Privacy

Introduction

The Shire of Toodyay is committed to protecting the privacy of individuals and ensuring that personal, sensitive, and confidential information is managed lawfully, securely and transparently.

This policy establishes Council's expectations for privacy governance across the organisation and supports compliance with the *Privacy Act 1988* (Cth), the *Privacy and Responsible Information Sharing Act 2024* (PRIS Act) and other relevant legislation.

Objective

This policy aims to:

- Establish clear expectations for how personal information is collected, used, disclosed, and stored;
- Foster community trust through transparency and accountability in data handling;
- Ensure staff and service providers understand and apply privacy responsibilities consistently;
- Define governance controls for managing privacy risks across business units;
- Embed privacy-by-design into projects, procurement, and system changes;
- Reduce the risk of unauthorised access, disclosure, loss, or misuse of information;
- Support lawful information sharing between agencies in accordance with the PRIS Act;
- Align privacy controls with the Shire's enterprise risk management framework; and
- Support compliance with the PRIS Act, Privacy Act, and other relevant legislation.

Scope

This policy applies:

- elected members;
- employees;
- contractors and Consultants;
- Volunteers;
- Third party vendors and service providers;
- Agents acting on behalf of the Shire; and;
- other stakeholders who handle personal information within the Shire's operations.

This policy applies to all information managed by the Shire including:

- Personal and sensitive personal information;
- Confidential and commercially sensitive information;
- Health information;
- Credit-related and financial information; and
- Aboriginal family history and traditional information (where applicable)

Definitions

Term	Definition
Anonymisation / Pseudonymisation	Anonymisation refers to the irreversible removal of identifiable elements from personal information Pseudonymisation refers to replacing identifying information with artificial identifiers while retaining the ability to re-identify under controlled conditions.
Confidential information	Information required to be kept confidential due to legal, contractual, commercial, or privacy obligations, and where unauthorised disclosure may result in harm.
Data Breach	Unauthorised access to, disclosure of, or loss of personal information held by the Shire, which compromises the confidentiality, integrity, or availability of that information.
De-identification	The process of removing or altering personal information so that an individual is no longer reasonably identifiable.
Health Information	Personal information about an individual's physical or mental health, disability, health services provided or to be provided or expressed wishes regarding future health care.
Information assets	All data, records, and information created, collected, stored, or managed by the Shire as part of its operations.
Information breach	• Unauthorised access to information; • unauthorised disclosure of information; or • loss of information; that is likely to result in harm to an individual or entity.
Personal Information	Information or an opinion, whether true or not, and whether recorded in a material form or not, relating to an individual whose identity is apparent or can reasonably be ascertained from the information.
Record	Information created, received, and maintained as evidence of business activities, in accordance with the *State Records Act 2000.*
Sensitive Information	Sensitive Personal Information means personal information that relates to an individual's racial or ethnic origin, political opinions, religious or philosophical beliefs, trade union membership, sexual orientation, criminal record, health information, genetic or biometric information, or other information prescribed under applicable legislation.
Unauthorised Disclosure	Unauthorised Disclosure means the release or visibility of information to a person or entity not authorised to receive it.

Term	Definition
Refer to the Corporate Documents Glossary	https://www.toodyay.wa.gov.au/documents/470/corporate-documents-glossary-(definitions)

Policy Statement

Council recognises that the responsible handling of personal information is essential to maintaining public trust and delivering effective services.

Council sets the Shire's expectations for privacy, risk appetite, and legislative compliance through this Policy.

Privacy risks and obligations must be considered in all projects, procurements, and system implementations in accordance with the Shire's governance and risk management frameworks.

The Chief Executive Officer (CEO), in accordance with section 5.41 of the *Local Government Act 1995*, is responsible for ensuring that appropriate systems, procedures, and controls are implemented and maintained to give effect to this Policy, including:

- establishment and maintenance of a Privacy Management Plan;
- integration of privacy by design into projects, procurement, and system changes;
- staff and contractor awareness and training; and
- mechanisms for monitoring, reporting, and responding to privacy risks and incidents.

The CEO will ensure that material privacy risks, incidents, and assurance outcomes are reported to Council and the Audit, Risk and Improvement Committee in accordance with the Shire's governance frameworks.

The Shire will ensure that:

- Personal information is collected only where necessary for lawful functions;
- Information is handled in a fair, lawful, and non-intrusive manner;
- Access is restricted to authorised personnel based on role requirements;
- Information is retained and disposed of in accordance with legislation;
- Appropriate technical and organisational safeguards are implemented.

1. Collection of Personal Information

Information is collected lawfully, fairly, and without unreasonable intrusion.

Collection may be required to:

- Perform statutory functions;
- Deliver services;
- Protect the Shire's legal and financial interests; and
- Operate business and information systems.

Personal information is collected only where necessary and may be obtained:

- Directly through interactions with individuals that include residents, non-residents and businesses.
- Indirectly where authorised or required by law.
- Through consultations, surveys, online forms and applications with appropriate collection notices explaining the purpose and use.

What we collect:

- Names and contact details from ratepayers, applicants, and community members;
- Property details for planning, building, and infrastructure services;
- Information from community consultations, grants, and event registrations; or
- Staff and supplier information used for HR and finance processes.

2. Use and Disclosure of Personal Information

Information may be disclosed to government agencies where required by law or where lawful information sharing provisions apply under the PRIS Act.

Personal information is used only for the purpose for which it was collected or for a related purpose where the individual would reasonably expect it.

Disclosure may occur:

- with the individual's consent.
- to government agencies where required or authorised by law.
- to service providers under strict contractual obligations (IPP 3.4 / APP 8).
- to third-party service providers under strict confidentiality agreements.
- when necessary to protect public safety or prevent fraud.

Information sharing is undertaken in accordance with PRIS Act requirements.

3. Data Security and Storage

Personal information will be:

- Stored in secure electronic systems with access controls;
- Managed within the Shire's Electronic Document and Records Management System (EDRMS);
- Protected through cyber security measures aligned with WA Government Cyber Security Policy;
- Stored physically in secure locations with restricted access; and
- Retained and disposed of in accordance with legislative and policy requirements.

The Shire takes reasonable steps to ensure personal information is accurate, complete, and up to date.

4. Access and Correction Rights

Access to information is governed by:

- *Freedom of Information Act 1992;*
- *Local Government Act 1995; and*
- PRIS Act provisions.

Access by Elected Members is managed in accordance with the *Local Government Act 1995* and CEO authorisation.

Individuals have the right to request access to their personal information and request corrections if inaccurate. Requests can be made in writing to our Privacy Officer to:

- Request access to their personal information.
- Seek corrections if their information is inaccurate or outdated.

5. Anonymity and Pseudonymity

Individuals may interact with the Shire anonymously or using a pseudonym where lawful and practicable.

Where identification is required (e.g. regulatory functions, service delivery, or legal obligations), anonymity may not be available.

6. Cross-Border Disclosure

The Shire does not disclose personal information overseas unless required by law or with consent, and only where appropriate safeguards are in place.

7. Notifiable Data Breaches

Where a breach is likely to result in serious harm, the Shire will notify affected individuals and the Information Commissioner in accordance with legislative requirements and the Data Breach Response Policy.

8. Complaints and Enquiries

Complaints about privacy breaches or concerns may be directed to:

Privacy Officer

Shire of Toodyay

PO Box 96

TOODYAY WA 6566

Via Email: complaints@toodyay.wa.gov.au

Phone: (08) 9574 9300

Complaints will be investigated in accordance with the Shire's procedures.

9. Non-Compliance

Non-compliance with this Policy may result in disciplinary action or legal consequences.

Flow Chart

This flow chart illustrates how the objectives of this Privacy Policy align with the Shire's enterprise risk categories and Council's adopted risk appetite. It demonstrates the relationship between privacy obligations, organisational risks, and the level of risk tolerance applied to different aspects of personal information handling. By linking each objective to a defined risk category and appetite statement, the Shire ensures that privacy risks are assessed, prioritised, and managed consistently with its broader governance, risk management, and compliance framework.

The flow reinforces that while innovation, service delivery, and capability development are supported, the Shire maintains a very low tolerance for breaches of privacy legislation, loss of community trust, or weaknesses in governance and accountability.

Objective	Aligned Risk Category	Risk Appetite Alignment
1. Establish clear expectations for how personal information is collected, used, disclosed, and stored.	Legal & Regulatory Compliance	**Very Low Appetite** – The Shire does not tolerate non-compliance with privacy legislation.
2. Foster community trust through transparency and accountability in data handling.	Reputation & Community Confidence	**Low Appetite** – The Shire seeks to avoid any action that could erode public trust.
3. Ensure staff and service providers understand and apply privacy responsibilities consistently.	People & Culture / Operational Delivery	**Moderate Appetite** – The Shire supports capability-building and continuous improvement but expects consistent compliance.
4. Define governance controls for managing privacy risks across business units.	Governance & Risk Management	**Low Appetite** – The Shire expects strong internal controls and clear accountability.
5. Embed privacy-by-design into projects, procurement, and system changes.	Technology & Information Security	**Low to Moderate Appetite** – Innovation is encouraged, but not at the expense of data protection.
6. Support compliance with the PRIS Act, Privacy Act, and other relevant legislation.	Strategic & Legislative Compliance	**Very Low Appetite** – The Shire has zero tolerance for serious breaches of statutory obligations.

Reference Information

- Australian Privacy Principles (APPs).
- Western Australian Information Classification Policy
- WA Information Classification Policy Supplementary Guide to align with the *Privacy and Responsible Information Sharing Act 2024* and WA Government Cyber Security Policy 2024.
- Information Privacy Principles – Summary. Version 1 released 28/10/2025. Office of the Information Commissioner WA – PRIS Resource 1.
- Data Breach Response Policy

Governing Legislation

- *Privacy and Responsible Information Sharing Act 2024 (WA)*
- *Privacy Act 1988 (Cth)*
- *Freedom of Information Act 1992*
- *Local Government Act 1995*
- *State Records Act 2000*
- *Information Commissioner Act 2024*
- *Interpretation Act 1984*

Associated documents

Request for Ratepayer Information

Information Requests & Data Breaches Procedure

Privacy Management Plan

Privacy Impact Assessment Form

Privacy and Information Sharing Business Operating Procedure

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Author (position title)	Governance Coordinator
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