Council

COUNCIL POLICY

PRIVACY AND DATA BREACH

Meeting Date: 24 November 2026

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Privacy and Data Breach Policy

Purpose

This policy sets out how the Shire collects, stores, uses, discloses, protects and manages personal information, and how privacy complaints are handled, in accordance with the *Privacy and Responsible Information Sharing Act 2024 (WA)* and other legal obligations.

This policy provides clear and consistent guidance for handling personal information and taking reasonable steps to protect it from unauthorised access, modification or disclosure.

Scope

This policy applies to all personal information the Shire of Plantagenet collects, holds, uses, discloses or manages in carrying out its functions and activities. This includes information about customers, ratepayers, employees, contractors, volunteers, job applicants and members of the public. This Policy applies to Elected Members, all employees, contractors and volunteers undertaking duties on behalf of the Shire.

Definitions

Personal Information - Information or an opinion about an identified individual, or an individual who can reasonably be identified.

- A person's name, date of birth or address
- Contact details such as phone number or email
- Inferred information

Sensitive Personal Information - Information treated as sensitive under law which needs extra protection.

- health or biometric information
- racial or ethnic origin
- religious beliefs
- political opinion
- trade union membership
- sexual orientation or criminal history.

Policy

The Shire of Plantagenet may collect personal information directly from you when you contact us, complete forms, lodge applications, use our website, visit our facilities or events, make payments, take part in consultations, or otherwise interact with the Shire.

Where permitted or required by law, we may also collect information from public sources, service providers, contractors, other government agencies and third parties.

We collect personal information only where reasonably necessary for, or directly related to, the Shire's functions and activities. This includes delivering local government services, assessing applications, administering rates and property matters, supporting customers and community programs, managing procurement and employment, undertaking compliance and enforcement activities, protecting public health and safety, maintaining records, and meeting legal and regulatory obligations.

Where reasonable and practicable, we will explain why we are collecting your personal information, whether collection is required or authorised by law, and how it will be used, disclosed and managed.

The Shire will collect, use or disclose sensitive information only where permitted by law, including where:

- the individual has provided consent;
- the information is reasonably necessary for the Shire's lawful functions or activities and its collection, use or disclosure is authorised or required by law; or
- another exception permitted by law applies

How we collect, use and correct personal information

1.1 Collection

Where reasonable and practicable, we collect personal information directly from the individual concerned. We may collect information indirectly from another person, organisation or government agency where authorised, required or permitted by law, or where direct collection is not reasonable or practicable.

You may choose to remain anonymous when dealing with the Shire of Plantagenet; however, this may limit our ability to respond to your request or provide the relevant service.

1.2 Use and Disclosure

The Shire may use or disclose personal information for the purpose for which it was collected, for a related purpose you would reasonably expect, or where otherwise authorised or required by law.

- to service providers, contractors, professional advisers or agents engaged to assist the Shire in carrying out its functions;
- to other public entities or authorised external entities where responsible information sharing is permitted for a lawful purpose and subject to required safeguards, risk assessment, accountability and transparency; and
- where the individual has consented, or where disclosure is required or authorised by law, including for compliance, enforcement, public health and safety, emergency management, audit, investigation or legal processes.

1.3 Data Quality, Storage and Security

The Shire takes reasonable steps to keep personal information accurate, relevant, up to date, complete and protected from misuse, loss, unauthorised access, modification or disclosure. These steps may include access controls, staff training, secure systems, records management practices, contractual controls and secure disposal.

The Shire will retain personal information only as long as required for retention, archival and recordkeeping purposes under the *General Retention and Disposal Authority or Local Government Information (DA 2023-005).* When no longer required, we securely destroy or de-identify it where appropriate and permitted under the State Records Act 2000.

1.4 Access and Correction

You may request access to, or correction of, personal information the Shire holds about you. Requests should be made in writing using the contact details below.

We may ask for more information to verify your identity or clarify the scope of your request. If access cannot be provided, we will explain why.

To protect privacy, we may require proof of identity before providing access to personal information or making corrections.

Information Breaches

The Shire of Plantagenet will take reasonable steps to prevent, identify and respond to information breaches. Suspected or confirmed breaches will be promptly assessed, contained, investigated and managed to reduce harm, meet legal obligations and prevent recurrence.

Employee Responsibilities

Employees, contractors and volunteers must:

- handle personal information only as required for authorised duties and in accordance with this policy and applicable procedures;
- use approved systems and security controls, protect passwords and devices, and avoid unauthorised access, use, disclosure, alteration or disposal of information;
- take reasonable care when collecting, storing, sharing, transporting and disposing of personal information; and
- complete required privacy and information security training and follow directions given in response to an actual or suspected breach.

Mandatory Reporting

Employees, contractors and volunteers must immediately report any actual or suspected loss, unauthorised access, use, disclosure, alteration or destruction of personal information through the Shire's designated incident reporting process. Reports must include all known relevant details, and no person may conceal, delay or independently investigate a suspected breach unless authorised to do so. The Shire will determine whether notification to affected individuals, regulators or other authorities is required.

Prevention and Response Process

Prevent and prepare: maintain appropriate access controls, secure systems, staff training, records management practices and incident response arrangements.
Report and contain: promptly escalate the incident, preserve relevant evidence and take authorised action to prevent further loss, access or disclosure.
Assess: determine what information was affected, the cause and extent of the breach, affected individuals and the likelihood and seriousness of harm.
Notify and respond: implement remedial measures and make any notifications required by law, regulatory guidance or contractual obligations.
Review and improve: document the incident, outcomes and lessons learned, address control weaknesses and monitor corrective actions.

Complaints, Enquiries and Review

If you have a privacy complaint, concerns about how your information has been handled, or questions about this policy, please contact the Shire of Plantagenet using the details below.

Where practicable, we will acknowledge privacy complaints in writing within five (5) business days, assess the matter and investigate as appropriate. We aim to respond in writing within forty-five (45) days, or keep you informed if more time is needed.

If you are not satisfied with our response, you may refer your complaint to the Office of the Information Commissioner (OIC).

We will review this policy periodically to reflect changes in legislation, guidance and Shire practices.

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