

1. Heads of Power

Information Privacy Act 2009 (Qld)

Privacy Act 1988 (Cth)

Information Privacy and Other Legislation Amendment Act 2023 (Qld)

2. Intent

This policy outlines Aurukun Shire Council's (**Council**) commitment to managing personal information responsibly and in accordance with the *Information Privacy Act 2009 (Qld)* (**IP Act**), as amended by the *Information Privacy and Other Legislation Amendment Act 2023 (Qld)* (**IPOLA Act**). It also details procedures for handling data breaches under the Mandatory Notification of Data Breach (**MNDB**) scheme.

3. Scope

This policy applies to all Council employees, contractors, and agents of Council who collect, access, or manage personal information in the course of their duties.

4. Definitions

Data Breach: Unauthorised access to, or disclosure of, personal information, or a loss of personal information that Council holds.

MNDB Scheme: A framework requiring agencies to notify affected individuals and the Officer of the Information Commissioner (**OIC**) about data breaches that are likely to result in serious harm.

Personal Information: Information or an opinion, whether true or not, and whether recorded in a material form or not, about an identified individual or an individual who is reasonably identifiable.

5. Policy Statement

Council is committed to protecting the privacy of individuals by ensuring that personal information is:

- Collected only when necessary for Council functions and activities.
- Stored securely to prevent unauthorised access, modification, or disclosure.
- Used and disclosed only for the purposes for which it was collected, unless otherwise authorised by law.
- Accurate, complete, and up-to-date.
- Accessible to individuals upon request, with provisions for correction if necessary.

6. Collection of Personal Information

Council will collect personal information in a lawful and fair manner, directly from individuals where possible. At the time of collection, Council will inform individuals about:

- The purpose of collection
- Any lawful authority for the collection
- Any third parties to who the information is usually disclosed.

7. Storage and Security

Council will take reasonable steps to protect personal information from misuse, loss, unauthorised access, modification, or disclosure. This includes implementing physical, electronic, and managerial procedures to safeguard information.

8. Access and Amendment

Individuals have the right to request access to their personal information held by Council and to request corrections if the information is inaccurate, incomplete, or out-of-date. Requests will be handled in accordance with the IP Act.

9. Use and Disclosure

Council will only use personal information for the purpose for which it was collected, unless:

- The individual has consented to another use.
- It is required or authorised by law.
- It is necessary to prevent or lessen a serious threat to life, health, safety, or welfare.

10. Mandatory Notification of Data Breaches (MNDB)

In accordance with the MNDB scheme, effective from 1 July 2026, Council will:

- **Identify and Assess:** Promptly assess suspected data breaches to determine if they are likely to result in serious harm.
- **Notify:** If a data breach is likely to result in serious harm, Council will notify affected individuals and the OIC as soon as practicable.
- **Mitigate:** Take steps to contain the breach and prevent future occurrences.

Council will develop and implement a Data Breach Response Plan to ensure preparedness and a swift response to data breaches.

11. Responsibilities

- **Councillors and Employees:** Must adhere to this policy and related procedures.
- **Managers:** Ensure staff are aware of and comply with this policy.
- **Chief Executive Officer:** Oversee Council's compliance with privacy obligations, including the MNDB scheme.

12. Related Documents

- Public Interest Disclosure Policy
- Records Management Policy
- Information Security Policy
- Fraud and Corruption Prevention Policy
- Data Breach Response Plan

13. Document Controls

This policy will be reviewed every two years or as required by changes in law or best practice.

14. Policy Owner

Legal and Governance.