

## CREATING PRIVACY COLLECTION NOTICES GUIDELINE

### 1 Scope:

This guideline applies to all Council employees who collect personal information directly from an individual.

### 2 Purpose:

To ensure that individuals know why their information is being collected and how it will be used and disclosed.

### 3 Related Documents:

#### Primary

Privacy Policy

#### Secondary

*Information Privacy Act 2009*

*Local Government Regulation 2012*

Creating Forms & Collection Notices Guideline

Information Privacy Principles

Privacy Complaint Handling Procedure

Right to Information Policy

### 4 Definitions:

To assist in interpretation, the following definitions apply:

Collection Notice (Privacy Notice)	Written and/or verbal notice advising customers: <ul style="list-style-type: none"> <li>▪ Why Council is collecting their personal information;</li> <li>▪ Any legal authority to do so (if applicable);</li> <li>▪ Any individual or other agency Council may be disclosing their personal information to; and</li> <li>▪ Any other individual or agency that the first agency will be disclosing their personal information to.</li> </ul>
Council	Rockhampton Regional Council
Employee	<i>Local government employee:</i> (a) the chief executive officer; or (b) a person holding an appointment under section 196 of the <i>Local Government Act 2009</i> .
Individual	Any living human being. That is, an individual is not a company, trust or deceased person.
Personal Information	As per section 12 <i>Information Privacy Act 2009</i> : Information or an opinion, including information or an opinion forming part of a database, whether true or not, and whether recorded in a material form or not, about an individual whose identity is apparent, or can be reasonably ascertained, from the

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## 5 Guideline:

A privacy notice is not the same as obtaining a person's consent, and should not be used as a vehicle for obtaining consent. A privacy notice informs – it does not ask. A consent form, in contrast, asks for a person's permission to put their personal information to a specific use (or disclosure). Consent is usually reserved for uses or disclosures that are outside of the original purpose for which the information was collected. In addition, disclosure of personal information cannot be included on the internet or where personal information is being transferred outside of Australia as it requires consent from the individual.

### 5.1 Collection Notices should:

- Be easy to find (i.e. visible, not hidden) and easy to understand (avoid legal terms and challenging vocabulary); and
- Include the following:
  - Name of Council;
  - Legislation requiring or allowing for collection of the information;
  - Why the information is being collected;
  - Who the information will or may be given to;
  - The purpose for which the information will be used once given out (if known); and
  - Any other individual or agency that the first agency will be disclosing their personal information to.

### 5.2 Timing of the Notice

Providing the collection notice to the individual should be done:

- Where the information is being collected by a form, questionnaire, survey or similar by placing the notice on the form;
- Where it is being collected over the telephone, by using a telephone script or recorded message;
- Where it is being collected by a form on a website which will be electronically submitted to the Council, by displaying a notice to the individual. The user should have to acknowledge they have read the notice before being able to submit the form;
- If it is being collected verbally by an employee who is with the individual, by placing on notice boards or displaying at service counters, by verbal explanation or by providing the individual with a pamphlet or printed notice;
- If it is being collected by recording audio or taking video footage or by pictures, by clearly displaying a prominent notice which will be easily seen by those whose words, actions or images will be captured; or
- If it is going to be collected at a pre-arranged interview or meeting, by posting or giving a pamphlet or printed notice to the individual while arranging the meeting, or including the notice in correspondence.

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**Reviewed Date:**

**Department:** Corporate Services  
**Section:** Corporate and Technology Services  
**Page No.:** Page 2 of 7

### 5.3 Collection Notice Formats

To ensure that all forms and signs have a neat, consistent appearance, the following notices must be formatted in accordance with the Creating Forms and Collection Notices Guideline.

#### 5.3.1 Council Forms

##### **PRIVACY NOTICE**

Rockhampton Regional Council is collecting the personal information you supply on this form for the purpose of *<insert purpose of collection>*. The Council is authorised to do this under *<insert section and name of act or regulation or local law if applicable>*. Some of this information may be given to *<insert name of recipient if applicable>* for the purpose of *<insert purpose if known>*. Your personal details will not be disclosed to any other person or agency external to Council without your consent unless required or authorised by law.

#### 5.3.2 Online or in a Generally Available Publication – Collection Notice and Consent Form

Where Council collects personal information with the intention of including it in a generally available publication, particularly where it will be made freely available online, this should be made clear in the collection notice.

Publication in a generally available publication, especially online, is effectively disclosure to the world at large, with few limitations or controls over the uses to which it might be put.

For example, Council currently publishes its Community Directory both in hard copy and electronically on its website. This Directory provides details of various Community Groups including contact details which contain personal information. As part of the process of producing the Directory, members of the public can complete an application form either in hard copy or electronically on a form available on the website.

**For online forms the following wording should be used:**

##### **PRIVACY NOTICE**

Rockhampton Regional Council is collecting the personal information you supply on this form for the purpose of *<insert purpose of collection>*. The Council is authorised to do this under *<insert name of act or regulation or local law if applicable>*. This information will be available to any person requesting a copy, and will also be made available on Council's website. By clicking "Submit" you are giving consent for your personal information to be included in the *<insert name of publication>* which will be available online.

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**Adopted/Approved:** Approved, 30 March 2015  
**Version:** 1  
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**Department:** Corporate Services  
**Section:** Corporate and Technology Services  
**Page No.:** Page 3 of 7

**For hardcopy forms the following wording should be used:**

**PRIVACY NOTICE**

Rockhampton Regional Council is collecting the personal information you supply on this form for the purpose of *<insert purpose of collection>*. The Council is authorised to do this under *<insert name of act or regulation or local law if applicable>*. This information will be available to any person requesting a copy, and will also be made available on Council's website. Consequently, any person whose personal information is included on this form must complete the following consent:

I, ..... hereby consent

(insert name)

to my personal information included on this form being published in the Council's *<insert name of publication>* on the understanding that this publication and therefore my personal information will be available on Council's website, access to which will be available online.

.....

Signature

Dated: / /

**5.3.3 Camera Surveillance**

Any time a camera captures pictures or video footage of an identifiable individual it is capturing personal information. For example, most CCTV programs will capture pictures or videos (footage) of individuals to some extent. If the footage is clear enough to make out the features of the individual, or in some cases unique clothing, markings, or tattoos, it is highly likely to be personal information.

The following sign should be placed near the cameras' location.

**IMPORTANT NOTICE**

These premises are protected by a closed circuit television (CCTV) system (video and/or audio) for the purposes of public safety, security, crime prevention and detection and in accordance with the *Information Privacy Act 2009 (Qld)*. Footage will only be accessed by persons authorised to do so and may be provided to Queensland Police Service or other law enforcement agencies.

Your personal information will not be disclosed to any other person or organisation external to Council unless required or authorised by law.

**5.3.4 Other Video/Audio Recording**

Where personal information may be collected using audio or video recording, for example at a pre-arranged interview or meeting, the following notice should be provided to the individual.

**PRIVACY NOTICE**

Rockhampton Regional Council is collecting the personal information you provide during this interview for the purpose of *<insert purpose of collection>*. The Council is authorised to do this under *<insert section and name of act or regulation or local law if applicable>*. Some of this information may be given to *<insert name of recipient if applicable>* for the purpose of *<insert purpose if known>*. Your personal details will not be disclosed to any other person or agency external to Council without your consent unless required or authorised by law.

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**Version:** 1  
**Reviewed Date:**

**Department:** Corporate Services  
**Section:** Corporate and Technology Services  
**Page No.:** Page 4 of 7

### 5.3.5 Surveys (including staff surveys)

Surveys are a method frequently used by Council to assess the community's level of satisfaction with its provision of services or it may be used to obtain internal feedback from Council staff. These surveys may be conducted using a feedback form which is distributed to staff or the community, or they may be conducted using a web-based tool, such as SurveyMonkey.

The responses that individuals provide in a survey is their personal information and, as such, Council must provide a collection notice.

If the survey is voluntary it would be best practice to advise participants of that fact to ensure that Council is compliant with Information Privacy Principles 1 – *to collect the information lawfully and fairly*.

**For hardcopy survey forms, the following collection notice should be used:**

#### **PRIVACY NOTICE**

Rockhampton Regional Council is collecting the personal information you supply in this survey for the purpose of *<insert purpose of collection>*. The Council is authorised to do this under *<insert name of act or regulation or local law if applicable>*. Some of this information may be given to *<insert name of recipient if applicable>* for the purpose of *<insert purpose if known>*. Your personal details will not be disclosed to any other person or agency external to Council without your consent unless required or authorised by law.

#### **Web Survey Tools**

The internet makes surveying large numbers of people a relatively simple process, and there are a number of free web survey tools available, such as SurveyMonkey. Most of these web survey tools are offered by companies located outside of Australia, and the information which the surveys collect is transferred to and stored on servers located in the country from which the company operates (for example, SurveyMonkey is based in Portland, Oregon, USA).

If a Council employee uses an overseas-based web survey tool to collect personal information, then Council is transferring the personal information out of Australia. Accordingly, in addition to ensuring the survey itself complies with the privacy principles, Council needs to take specific steps to ensure compliance with section 33 of the Information Privacy Act - *Transfer of personal information outside Australia*.

Even if a survey does not ask for a name, it may still be collecting personal information. For example, if an internal staff survey asks the participant for their job title, how long they have been working for the Council, and how many people are in their business unit, the participant's identity could reasonably be ascertained from the survey data.

Section 33(a) provides that personal information may be transferred out of Australia if the individual agrees to the transfer. If a survey is voluntary, Council can obtain the individual's agreement as part of the collection notice, as follows.

#### **PRIVACY NOTICE**

The survey is being conducted using the tools provided by *<insert survey tool>*, a private company with which Council has contracted, to conduct this survey. *<name of survey tool>*'s servers are located in *<insert country>* and the information you provide in response to this survey will be securely stored on their servers and accessed by Council. By completing this survey, you agree to your personal information being collected and transferred out of Australia to the *<name of survey tool>* server in *<insert country>*.

#### **Corporate Improvement and Strategy use only**

**Adopted/Approved:** Approved, 30 March 2015  
**Version:** 1  
**Reviewed Date:**

**Department:** Corporate Services  
**Section:** Corporate and Technology Services  
**Page No.:** Page 5 of 7

### 5.3.6 Council Chambers, Public Meetings and Service Counters

The following notices should be placed on notice boards, or displayed at service counters, or by verbal explanation.

#### Council Meetings (Council Chambers)

##### PRIVACY NOTICE

Proceedings at Council meetings are recorded by way of audio collection. Where members of the public are invited to contribute at a Council meeting, anything they contribute will be captured as part of the recording. In addition, their contribution may be recorded in the minutes and the minutes will be publicly available from Council offices and on the Council's website in accordance with the *Local Government Regulation 2012*. People attending Council meetings may also be recorded by photographs or video. In such circumstances, Council will seek consent to use, disclose or publish the photograph or video.

#### Other Public Meetings

##### PRIVACY NOTICE

Where members of the public are invited to contribute at a public meeting conducted by Rockhampton Regional Council, their contribution may be recorded in the minutes or noted by Council in other ways. People attending public meetings may also be recorded by photographs or video. In such circumstances, Council will seek consent to use, disclose or publish the photograph or video.

#### Service Counters (Public Reception Areas)

##### PRIVACY NOTICE

Personal information which is provided to Rockhampton Regional Council is used to deliver our services and to fulfil our legislative functions. Your personal information is handled according to the requirements of the *Information Privacy Act 2009*. Your personal details will not be disclosed to any other person or agency external to Council without your consent unless required or authorised by law.

#### Live Streaming Public Meetings

##### IMPORTANT NOTICE

Where members of the public are invited to contribute at a public meeting conducted by Rockhampton Regional Council, their contribution may be recorded in the minutes or noted by Council in other ways. People attending public meetings may also be recorded by photographs or video, and anything they contribute may be captured as part of the recording.

This meeting is also being streamed live via links from Council's website. This streaming is conducted using the tools provided by Livestream, a private company with which Council has contracted, to conduct this service. Livestream servers are located in the United States of America and any contribution you make at this meeting will be securely stored on their servers and accessed by Council. By participating in this meeting, you agree to your personal information being collected and transferred out of Australia to the Livestream servers in the USA.

## 6 Review Timelines:

This guideline will be reviewed when any of the following occur:

- 6.1 The related information is amended or replaced; or
- 6.2 Other circumstances as determined from time to time by the General Manager.

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**Adopted/Approved:** Approved, 30 March 2015  
**Version:** 1  
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**Department:** Corporate Services  
**Section:** Corporate and Technology Services  
**Page No.:** Page 6 of 7

**7 Responsibilities:**

Sponsor	Chief Executive Officer
Business Owner	General Manager Corporate Services
Guideline Owner	Manager Corporate and Technology Services
Guideline Quality Control	Corporate Improvement and Strategy

**ROSS CHEESMAN  
GENERAL MANAGER CORPORATE SERVICES**

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**Adopted/Approved:** Approved, 30 March 2015  
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**Department:** Corporate Services  
**Section:** Corporate and Technology Services  
**Page No.:** Page 7 of 7