

URALLA SHIRE COUNCIL CONFIDENTIALITY/PRIVACY AGREEMENT

Access to and Use of Council Information and Resources

When performing your duties at Uralla Shire Council you may have access to Council information, files, records and resources. You must:

- Protect confidential and personal information.
- Only release confidential information if you have authority to do so.
- Only use confidential information for the purpose it is intended to be used.
- Not use confidential information gained through your official position for the purpose of securing a private benefit for yourself or any other person.
- Not use confidential information with the intention to cause harm or detriment to Council or to any other person or entity.
- Not disclose any information discussed during a confidential session of a Council meeting.
- Use Council resources ethically, effectively, efficiently, and carefully in the course of your official duties, and not use them for private purposes, except:
 - when supplied as part of a employment contract;
 - or the use is lawfully authorised and proper payment is made when appropriate.
- Be scrupulous in your use of council property, including intellectual property, official services and facilities, and must not permit their misuse by any other person or entity.
- Avoid any action or situation that could create the appearance that Council property, official services or public facilities are being improperly used for your benefit, or the benefit of any other person or body, or to the detriment of Council.
- Not use Council's resources for the private benefit for yourself or any other person; including:
 - Use of Council letterhead, Council seals or other information to give the appearance of official Council communication or material;
 - Use of Council's computer resources to search, access, download or communicate any material of an offensive, obscene, pornographic, threatening, abusive, or defamatory nature.

Access to Council Information for Personal Business

There may be occasions in which you wish to access Council information for your own personal reasons. In these circumstances you must observe and comply with the same procedures which apply to any member of the public when seeking access to Council information, records or files.

If you require access to Council information, records, and/or files for personal reasons, you must present yourself to Council's Customer Service counter and follow any procedures and pay any fee applying to a member of the public for access to Council information, records and files.

Access to Council Information, Records and Files for Business Reasons

In the course of performance of your duties as a Council official, you may require access to the relevant electronic information records and files through Council's Document Management System. A feature of the TRIM Document Management System is that a permanent record is maintained of all employees who access TRIM records and files.

Access to TRIM records is subject to regular audit. Any unauthorised access detected will be reported to the relevant Director and may be subject to disciplinary action.

Access to paper based building, planning, or development files must be requested through Central Records who will obtain the necessary authorisation from the relevant Director or from the General Manager.

Access to Personal and Sensitive Information

Uralla Shire Council collects and stores certain personal or sensitive information from staff members, customers, and residents/clients or their representatives in order to provide appropriate services to that individual.

Personal information is information or an opinion about a person whose identity is apparent or can be determined from the information or opinion. Sensitive information is information about an individual including racial or ethnic origin, religious belief/affiliation, or health information.

In the course of your duties you may be involved in the collection of either personal or sensitive information and you may have access to such information of other staff members, customers, residents/clients and their families. This information must be kept confidential at all times.

A person's personal or sensitive information must not be disclosed or discussed with other members of Council staff, residents/clients, family members, or any other person not involved in the provision of services to that person.

Personal information may only be released with permission from your manager or director and in accordance with the *Privacy and Personal Information Protection Act 1998* and Council's Privacy Management Plan. Personal information may only be released when:

- The individual has consented to their personal information to be released; or
- The disclosure is directly related to the purpose for which it was collected; or
- The individual has been made aware the collected personal information may be disclosed; or
- Such disclosure is necessary to prevent injury and/or to protect health and safety.

Personal information may be released to the individual themselves, and when appropriate, to the individual's health professional(s) or the individual's legal guardian.

If further information is required regarding any aspect of the staff member or resident/client in order to provide a service, this should be discussed with your manager or supervisor and only obtained from the individual staff member or resident/client, the individual's legal guardian, or appropriate health care professional.

A proven breach of confidentiality or privacy is a serious betrayal of trust and may lead to disciplinary or civil action. In signing this Agreement you acknowledge that you understand your duties to maintain confidentiality and privacy and you agree that you will not obtain, use or disclose information in any way which is contrary to the conditions set out above.

Uralla Shire Council Code of Conduct

All Council officials, including councillors, members of Council staff, administrators, Council committee members, delegates of Council, and Council advisors must comply with the Uralla Shire Council Code of Conduct.

Contractors undertaking work at the direction of Council, volunteers, and members of advisory committees must comply with the sections of the Uralla Shire Council Code of Conduct as set out below.

The Code of Conduct is available on Council's website and can be viewed or downloaded at: www.uralla.nsw.gov.au/Council/Council-information/Policies-and-Codes

Please contact Council's Manager Human Resources if you wish to obtain a hard copy.

Use of certain council information

- 8.9 In regard to information obtained in your capacity as a council official, you must:
- (a) subject to clause 8.14, only access council information needed for council business
 - (b) not use that council information for private purposes
 - (c) not seek or obtain, either directly or indirectly, any financial benefit or other improper advantage for yourself, or any other person or body, from any information to which you have access by virtue of your office or position with council
 - (d) only release council information in accordance with established council policies and procedures and in compliance with relevant legislation.

Use and security of confidential information

- 8.10 You must maintain the integrity and security of confidential information in your possession, or for which you are responsible.
- 8.11 In addition to your general obligations relating to the use of council information, you must:
- (a) only access confidential information that you have been authorised to access and only do so for the purposes of exercising your official functions
 - (b) protect confidential information
 - (c) only release confidential information if you have authority to do so
 - (d) only use confidential information for the purpose for which it is intended to be used
 - (e) not use confidential information gained through your official position for the purpose of securing a private benefit for yourself or for any other person
 - (f) not use confidential information with the intention to cause harm or detriment to the council or any other person or body
 - (g) not disclose any confidential information discussed during a confidential session of a council or committee meeting or any other confidential forum (such as, but not limited to, workshops or briefing sessions).

Personal information

- 8.12 When dealing with personal information you must comply with:
- (a) the Privacy and Personal Information Protection Act 1998
 - (b) the Health Records and Information Privacy Act 2002
 - (c) the Information Protection Principles and Health Privacy Principles
 - (d) the council's privacy management plan
 - (e) the Privacy Code of Practice for Local Government

Use of council resources

- 8.13 You must use council resources ethically, effectively, efficiently and carefully in exercising your official functions, and must not use them for private purposes, except when supplied as part of a contract of employment (but not for private business purposes), unless this use is lawfully authorised and proper payment is made where appropriate.
- 8.14 Union delegates and consultative committee members may have reasonable access to council resources and information for the purposes of carrying out their industrial responsibilities, including but not limited to:
- (a) the representation of members with respect to disciplinary matters
 - (b) the representation of employees with respect to grievances and disputes
 - (c) functions associated with the role of the local consultative committee.
- 8.15 You must be scrupulous in your use of council property, including intellectual property, official services, facilities, technology and electronic devices and must not permit their misuse by any other person or body.
- 8.16 You must avoid any action or situation that could create the appearance that council property, official services or public facilities are being improperly used for your benefit or the benefit of any other person or body.

- 8.17 *You must not use council resources (including council staff), property or facilities for the purpose of assisting your election campaign or the election campaigns of others unless the resources, property or facilities are otherwise available for use or hire by the public and any publicly advertised fee is paid for use of the resources, property or facility.*
- 8.18 *You must not use the council letterhead, council crests, council email or social media or other information that could give the appearance it is official council material:*
(a) for the purpose of assisting your election campaign or the election campaign of others, or
(b) for other non-official purposes.
- 8.19 *You must not convert any property of the council to your own use unless properly authorised.*

Internet access

- 8.20 *You must not use council's computer resources or mobile or other devices to search for, access, download or communicate any material of an offensive, obscene, pornographic, threatening, abusive or defamatory nature, or that could otherwise lead to criminal penalty or civil liability and/or damage the council's reputation.*

Council record keeping

- 8.21 *You must comply with the requirements of the State Records Act 1998 and the council's records management policy.*
- 8.22 *All information created, sent and received in your official capacity is a council record and must be managed in accordance with the requirements of the State Records Act 1998 and the council's approved records management policies and practices.*
- 8.23 *All information stored in either soft or hard copy on council supplied resources (including technology devices and email accounts) is deemed to be related to the business of the council and will be treated as council records, regardless of whether the original intention was to create the information for personal purposes.*
- 8.24 *You must not destroy, alter, or dispose of council information or records, unless authorised to do so. If you need to alter or dispose of council information or records, you must do so in consultation with the council's records manager and comply with the requirements of the State Records Act 1998.*

Acknowledgement

I, _____, have read the above and understand my obligations in relation to access to and use of Council information and resources, and that if in doubt, I shall seek clarification from my Manager, Director, or Council's Executive Manager Corporate Services.

I understand and agree that I shall not disclose any Council information obtained while or in connection with my duties unless:

- Such disclosure is authorised or required by law, pursuant to a specific provision of relevant legislation (such as the *Freedom of Information Act*); or
- Upon instructions from the Uralla Shire Council General Manager; or
- Pursuant to any policy or procedure adopted by Uralla Shire Council.

I understand that failure to comply with this Agreement may give rise to disciplinary action including dismissal.

Signed: _____

Dated: _____

Witness: _____

Dated: _____