

## INFORMATION PRIVACY

**Intent** The intent of this policy is to set out how Cairns Regional Council (Council) will manage and protect the personal information of individuals in accordance with the *Information Privacy Act 2009* and the Queensland Privacy Principles (QPPs).

**Scope** Applies to all Councillors, employees, contractors and volunteers of Council, and to all personal information collected, created, stored, used or disclosed by Council in performing its functions. This includes information held in Council systems, technologies and public records, whether managed by Council, its employees or contracted third parties.

## DEFINITIONS

Term	Definition
Access	Providing an individual with personal information that is held by Council. Access may include allowing that individual to inspect (view) personal information or to obtain a copy of the personal information.
Anonymity / Pseudonymity	Options for individuals to interact with Council without revealing their identity, where lawful and practicable.
Authorised Officer	A Council employee or contractor who has been given authority to collect, use, access, or disclose personal information as part of their official duties.
Collection	The act of obtaining personal information for Council's functions, whether directly from the individual or via a third party.
Confidential Information	Information obtained or generated through Council activities that is not publicly available and has restrictions on access or disclosure under law, contract or Council policy.
Consent	A voluntary agreement (express or implied) to some act or practice which impacts an individual's personal information. An individual must be adequately informed before giving consent and must have the capacity to understand and communicate their consent.
Contracted Service Provider	An external provider contracted to deliver services for Council who may collect, store, use or disclose personal information on Council's behalf.
Councillors	All elected representatives who holds (current) office with council, including the mayor.
Data Breach	Any unauthorised access to, disclosure of, or loss of personal information that could cause harm to an individual.
De-identify	To remove or modify personal information so that no individual can reasonably be identified.
Disclosure	Making personal information available to someone outside Council, whether intentionally or unintentionally, including to another agency, entity or individual.
<i>Information Privacy Act 2009</i> (IP Act)	Queensland legislation that regulates how Queensland public sector agencies manage personal information.

Term	Definition
Law Enforcement Activity	Activities carried out by law enforcement agencies that require the use or disclosure of personal information under QPP 6.
Mandatory Notification of Data Breaches (MNDB) Scheme	A statutory scheme commencing 1 July 2026 that requires local governments to notify affected individuals and the Office of the Information Commissioner of eligible data breaches involving personal information.
Personal Information	Information or an opinion, whether true or not, and whether recorded in a material form or not, about an identifiable individual or an individual who is reasonably identifiable (as defined in the IP Act).
Primary Purpose	The purpose for which personal information was originally collected.
Public Record	Information created, received or kept by Council in the course of its operations that provides evidence of decisions or activities, as defined under the Public Records Act 2023.
Queensland Privacy Principles (QPPs)	The principles set out in the IP Act that govern how Council must collect, store, use, disclose and manage personal information.
<i>Right to Information Act 2009</i> (RTI Act)	The Act that provides individuals the right to access and amend documents held by Council, unless exempt or contrary to the public interest.
Secondary Purpose	A purpose other than the primary purpose, permitted only where allowed under the IP Act.
Sensitive Information	A subset of personal information that includes information about an individual's racial or ethnic origin, political opinions, religious beliefs, health, sexual orientation, or criminal record (as recognised in the IP Act).
Unsolicited Personal Information	Personal information received by Council that was not requested or intentionally collected.
Use	Handling personal information within Council, including internal analysis, referencing, reporting, or decision-making.

## PROVISIONS

### Principles

Council recognises privacy as a fundamental human right and is committed to protecting personal information in accordance with the *Information Privacy Act 2009* (IP Act) and the Queensland Privacy Principles (QPPs).

The QPPs set out how Queensland public sector agencies, including local governments, must collect, store, use and disclose personal information under the IP Act. They require Council to collect only what is necessary, to inform individuals about why their information is being collected, to ensure information is accurate and secure, and to use or disclose it only for authorised purposes. The QPPs also give individuals rights to access and amend their personal information and require Council to manage personal information transparently and responsibly.

The QPPs are based on the 13 Australian Privacy Principles (APPs) but not all APPs were implemented into the IP Act. The following QPPs are not used under the IP Act:

- QPP 7 – Direct Marketing
- QPP 8 – Cross-border disclosure of personal information, noting that similar requirements to APP 8 are contained in section 33 of the IP Act.
- QPP 9 – Adoption, use or disclosure of government related identifiers.

### **Open and Transparent Management of Personal Information (QPP 1)**

Council manages personal information in an open and transparent way and uses it only for the purpose of conducting Council business. Council will ensure compliance with the QPPs by developing, maintaining and implementing processes that assist individuals to make enquiries or complaints about Council's compliance with the IP Act. This Privacy Policy will be available at Council's Customer Service Centre and on Council's website.

### **Anonymity and Pseudonymity (QPP 2)**

Where possible, individuals have the option of not identifying themselves or of using a pseudonym when dealing with Council. Circumstances where anonymity is not available include:

- where Council is required or authorised by an Australian law, or a court or tribunal order, to deal only with identified individuals; or
- where it is impracticable for Council to respond to or action the matter without identifying the individual.

In some cases, Council may not be able to progress a request, complete an investigation or provide a response unless the individual's identity is known.

### **Collection of Solicited Personal Information (QPP 3)**

Council only collects personal information where it is necessary for a lawful Council function or activity. Personal information is collected lawfully and fairly, and only where the collection is reasonably necessary for Council to deliver services, carry out regulatory responsibilities or perform other statutory functions.

Council may also collect sensitive information and will generally only collect sensitive information directly from the subject individual or with their consent, or otherwise consistent with Council's obligations under the IP Act.

### **Dealing with Unsolicited Personal Information (QPP 4)**

Where Council receives personal information that it did not solicit, Council will consider whether the information could have been collected under QPP 3. If Council determines it could not have collected the information, and subject to the *Public Records Act 2023*, Council will, where lawful and reasonable, destroy or de-identify the information in accordance with the QPPs and authorised retention and disposal schedules.

### **Notification of the Collection of Personal Information (QPP 5)**

Council will not collect personal information about an individual unless:

- Consent is provided by the individual; or
- It is required by Council to fulfil its responsibilities, or to provide services and facilities to individuals or collection is required by law; or
- Collection is necessary to prevent or lessen a serious threat to life, health, safety or welfare of an individual or to public health, safety or welfare.

Council also informs individuals about this Privacy Policy and how they can access it.

### **Use or Disclosure of Personal Information (QPP 6)**

Council may use or disclose personal information for a purpose other than the original purpose of collection only where permitted under the IP Act. This includes circumstances where:

- the individual has provided consent
- Council is authorised or required under an Australian law to use or disclose the information
- the secondary use or disclosure is reasonably expected and related to the primary purpose (or, in the case of sensitive information, directly related)
- the information is reasonably necessary for one or more law enforcement activities.

Council may also use or disclose personal information for approved research or statistical purposes where:

- the use or disclosure is in the public interest
- the information will not be published in a way that identifies individuals
- it is not practicable to obtain consent
- Council is satisfied the receiving entity will not further disclose the information.

Where Council uses or discloses personal information for law enforcement activities, Council will make a written note of the use or disclosure. This may include disclosure to a court or tribunal.

#### **Quality of Personal Information (QPP 10)**

Council takes all reasonable steps to ensure personal information it uses or discloses is accurate, complete and up to date, having regard to the purpose of its use.

#### **Security of Personal Information (QPP 11)**

Council takes reasonable steps to protect personal information from misuse, loss, unauthorised access, unauthorised use, modification or disclosure. Access to Council systems is restricted to authorised staff using secure authentication methods. Council will destroy or de-identify personal information when:

- it is no longer required for the purposes permitted under the QPPs
- the information is not contained in a public record
- Council is not required to retain it under an Australian law or court order.

#### **Access to and Correction of Personal Information (QPP 12 and 13)**

Individuals may apply to access their personal information under the *Right to Information Act 2009* (RTI Act). Council will provide access unless required or authorised to refuse access under the RTI Act or another law. Individuals may request amendment of their personal information if it is inaccurate, incomplete, out of date, irrelevant or misleading.

If Council refuses to amend the information and the individual asks Council to associate a statement with the information, Council will take reasonable steps to ensure the statement is apparent to users of the information.

#### **Privacy Complaints**

An individual may make a privacy complaint if they believe Council has not handled personal information in accordance with the IP Act. A privacy complaint on behalf of another individual can be made only if authorised by that individual. A privacy complaint in relation to a minor/child may be made by a parent or guardian.

Privacy complaints must be lodged with Council in the first instance, and Council has 45 business days to respond. Council may request an extension of this timeframe where appropriate. If a complainant is dissatisfied with Council's handling of the complaint, or if Council does not respond within the required timeframe, the complainant may refer the matter to the Office of the Information Commissioner.

#### **Data Breach**

Council recognises the significant responsibility that comes with handling personal information and is committed to protecting it at all times. To support strong information governance practices and to meet our obligations under the IP Act and the Mandatory Notification of Data Breach (MNDB) scheme, Council has established a Data Breach Policy which outlines how Council prepares for, identifies, assesses, contains, notifies, and reviews data breaches involving information in our possession or control.

#### **Human Rights**

When collecting, storing, using or disclosing personal information, Council must consider any potential impacts on the human rights of individuals, including the right to privacy and reputation. Decisions involving personal information must be justifiable, proportionate and consistent with the *Human Rights Act 2019* (Qld). Any limitation on human rights must be reasonable and demonstrably justified

**Related Documents**

- Right to Information General Policy
- Information Privacy General Policy
- Data Breach General Policy
- Code of Conduct for Councillors
- Code of Conduct (Employees)



**This policy is to remain in force until otherwise determined by Council.**

**Director responsible for Review:**

**Director People and Organisational Performance**

**ORIGINALLY ADOPTED:** 27/05/2026  
**CURRENT ADOPTION:** 27/05/2026  
**DUE FOR REVISION:** 27/05/2030  
**REVOKED/SUPERSEDED:**

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**Ken Gouldthorp**  
**CHIEF EXECUTIVE OFFICER**