



Confidentiality of Information Policy 2015

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Related Documents	Conflict of Interest Policy
Delegations of Authority	General Manager and Manager Governance and Information

Purpose and Scope

Uralla Shire Council is governed by the *Local Government Act 1993* and the *Local Government (General) Regulation 2005*.

The purpose of this policy is to explain how Uralla Shire Council should hold and manage large amounts of confidential information. The policy applies to all officers and Councillors of Uralla Shire Council, including part-time and contracted staff.

Legislation, Standards and Guidelines

- *NSW Local Government Act 1993*
- *Local Government (General) Regulation 2005*
- Uralla Shire Council Operating Policies
- *Privacy and Personal Information Protection Act 1998 (NSW)*
- *Health Records and Information Privacy Act 2002 (NSW)*
- *Independent Commission Against Corruption Act 1988*.

Definitions

Council information includes:

(a) all official information, government record or personal information which is created or obtained by the Department, stored by the Department or on Department facilities including information:

- (i) stored on a computer;
- (ii) transmitted across networks;
- (iii) printed out or written on paper;
- (iv) sent by facsimile;
- (v) stored on tapes or discs;
- (vi) spoken in conversations (including by telephone or radio) or overheard;
- (vii) incidentally seen or witnessed;
- (viii) sent via email;
- (ix) stored on databases;
- (x) held on films or microfiche;
- (xi) sent via any other method used to convey knowledge or ideas.

Policy Statement

Confidential information is any information with restrictions placed on the communication or dissemination of that information.

Uralla Shire Council holds and manages large amounts of confidential information. Corruption from the release of confidential information to individuals not entitled to view it may lead to financial, functional and reputational costs to Council.

Council must ensure that confidential information is securely held and used only for the purposes for which it was collected.

The improper use of confidential information can constitute corrupt conduct as defined by the *Independent Commission Against Corruption Act 1988*.

Uralla Shire Council ensures that identifiable information about individuals and organisations:

- (a) is not released publicly;
- (b) is available to authorised people on a need to know basis only;
- (c) cannot be derived from disseminated data; and
- (d) is maintained and accessed securely.

1. Corruption risks

1.1 Possible corruption risks within Council can include:

- A former employee providing confidential information to a new employer to aid dealings with the Council;
- An employee providing confidential information to a third party to gain an advantage when dealing with another agency;

- An employee leaking politically sensitive information to a member of the public or other stakeholder, such as the media;
- An employee using personal information about a client for private purposes such as debt collection or stalking.

2. How Council will manage the collection of information

2.1 Council will exercise due care in the collection and storage of all information.

2.2 All personal information will be managed where practicable in accordance with the *National Privacy Principles*, these principles are defined in section 6 [and Schedule 3] of the *Privacy Act 1988* (Cth).

2.3 Information must only be collected where directly needed for business purposes. The purpose for collecting information should be indicated at the time of collection.

2.4 Personal information may only be collected:

(a) by lawful means for lawful and clearly defined purposes that are linked directly to Council business;

(b) where individuals are made aware of:

- the collection of their personal information;
- the purposes of the collection;
- whether the collection is required under law.

2.5 All Council information must be stored in a manner which accords with the *State Records Act 1998 (NSW)*.

2.6 Staff must only access Council information required to perform their duties. It may be a crime to access information not related to performing an officers' duty under the *Independent Commission Against Corruption Act 1988*.

2.7 All requests for Access to Information should be made through Council's Access to Information Policy and appropriate processes as advised on the Uralla Shire Council web site. Staff must refuse any request for information that would constitute a breach of law or council policy.

2.8 Council information must not be disclosed except where required or authorised by law to do so. Staff must not disclose the personal information of a Council client or staff member to a third party unless:

(a) the individual about whom the personal information relates has consented to the disclosure, or has been made aware that information of that kind is usually passed on to the person or agency requesting it;

(b) it is believed the disclosure is necessary to prevent or lessen a serious and imminent threat to the life or health of the individual concerned or of another person;

(c) the disclosure is required by law.

2.9 Staff must exercise care when transmitting information. The method of transmission must be appropriate to the confidentiality or privacy of the content of the transmission.

3. How Council will ensure confidentiality in Council processes

3.1 Council will include confidentiality clauses in contracts.

3.2 Council will include 'use of information' requirements for employees exiting the organisation.

3.3 Council will refer to confidential information in all relevant corporate documents such as Codes of Conduct.

3.4 Council will include confidential information as a risk to be assessed in the agency's internal audit and corruption risk management processes.

3.5 All information contained in records will be classified appropriately as confidential or non-confidential. Ensuring security labels (such as "in-confidence" or "protected") are assigned to particularly sensitive documents.

3.6 Council maintains information technology systems that provide an audit trail, which logs access to electronic documents that contain confidential information.

3.7 Access to confidential information is restricted to officers, or other individuals that need to access it, only. The processes for gaining access to, releasing, modifying or releasing confidential information are all clearly documented.

Managing confidentiality of documents held by Council is a balancing act and it is important that all appropriate processes are followed to ensure documentation is accessible as required by legislative and policy requirements whilst also protecting information that should not be publicly available.

Responsibility

The Governance and Information area is responsible for the day to day management of Governance and Information Policy and practice at Uralla Shire Council, including strategic management, continuous quality improvement, legislative compliance requirements and financial management.

Accountability, Roles and Responsibility

The Governance Framework prescribes the standards and provides guidance to support sound governance practices throughout Uralla Shire Council. It ensures performance and the delivery of goods, services and programmes as guided by each business area of the Council and conformance to ensure the Council meets relevant Act, Regulations, standards and community expectations of probity, accountability and openness in local government.

Attachments

N/A