

POL-C-207 Privacy

1. Purpose

The purpose of POL-C-207 Privacy (Policy) is to provide the required protocols and governance over the methods in which City of Swan (City) officers collect, handle, store, share or dispose of personal information to ensure compliance with the *Privacy and Responsible Information Sharing Act 2024 (WA)* (PRIS Act), *State Records Act 2000 (WA)* (State Records Act), and the *Local Government Act 1995 (WA)* (Local Government Act) and its applicable Regulations.

2. Scope

This Policy applies to all Council Members, Committee Members and Candidates, all workers whether by way of appointment, secondment, contract, agency, temporary arrangement, or volunteers who deal with personal information whether:

- a) wholly or partly by automated means (i.e. by computer, applications, or other digital system), or
- b) by other means (i.e. paper records) that form part of a filing system or are intended to form part of a filing system.

3. Policy statement

The City values and respects the privacy of the people and organisations it deals with. The City is committed to upholding the Information Privacy Principles (**IPPs**) and champions compliance with the PRIS Act. The IPPs set out the standards, rights, and obligations for how personal information is collected, used, stored, shared and disposed of.

4. Policy criteria

This Policy sets out how the City may collect, handle, store, share or dispose of personal information, including any sensitive information held by the City to effectively perform its functions and activities. It also contains information about how individuals can access, update and correct their personal information that is held by the City.

4.1 Personal information collected and held by the City

- a) The type of personal information the City collects and holds varies depending on what information it needs to perform the functions and activities of a local government authority. This may include:
 - i. an individual's name, address, and contact phone number;
 - ii. information about an individual's identity;
 - iii. information about an individual's personal circumstances;
 - iv. information about an individual's financial affairs;
 - v. information about an individual's employment;
 - vi. information about an individual's education history;
 - vii. government identifiers; or
 - viii. information about assistance provided to an individual through the City's assistance arrangements.

- b) The City may also collect and hold sensitive personal information. This may include information about an individual's:
 - i. racial or ethnic origin;
 - ii. health (e.g. disability or injury records);
 - iii. criminal history;
 - iv. biometric data (e.g. identification photographs and CCTV);
 - v. multimedia information (e.g. photographs or video recordings);
 - vi. financial information (e.g. bank account or credit card details); or
 - vii. identity documents (e.g. passport or driver's licence).
- c) The City generally collects sensitive personal information only with an individual's consent. However, in certain circumstances, the City may collect such information without consent when required or authorised by law, including under express statutory provisions, court or tribunal orders, or through the general application of common law. This also includes the exercise of the City's functions under the Local Government Act, associated Regulations and other statutory obligations.
- d) The City often receives unsolicited personal or sensitive personal information. While efforts will be made to avoid collecting unnecessary information, any such information received will be handled in accordance with this Policy.

4.2 Conditions for compulsory collection of personal information

- a) In accordance with the PRIS Act, the City will only collect personal information where it is necessary for one or more of the City's functions or activities.
- b) The City generally does not require individuals to provide personal information when interacting with its services. Individuals may choose to remain anonymous or use a pseudonym where it is lawful and practicable to do so, such as when making general enquiries or accessing public information.
- c) In some circumstances, the collection of personal information is necessary to enable the City to deliver services effectively, assess eligibility, or respond appropriately to specific matters. For example, when lodging a complaint, personal information may be required to investigate the matter thoroughly and fairly.
- d) The City will inform individuals when the provision of personal information is compulsory, including reference to any law that requires or allows the information to be requested. Where information is optional, the City will advise of any consequences of not providing it.

4.3 How the City collects personal information

- a) The City is committed to collecting personal information in a fair, reasonable, and non-intrusive manner, and only from the individual concerned unless authorised otherwise.
- b) The City only collects personal information that is directly provided by an individual, their representative or an authorised third party. This may occur when an individual:
 - i. completes electronic or paper-based forms;
 - ii. contacts the City via phone, email, post, or in-person;
 - iii. makes a complaint, request, or enquiry;
 - iv. applies for permits, grants, licences, or services; or

- v. attends community events.
- c) Information is also collected through cookies when individuals visit any website owned by the City, for example, City of Swan, Swan Active, Swan Engage and Swan Valley. Cookies are small data files sent to the user's device to record preferences and enhance user experience. The City collects this information for the following purposes:
 - i. security;
 - ii. customisation;
 - iii. verification; and
 - iv. digital marketing and functionality.
- d) When the City collects personal information a privacy collection notice will be made available, where reasonably practicable. This notice will explain the purpose of collection, whether the collection is required or authorised by law, and the parties or organisations to whom the City typically discloses the information.

4.4 Why the City collects personal information

- a) The City collects personal information in order to effectively perform its functions and activities. This includes, but is not limited to:
 - i. communicating with the community about services, updates, and notifications;
 - ii. investigating complaints;
 - iii. delivering programs, services, and events;
 - iv. considering employment applications;
 - v. enforcing local laws and regulations; and
 - vi. complying with legal obligations and managing risks.
- b) The City may also collect personal information to improve its service, systems, and user experience.

4.5 How the City uses and discloses personal information

- a) The City may only use and disclose personal information for the primary purpose for which it was collected, unless otherwise authorised by legislative or statutory frameworks.
- b) The City may use or disclose personal information for a secondary purpose where one or more of the following applies:
 - i. an individual has consented to the use or disclosure for a secondary purpose;
 - ii. it would be reasonably expected that the City would use the information for that secondary purpose;
 - iii. it is legally required or authorised by an Australian law, or court or tribunal order;
 - iv. it is reasonably necessary for an enforcement-related activity conducted by, or on behalf of, an enforcement body;
 - v. the City reasonably believes it is necessary to lessen or prevent a serious threat to the life, health or safety of any individual, or to public health or safety;

- vi. the City has reason to suspect that unlawful activity or misconduct of a serious nature, relating to its functions or activities, has been, is being, or may be engaged in, and the City reasonably believes the use or disclosure is necessary in order for it to take appropriate action;
 - vii. it is necessary to help locate a person reported as missing;
 - viii. it is reasonably necessary for the establishment, exercise, or defence of a legal or equitable claim; or
 - ix. it is reasonably necessary for the purposes of a confidential alternative dispute resolution process.
- c) The City may disclose personal information to third parties or allow third parties to collect personal information on its behalf. These third parties may include, but are not limited to:
- i. suppliers and other entities with whom the City has a commercial relationship, such as those engaged to conduct research or deliver programs related to the City's functions; and
 - ii. organisations acting for an authorised purpose that directly relates to one of the City's functions, where the individual has provided express consent.

Further information regarding the disclosure of personal information to a third party can be found in the City's Information Sharing Policy.

- d) The City will ensure that appropriate protections of personal information are in place with third parties, consistent with its obligations under the PRIS Act. This includes ensuring that commissioned research utilises de-identified data.

4.6 Storage, protection and retention of personal information

- a) The City takes reasonable steps to ensure that personal information is stored securely and protected from unauthorised access, disclosure, loss, or misuse, in accordance with the PRIS Act and the State Records Act. Personal information held by the City is managed through secure business systems, access controls, encryption, and information management practices.
- b) Some information held by the City is stored on servers located outside Australia. The City takes reasonable steps to ensure that information is only stored or processed in countries with laws which protect personal information that are substantially similar to the privacy protections provided under the PRIS Act.
- c) The City retains personal information only for as long as it is required to fulfil the purpose for which it was collected, or as otherwise required by law. When personal information is no longer required, the City will destroy or permanently de-identify the information in accordance with the PRIS Act and the State Records Act.

4.7 De-identification of personal information

- a) Where lawful and practical, the City will take steps to modify or process personal information in a way that prevents the individual's identity from being apparent or reasonably ascertained. This process is known as de-identification.
- b) De-identification may involve:
 - i. removing or obscuring direct identifiers such as names, addresses, or contact details;
 - ii. aggregating data to reduce risk of re-identification;
 - iii. applying statistical or technical methods to mask or generalise personal attributes; and

- iv. ensuring any remaining data cannot be reasonably linked to an individual.
- c) Once personal information has been de-identified, it is handled as non-identifiable data and may be used for purposes such as research, planning, service improvement, or reporting. The City ensures that de-identified information is managed securely and in accordance with the PRIS Act.
- d) The City does not re-identify information that has been de-identified, unless authorised by law or with the individual's consent.

4.8 Right of erasure

The City may erase certain personal information on request, provided the request complies with the requirements of the PRIS Act and there is no compelling reason for its continued processing. This right is not absolute and applies only in specific circumstances.

4.9 Use of unique identifiers

The City will not adopt as its own an identifier that has been assigned to an individual by another government agency. It will not use or disclose such an identifier unless the individual has provided consent, or the use or disclosure is required or authorised by law.

4.10 Use of automated decision-making processes

- a) The City does not presently use Artificial Intelligence (**AI**) or other automated systems to make significant decisions about individuals. All decisions involving personal information are made by authorised officers following established procedures and governance frameworks.
- b) The City is committed to responsible innovation and will update this Policy to reflect any future use of AI or automated decision-making technologies.

4.11 Managing access to personal information

- a) The City has access controls and role-based permissions in place to ensure that personal information is only accessible by officers who require it to perform their duties as part of the City's functions and activities. Access to personal information is restricted based on operational need and is regularly reviewed to ensure compliance with the PRIS Act.
- b) The City uses secure systems to monitor access to personal information and prevent unauthorised access or misuse. Staff are trained on privacy obligations and are required to handle personal information in accordance with internal policies and procedures.

4.12 Accessing, updating, or correcting information held by the City

- a) An individual has a right to access and correct personal information the City holds about them under the PRIS Act and the *Freedom of Information Act 1992* (WA).
- b) The City endeavours to ensure that personal information it collects and holds is accurate, complete, and up-to-date. If an individual demonstrates that information held about them is incorrect, the City will take reasonable steps to correct or update it.
- c) If the City does not agree with the individual's view regarding the accuracy of the information, it will provide reasons for its decision not to amend the information. Upon request, the City will take reasonable steps to include a statement in its records noting that the individual holds a contrary view.
- d) Individuals may submit a request under this section by completing the *Request for Personal Information* form available on the City's website.

4.13 Complaints procedure

- a) The City of Swan Privacy Officer can be contacted:
 - i. by email: privacy@swan.wa.gov.au
 - ii. by post:
Privacy Officer
PO Box 196
Midland DC WA 6936
Australia
- b) To make a complaint about how the City handles personal information, you should complete the *Privacy Complaint* form available on the City's website or contact the Privacy Officer. The City will endeavour to respond within 30 days of receiving the complaint.
- c) If you are not satisfied with the City's response, you may seek further information regarding privacy from the Office of the Information Commissioner.

4.14 Policy changes

The City makes changes to the Policy from time to time by giving notice on the City's website. The City recommends reviewing the Policy regularly and referring to the latest version date listed below.

Document control

Document approvals:			
Version #	Council adoption		
1.	December 10, 2025		
Document responsibilities			
Custodian:	Executive Manager Governance	Custodian Unit:	Governance
Document management:			
Risk rating:	High	Review frequency:	1 Year
Next review:	2026	ECM Ref:	9027224
Compliance requirements:			
Legislation:	Privacy and Responsible Information Sharing Act 2024 (WA) Information Commissioner Act 2024 (WA) State Records Act 2000 (WA) Local Government Act 1995 (WA) Freedom of Information Act 1992 (WA) Privacy Act 1988 (Cth)		
Industry:	AS 27701 Privacy Information Management System		
Organisational:	Privacy Management Framework MP-203 Acceptable Use of Artificial Intelligence MP-055 Records Management MP-069 Information Security MP-019 Acceptable Use of Computing and Communications Facilities		
Strategic Community Plan:	G1 Empower and represent the community G1.1 Involve, engage and inform our community G2 Leadership and good governance G2.1 Deliver transparent, accountable and ethical leadership that ensures responsible decision-making		