosed. This is required under IPP 1.7 and ensures transparency, accountability, and lawful handling of personal information.

Notice where information is collected from third parties

Where the City collects personal information about an individual from someone other than that individual, the City will take reasonable steps to ensure the individual is informed of the collection and the matters required under IPP 1.9, unless doing so would pose:

- a serious threat to any individual's life, health, safety or welfare; or

- a threat due to family violence.

These exceptions reflect the protections provided under IPP 1.10.

Use and Disclosure

Any personal information collected by the City will only be used for the purpose for which it has been collected, or for a purpose you would reasonably expect in carrying out the City's activities and functions, including:

- To maintain the assessment record (rates) and other records of a local government nature;
- To provide you with information about the City's services and facilities;
- To determine and provide appropriate services and facilities; or
- To administer and manage processes such as applications for permits, animal ownership, billing and collection of levies and charges, parking controls and development proposals.

The City will take reasonable steps to ensure that your personal information is not disclosed to third parties except in the following circumstances:

- To undertake market research for the City, in which case the supplier is prohibited from using your personal information except to provide these services to the City;
- If, on an application by a person for information under the *Freedom of Information Act 1992*, the City (or the Office of the Information Commissioner on review), makes a determination that disclosure of that personal information would on balance be in the public interest;
- As required or authorised by law;
- As required by a court order;
- In order to complete the purpose or function for which the information was provided, which includes when submissions are provided as part of a report (or an attachment to a report) that is presented to Council for decision;
- For collecting monies owed to the City;
- In the recovering of outstanding library materials or monies, through a contracted debt collection agency; or
- Otherwise, only with the consent (express or implied) of the customer or stakeholder.

Documenting Secondary Use or Disclosure

Where the City uses or discloses personal information for a secondary purpose permitted under the Act (including research, law enforcement, preventing harm, or another lawful exception), the City will make a written record of that purpose as required under IPP 2.4 and 2.5.

Cross-border Disclosure of Personal Information

The City will not disclose personal information outside Western Australia or Australia unless it has taken reasonable steps to ensure that the disclosure complies with IPP 9 under the Act.

Where cross-border disclosure occurs, the City will ensure appropriate contractual, technical or organisational safeguards are in place to protect the information and will document the basis for the disclosure.

Responsible Information Sharing

The City will only share personal information where authorised or required under the Act or another written law.

In accordance with the responsible information sharing framework, Part 3 of the Act the City will only share personal information where:

- the sharing is necessary to perform a lawful function or activity
- the sharing is proportionate to the purpose for which the information is disclosed;
- only the minimum amount of information reasonably required is shared; and
- appropriate safeguards are in place to protect the information from misuse, loss or unauthorised access.

The City will document decisions relating to responsible information sharing where required and will not engage in information sharing that is inconsistent with the IPPs.

Anonymity and Pseudonymity

Where lawful and practicable, individuals may interact with the City anonymously or through a pseudonym. The City may require identification only where required by law or where it is not practicable to provide a service or function without verifying identity.

City of Kwinana Website

The City uses “cookies” and similar technology on its websites. The use of such technology is an industry standard and will be used to monitor the effectiveness of City advertising and how our websites are used.

The City may use cookies to collect data from users of its website, such as:

- The user's server (IP) address and machine name;
- The date and time of visit to the site;
- The pages accessed and documents downloaded;
- The number of bytes transmitted and received for each request;
- The address of the referring page visited;
- Search terms used; and
- The type of browser used.

The City uses such data to measure activity, improve the website/applications and to enhance customer experience.

No attempt will be made to identify users or their browsing activities except in the unlikely event of an investigation, or the need to determine details related to a security breach or other inappropriate activity.

Website users can opt-out of cookies and adjust their internet browsers to refuse cookies or to notify them when cookies are being used (noting that certain features on the City's website may not function properly or optimally if cookies have been turned off).

Email addresses, telephone numbers

The City collects email addresses, telephone numbers, address(es) and sometimes other contact details when logging a request with the City or when subscribing to services.

This information is used for the purpose of communicating with parties in regards to City business such as rates, debts, complaints, for sending updates on the activities of the particular service, conducting surveys for ongoing research, for development of our services and to administer contact lists.

Social Media

The City uses social media sites to share and promote its services and functions. When communicating with the City using these services, the City may collect personal information to assist with communicating with individuals and the public.

The social networking services also have their own privacy policies which apply and will handle users' personal information for their own purposes.

Public Registers

The City will not disclose Personal Information kept in a public register unless the information is required to be disclosed pursuant to section 5.94 of the *Local Government Act 1995* or other statute.

Accuracy of Information

It is important that the personal information the City collects, uses or discloses is accurate, complete and up to date.

Individuals may request access, or the correction of personal information held about them by contacting the City's Freedom of Information Coordinator:

Freedom of Information – Principal Officer
City of Kwinana
PO Box 21
Kwinana WA 6966
Email: customer@kwinana.wa.gov.au

Access and Correction Rights under FOI and PRIS

Requests for access to or correction of personal information held by the City will generally be managed under the *Freedom of Information Act 1992*, as IPP 6 applies only to contracted service providers.

Where personal information is held by a contracted service provider on behalf of the City, access and correction rights under IPP 6 will apply.

Contracted Service Providers

Contracted service providers must comply with the City's privacy obligations under the Act.

Where a contracted service provider becomes aware of a suspected notifiable information breach involving personal information they hold on behalf of the City, they must:

- notify the City as soon as practicable.
- provide all required information about the breach and assessment outcome; and
- provide all assistance required for the City to meet its obligations under Division 6 of the Act.

Privacy Impact Assessments (PIAs)

Before engaging in a high privacy impact function or activity (i.e. functions or activities likely to have a significant impact on the privacy of individuals), the City will undertake a Privacy Impact Assessment (PIA) to identify privacy risks and implement measures to mitigate those risks.

The City will also comply with any direction from the Office of the Information Commissioner to conduct a PIA in accordance with section 80 of the Act and adopt recommended measures to enhance privacy protections.

Automated Decision Making

The City will inform individuals where an automated decision making process is used to make a significant decision about them. Individuals may request human review of decisions made through automated processes.

Where automated decision making is used, the City will:

- assess risks to ensure harm, bias, or discrimination is minimised;
- periodically evaluate the operation and effectiveness of the automated system; and
- ensure compliance with all requirements of IPP 10.

Privacy Complaints and Review

Individuals may make a complaint to the City if they believe their personal information has been handled in a manner inconsistent with the Act or the IPPs.

Complaints will be managed in accordance with the City's complaints handling procedure.

Where a complaint is not resolved to the satisfaction of the complainant, the individual may lodge a complaint with the Office of the Information Commissioner in accordance with Part 5 of the Act.

Notifiable Information Breaches

The City will address information breaches in compliance with its Information Breach Policy, which outlines the mandatory notification procedures pursuant to the Act and the IPPs.

Regulatory Compliance

The City is committed to ensuring full compliance with the Act and all other relevant privacy laws. As an IPP entity, the City upholds the highest standards of data protection, transparency, and accountability in handling personal information. Compliance measures include regular policy reviews, staff training, and implementing privacy-enhancing practices to mitigate risks.

The City also ensures that CSPs adhere to the same legal obligations. In cases of non-compliance, appropriate corrective actions will be taken, and where necessary, the City will cooperate with regulatory authorities (including the Office of the Information Commissioner) to address privacy concerns.

OFFICER USE ONLY

Officers may amend this section without council approval.

Responsible Team	Information Management
Initial Council adoption	Date: March 2026 Ref#: 61
Reviewed/amended	Date: Ref#:
Next Review Date	Date: March 2028
Policy Document Number	D25/12037