

# PRIVACY PROCEDURE

## OBJECTIVE

The aim of this procedure is to provide guidance to staff on the collection, storage and use of personal information to ensure compliance with the *Information Privacy Act 2009* and the *Information Privacy and Other Legislation Amendment Act 2023*.

## DEFINITIONS

Council	Banana Shire Council
Personal Information	<p>Any information (whether fact or not) that would allow a person to be identified.</p> <p>The <i>Information Privacy and Other Legislation Act 2023</i> defines personal information as:</p> <p><i>“Personal information means information or an opinion about an identified individual or an individual who is reasonably identifiable from the information or opinion–</i></p> <p><i>(a) whether the information or opinion is true or not; and</i></p> <p><i>(b) whether the information or opinion is recorded in a material form or not.”</i></p> <p>Examples include</p> <ul style="list-style-type: none"><li>• an individual’s name, signature, address:</li><li>• telephone number, date of birth, medical records, bank account details,</li><li>• employment details, and commentary or opinions made by or about the individual.</li></ul> <p>Generally, the presence of an individual’s name in a document is sufficient to make it personal information.</p>
Sensitive Information	<p>Personal information includes sensitive information, which is a specific category of personal information defined in schedule 5 <i>Information Privacy Act 2009</i>.</p> <p>Sensitive information is information or an opinion about an individual’s:</p> <ul style="list-style-type: none"><li>• racial or ethnic origin</li><li>• political opinions</li><li>• membership of a political association</li><li>• religious beliefs or affiliations</li><li>• philosophical beliefs</li><li>• membership of a professional or trade association</li></ul>

- membership of a trade union
- sexual orientation or practices
- criminal record
- health information
- genetic information that is not otherwise health information
- biometric information that is to be used for the purpose of automated biometric verification or biometric identification; or biometric templates.

## PROCEDURE

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### Collection Notice

A collection notice is to be provided to individuals from whom personal information is being collected.

- The collection notice is to advise the purpose or purposes of collection of the information.
- The collection notice is to advise what categories of information Council collects.
- The information is only to be used for this stated purpose or purposes.
- Only the necessary amount of personal information is to be collected for any purpose and no additional personal information.
- A collection notice is to be included in (or attached to) any request by Council to obtain personal information. This includes:
  - Forms used to collect employee's personal information
  - Tender documents
  - Surveys
  - Property and rates change of address
  - Emails
  - Website
  - Any other documents or means that may be used collect personal information
- A collection notice is to be prominently displayed at the front counter of all Council public offices.
- Telephone customers are to be advised of Council's Privacy Policy and how to access this policy.

*See attachments 1, 2 & 3*

### Security

Personal information is to be protected against unauthorised access, use, disclosure, misuse, and loss by physical, technical and administrative safeguards.

### Accuracy and Amendment

Reasonable measures are to be taken to ensure the accuracy, completeness and currency of any personal information.

Access is to be available to any individual to obtain their personal information and to request that it be updated and amended if it is incorrect or out of date.

## Openness

Information on Council's Privacy Policy, including the collection, use, and disclosure of personal information is to be readily available.

- Privacy Policy published on Council's Website
- Collection Notice published on Council's Website and attached to all documents requesting personal information
- Telephone customers advised of Council's Privacy Policy and how to access a copy of the Privacy Policy and Collection Notice.

## Use and Disclosure

- Council is only to use the personal information for the purpose for which it was collected unless one of the exceptions in QPP 6 applies.
- Council will only disclose personal information to another party when the person who supplied the personal information was advised at the time the information was collected that the information was to be disclosed to another party unless one of the exceptions in QPP 6 applies.
- Council will note the uses of an exemption on any personal information used or disclosed under an exemption in QPP 6.

## Consent

Council will only collect and use personal information, including photographs, for the purpose for which it is collected where consent has been obtained prior to or immediately after collection or Council is required or authorised by law to do so.

This includes, but is not limited to, the giving of personal information to another person or agency or the use of personal information to promote Banana Shire in bulletins and newsletters and/or for Shire or community educational, promotional, informational, funding or legislative publications or purposes.

*See attachment 4, 5 & 6*

## Complaints

Council will provide an individual access to the individual's personal information on request and will amend any inaccuracies.

An individual has the right to lodge a complaint under Council's Complaint Management Policy if the individual is not satisfied with Council's decision or response to any request in regard to personal information. The Complaints Management Policy includes the provision of an internal or external review.

## Routine Personal Work Information

Council will deal with the release of routine personal work information under the guidelines issued by the Office of the Information Commissioner for Routine Personal Work Information of Public Sector Employees.

Routine personal work information is personal information of employees that is solely and wholly related to the routine day-to-day work and responsibilities of an employee.

*See Attachment 7*

## Attachments

- 1 Personal Information General Collection Notice (Privacy Statement 1)
- 2 Personal Information Collection Notice (Privacy Statement 2)
- 3 Personal Information Collection Notice (Privacy Statement 3 - Abridged Version)
- 4 Personal Information Consent Form
- 5 Personal Information Telephone Collection Notice
- 6 Personal Information Collection Notice & Consent Form - Photographs
- 7 Routine Personal Work Information

## CERTIFICATION

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.....  
**CHIEF EXECUTIVE OFFICER**  
**BANANA SHIRE COUNCIL**

30 June 2025.....  
**DATE**

## BANANA SHIRE COUNCIL

### *Personal Information General Collection Notice (Privacy Statement 1)*

#### **Personal Information Collection Notice**

Banana Shire Council recognises, respects and is committed to protecting the personal information of individuals.

Council only captures and retains the personal information of individuals where it is lawful and necessary to provide Council Services and for good governance or it is related to the functions of Council or Council is required by legislation to obtain such information.

Your personal information will only be used for the purpose for which it is collected and will only be given to another person or agency where you have been advised prior to or immediately after collection and have consented or Council is required or authorised by law to do so.

Only the necessary amount of personal information for any purpose is collected and no additional personal information is required.

If you provide us with any personal information about another person, you should ensure that you are authorised to do so.

You may access or preview the *Information Privacy Act 2009*, the *Information Privacy and Other Legislation Amendment Act 2023* and Regulations on the following web sites:

Queensland Parliamentary Counsel – [www.legislation.qld.gov.au](http://www.legislation.qld.gov.au)

Office of the Information Commissioner – [www.oic.qld.gov.au](http://www.oic.qld.gov.au)

Banana Shire Council – [www.banana.qld.gov.au](http://www.banana.qld.gov.au)

Council has a Privacy Policy which is available on Council's website or by contacting a Banana Shire Council Administration Office.

You may access or preview your personal information held by Council, by submitting a written request, to the:

Chief Executive Officer  
Banana Shire Council  
PO Box 412  
BILOELA 4715

or

by email [enquiries@banana.qld.gov.au](mailto:enquiries@banana.qld.gov.au)

## BANANA SHIRE COUNCIL

### *Personal Information Collection Notice (Privacy Statement 2)*

*(Template only – Amend according to circumstances)*

#### **Personal Information Collection Notice**

Banana Shire Council recognises, respects and is committed to protecting the Personal Information of individuals.

Council is collecting ..... in accordance with .....in order to .....

This information will only be accessed by .....

This information in whole or part may be given to ..... for the purpose of .....

This personal information will not be given to any other person or agency unless you have consented or Council is required or authorised by law to do so.

Only the necessary amount of personal information for any purpose is collected and no additional personal information is required.

If you provide us with any personal information about another person, you should ensure that you are authorised to do so.

You may access or preview Council's Privacy Policy on Council's web site or by contacting a Banana Shire Council Administration Office.

You may access or preview your personal information held by Council, by submitting a written request, to the:

Chief Executive Officer  
Banana Shire Council  
PO Box 412  
BILOELA 4715

or

by email [enquiries@banana.qld.gov.au](mailto:enquiries@banana.qld.gov.au)

## BANANA SHIRE COUNCIL

### *Personal Information Collection Notice (Privacy Statement 3 - Abridged Version)*

*(Template only – Amend according to circumstances)*

#### **Personal Information Collection Notice**

The personal information gathered by Banana Shire Council on this form is for the purpose of maintaining Council's..... register and will not be used for any other purpose or given to any other party unless you have consented, or Council is required or authorised by law to do so.

## BANANA SHIRE COUNCIL

### *Personal Information Consent Form*

*(Template only – Amend according to circumstances)*

### **Personal Information Consent Form**

I ..... authorise Banana Shire Council to give my personal information collected under this collection notice to ..... for the purpose of.....  
.....  
.....

Name .....

Address .....

.....  
Signature

.....  
Date



## BANANA SHIRE COUNCIL

### *Personal Information Telephone Collection Notice*

*(Template only – Amend according to circumstances)*

#### **Personal Information Telephone Collection Notice**

**Either**

Are you aware of the Privacy Act?

Council's Collection notice is available on the website or at a Council Office or would you prefer to hear it?

**or**

Council has to inform you of your rights relating to privacy.

Council's Collection notice is available on the web site or at a Council Office or would you prefer to hear it?

#### **SAMPLE Replies to further questions.**

Council's Privacy Policy is available on Council's website or at the Council office.

You may access the Privacy Act and Council Collection Notice on the web site or at the Council Office.

Further information is available on the website of the Office of the Information Commissioner.

#### **CALL BACK**

*If caller has already advised name & phone number to be given to another officer.*

Thank you for that information. Are you aware of the Privacy Act?

Would you like to hear Council's Privacy Collection Notice? This can also be viewed Council's web site.

I will pass your name & phone number on to ...*(relevant person or position or name)*  
he/she will contact you.

## **BANANA SHIRE COUNCIL**

### ***Personal Information Collection Notice & Consent Form Photographs***

*(Template only – Amend according to circumstances)*

#### **Banana Shire Council - Personal Information Collection Notice**

#### **PHOTOGRAPHS**

#### **(Privacy Statement for Focus and other Council Publications)**

Banana Shire Council recognises, respects and is committed to protecting the Personal Information of individuals.

Council or its agent is taking these images, video, audio, and compiling this narrative for the purposes of the following:

- Promotion of Banana Shire in future Focus editions;
- Promotion of Banana Shire on its social media platforms and website
- Future Shire or community educational, promotional, reporting, informational, funding or legislative publications or purposes; and/or
- Council staff newsletters, emails and faxes
- Employee records

This information will only be accessed by Banana Shire Council for the above purpose will not be given to any other person or agency unless you have consented, or Council is required or authorised by law to do so.

Only the necessary amount of personal information for any purpose is collected and no additional personal information is required.

If you provide us with any personal information about another person, you should ensure that you are authorised to do so.

You may access or preview Council's Privacy Policy on Council's web site or by contacting a Banana Shire Council Administration Office.

You may access or preview your personal information held by Council, by submitting a written request, to the:

Chief Executive Officer  
Banana Shire Council  
PO Box 412  
BILOELA 4715

or

by email [enquiries@banana.qld.gov.au](mailto:enquiries@banana.qld.gov.au)

## Photographic and Narrative Consent Form

I hereby give my consent to Banana Shire Council to use my photograph and/or photograph of my child/children taken by Banana Shire Council staff or agent, and the relevant narrative in:

- Promotion of Banana Shire in future Focus editions;
- Promotion of Banana Shire on its social media platforms and website
- Future Shire or community educational, promotional, reporting, informational, funding or legislative publications or purposes; and/or
- .....

I also acknowledge and agree that:

- Absolute and entire copyright (including rights to reproduction) belongs to the Banana Shire Council.
- Banana Shire Council is entitled to use the photograph or reproductions for whatever promotional, informational, funding or legislative purposes the Council decides.

I have read this release and fully understand its contents.

I certify that I am over the age of majority and have the right to enter into this agreement.

Name: .....

Address: .....

Signature: ..... Date: .....

## Photographic, Narrative and Personal Information Consent Form

I hereby give my consent to Banana Shire Council to use my photograph and/or photograph of my child/children taken by Banana Shire Council staff or agent, and the relevant narrative in:

- Promotion of Banana Shire in future Focus editions;
- Promotion of Banana Shire on its social media platforms and website
- Future shire or community educational, promotional, reporting, informational, funding or legislative publications or purposes; and/or
- .....

I also acknowledge and agree that:

- Absolute and entire copyright (including rights to reproduction) belongs to the Banana Shire Council.
- Banana Shire Council is entitled to use the photograph or reproductions for whatever promotional, informational, funding or legislative purposes the Council decides.

I also consent to (tick appropriate):

- ☐ my name; and/or
- ☐ the name/s of my child/children; and/or
- ☐ the name of the town where I/we reside

being attached to any documents in which the photograph is printed.

I have read this release and fully understand its contents.

I certify that I am over the age of majority and have the right to enter into this agreement.

Name: .....

Address: .....

Signature: ..... Date: .....

## Routine personal work information of public sector employees

- 1.0 Overview
- 2.0 What is personal information?
- 3.0 Routine personal work information of public sector employees
- 4.0 Public sector employees' routine personal work information and the RTI Act
- 5.0 Public sector employees' routine personal work information and disclosure under the privacy principles
- 6.0 The privacy principles and routine personal work information generally
- 7.0 Summary

### 1.0 Overview

The *Information Privacy Act 2009* (Qld) (**IP Act**) and the *Right to Information Act 2009* (Qld) (**RTI Act**), contain rules about information that is personal information. It is important to understand the way these Acts apply to personal information that is solely the routine personal work information of public sector employees.

#### 1.1 Disclaimer

Routine personal work information is **only** relevant in relation to potential disclosure under:

- Information Privacy Principle 11 (IPP 11) or National Privacy Principle 2 (NPP 2); or
- a formal access application under the RTI Act or IP Act.

It **does not** apply to any other privacy principle or disclosure.

This guideline **only** addresses the disclosure of **routine personal work information** to the public or to a member of the public where the disclosure is for legitimate agency or department business.

### 2.0 What is personal information?

Personal information is defined in both IPOLA Act as:

*Personal information means information or an opinion about an identified individual or an individual who is reasonably identifiable from the information or opinion—*  
*(a) whether the information or opinion is true or not; and*  
*(b) whether the information or opinion is recorded in a material form or not.*

This definition is extremely broad, and captures a substantial amount of information, beyond what most individuals would generally regard as 'private' or 'personal'.

### **3.0 Routine personal work information of public sector employees**

#### **3.1 What is routine personal work information?**

The information being considered in this guideline is limited to routine personal work information—information that is solely and wholly related to the routine day to day work duties and responsibilities of a public sector employee<sup>1</sup>.

This includes information such as:

- a work email address
- a work phone number
- the fact of authorship of a work document, e.g. where the person's name is listed as one of the writers of a report
- a professional opinion given wholly in a professional capacity, e.g. that a stretch of vegetation is made up of specific sorts of plants
- a work classification, e.g. that someone is an AO6 project officer in the Administration area of a given department
- a work responsibility, e.g. that the officer is the contact if a member of the public has a complaint or a query about water allocation, or that an officer has responsibility for making decisions about granting licenses
- incidental appearances of a person's name in work documents, e.g. their identification as the author of a letter, their signature as an officer of a department, a mention of an officer as a member of a project team in documents produced by the project, a mention of an officer as having responsibility for a team or project, or holding a given position, on a departmental website or in a report
- information about qualifications held where they are required for the officer's position, e.g. that a scientific officer holds a Bachelor of Science.

This kind of personal information will be referred to as **routine personal work information** throughout this guideline.

#### **3.2 What sort of information is not routine personal work information?**

Any information that is not related wholly to the routine day to day work activities of a public sector employee is not routine personal work. The discussions in sections 3 and 4 below **do not apply** to information that is not routine personal work information, regardless of the fact that it may arise in or out of a work context, for example:

- complaints made by or about a public sector employee
- reasons why an officer is accessing leave entitlements of any kind or when they have taken, or intend to take, leave
- opinions expressed at work that are not about work, e.g. an email discussion between two officers about a movie they had both seen
- opinions about another public sector employee
- the fact that an officer has been unsuccessful in applying for a different public service position

- details of how an officer utilises the flexible working hours arrangement, e.g. when they chose to start and finish work or when they access flexitime
- opinions or reports about how well an officer performs their duties.

#### **4.0 Public sector employees' routine personal work information and the RTI Act**

##### **4.1 Access to documents under the RTI Act or chapter 3 of the IP Act**

The RTI Act and IP Act allow people to apply to access documents held or controlled by an agency or Minister. It provides that there is to be a pro-disclosure bias when deciding whether to release documents. It sets out that access to a document may be refused where it contains information that is either:

- exempt information; or
- information the release of which would be contrary to the public interest.

Personal information is not considered to be exempt information simply because it is personal information, and so it can only be held back from release under the RTI Act or IP Act where its disclosure would be contrary to the public interest or where it is part of information which is considered to be exempt.

In determining whether the disclosure of information would be contrary to the public interest, the RTI Act and IP Act require regard to be had to a number of factors, which must be balanced to reach a decision about whether disclosure would be contrary to the public interest (this is discussed in detail in the Public Interest Guidelines). These factors are:

- irrelevant factors
- factors favouring disclosure
- factors favouring non-disclosure
- factors favouring non-disclosure because a harm to the public interest could result.

The two sets of factors which favour non-disclosure include factors about personal information and about privacy rights, and it is those which this guideline considers as they apply to routine personal work information.

##### **4.2 Consultation**

Both the RTI Act and the IP Act require a decision maker to consult with a person to whom the release of information would reasonably be expected to be of concern. The below sections provide guidance only for routine situations and routine information. They will not apply in all circumstances, and if there is any doubt in the mind of the decision maker as to the potential effect of release of routine personal work information of public sector employees, consultation with the public sector employee should be considered.

##### **4.3 Relevant public interest factors**

Schedule 4, part 3, provision 3 provides that a factor favouring non-disclosure is if the disclosure of the information could reasonably be expected to prejudice the protection of an individual's right to privacy.

Schedule 4, part 4, provision 6 provides that disclosure of the information could reasonably be expected to cause a public interest harm if disclosure would disclose personal information.

#### **4.4 Balancing the routine personal work information for these factors**

Balancing the public interest factors requires a decision maker to consider the various factors that are relevant to a given application in order to decide whether its disclosure would be contrary to the public interest. When balancing the factors it is necessary to consider the harm that could be caused by the disclosure of the information in question.

Inevitably, the personal information of public sector employees will appear in numerous documents considered under an RTI or IP Act application. Public sector employees' routine personal work information is found in almost all documents held by agencies and Ministers.

##### **4.4.1 Balancing routine personal work information**

The routine personal work information of public sector employee is personal information within the meaning of the RTI Act and the IP Act. This means the above public interest factors are relevant. However, when deciding how much potential harm could be caused by disclosure—if the information is routine personal work information, the harm that could result would, in most circumstances, be minimal or none.

When disclosing routine personal work information the infringement of a public sector employee's right to privacy would, generally, be minimal or non-existent as would any public interest harm caused by its disclosure, because of a number of factors, including:

- the requirement that government departments be open and accountable with regards to their operations
- that public sector employees are employed in the business of government which delivers services to the public and the public is generally entitled to know the identity of the service deliverers, advice givers and decision makers
- the publication of public sector employees' appointments in the Government Gazette
- the appearance of routine personal work information in documents routinely disclosed, intended for disclosure, produced for disclosure or required by law to be disclosed, including reports, policy documents, decision notices and correspondence
- that a reasonable public sector employee would expect that information that is solely their routine personal work information would be made available to the public.

This applies **only** to routine personal work information as discussed above and **not** to any other personal information of public sector employees arising out of or in connection with the workplace.

In some applications, the assigning of minimal or no harm under these factors to the routine personal work information of a public sector employee **may not be** appropriate because of the circumstances. For example, the identity of risk assessors of dangerous prisoners to protect the safety of the advice giver and the supply of advice.

Additionally, other public interest factors may apply to the routine personal work information of a public sector employee, and those factors will have to be balanced accordingly.

#### **5.0 Public sector employees' routine personal work information and disclosure under the privacy principles**

As discussed above, routine personal work information is personal information within the meaning of both the RTI and the IP Act. The IP Act contains privacy principles which regulate the disclosure of personal information.



Whether personal information can be disclosed in compliance with the privacy principles does not have the same 'public interest' considerations as a formal application. The agency or Minister must consider the privacy principles to determine whether personal information (including routine personal work information) can be disclosed outside of the formal application process.

### **5.1 Disclosure under the privacy principles**

Generally, disclosure of a public sector employees routine personal work information is unlikely to be a breach of the IP Act.

Disclosure is defined in the IP Act as a situation in which an agency or Minister:

- gives personal information to an entity, or places it in a position to be able to find it out, where the entity does not know the personal information and is not otherwise in a position to be able to find it out; and
- the agency or Minister does not have any control over who the entity will cause to know the personal information.

If an agency or Minister makes a public sector employee's routine personal work information available to a member of the public, e.g. by providing their name and work phone number to a person, or to the public generally, e.g. by including it on a webpage, they have disclosed it. The general rule under the IP Act is that personal information cannot be disclosed unless one of a number of factors apply.

### **5.2 Permitted disclosures under the IP Act**

The rules about disclosure of personal information are contained in the privacy principles – the Information Privacy Principles (**IPPs**) and the National Privacy Principles (**NPPs**). The IPPs apply to all agencies (except health agencies); the NPPs apply to health agencies.

- IPP 11(1)(a) provides, relevantly, that an agency may disclose personal information if the individual the personal information is about would reasonably likely have been aware that it is the agency's usual practice to disclose the type of personal information to the relevant entity.
- NPP 2(1)(a) provides, relevantly, that information may be disclosed for a purpose other than the primary purpose for which it was collected if the secondary purpose is related to the primary purpose and the individual would reasonably expect the health agency to disclose the information for the secondary purpose.

### **5.3 Application to routine personal work information**

Disclosure of routine personal work information to the public or to a member of the public for legitimate agency purpose will, in most circumstances, be a permitted disclosure under IPP 11(1)(a) or NPP 2(1)(a).

#### **IPP 11(1)(a)**

Under IPP 11(1)(a) it may be disclosed because a reasonable public sector employee would, because of the nature of a public sector employee's position and the need to both interact with the public and provide it with information, be reasonably likely to be aware that routine personal work information would be disclosed to the public or members of the public where it was necessary for legitimate agency purposes.

## 6.0 The privacy principles and routine personal work information generally

The routine personal work information 'exception' only applies when disclosing personal information under IPP 11 or NPP 2. It does not change an agency's obligation to collect, store, use and ensure the accuracy of routine personal work information in compliance with the privacy principles.

## 7.0 Summary

The RTI Act and the IP Act provide rules about the release of personal information. They are intended to protect the public interest, and not to hinder government accountability or the conduct of government business. There will always be a need for some personal information of public sector employees to be disclosed, and the RTI and IP Acts provide a framework for doing so in a way that balances competing interests.

(For additional information and assistance please refer to the IPOLA Guideline: *Key Privacy Concepts – personal and sensitive information* or contact the OIC Enquiries Service on 07 3234 7373 or email [enquiries@oic.qld.gov.au](mailto:enquiries@oic.qld.gov.au).)

**This guide is introductory only and deals with issues in a general way. It is not legal advice. Additional factors may be relevant in specific circumstances. For detailed guidance, legal advice should be sought.**

If you have any comments or suggestions on the content of this document, please submit them to [feedback@oic.qld.gov.au](mailto:feedback@oic.qld.gov.au)

**Current as at: 11 April 2025**