



1. Intention

The Shire of Waroona (Shire) is committed to protecting the privacy of individuals and handling personal information responsibly, lawfully and transparently.

The intention of this Policy is to establish:

- (a) the Shire's approach to the collection, use, disclosure, storage, security, access, correction and disposal of personal information in accordance with the *Privacy and Responsible Information Sharing Act 2024* (PRIS Act) and the Information Privacy Principles (IPPs) contained in Schedule 1 of the PRIS Act; and
- (b) the Shire's position and consistent approach to identifying, reporting, containing, assessing, managing and responding to information breaches, including notifiable information breaches under the PRIS Act.

2. Scope

This Policy applies to all Councillors, committee members, employees, contractors, consultants, volunteers, and any other person who handles personal information on behalf of the Shire.

This Policy applies to personal information handled by the Shire in any format, including electronic, paper, audio, visual and other recorded information.

Where a contractor or service provider handles personal information on behalf of the Shire, the Shire will take reasonable steps to ensure appropriate privacy and information security obligations are included in relevant contractual arrangements.

3. Definitions

Automated decision-making process means a process in which an automated system, including a computer-based or artificial intelligence system, either makes a decision without human involvement or materially assists a person in making a decision.

collection notice means a notice provided to an individual when personal information is collected, setting out the information required by IPP 1.9, including why the information is collected, how it will be used and disclosed, and other matters relevant to the collection. A collection notice is separate from this Policy.

Information breach means a breach of information that occurs when information held by the Shire is subject to unauthorised access, unauthorised disclosure or loss. An information breach may result from malicious action, human error, inappropriate information handling, or a failure of information security systems or processes.

Information Privacy Principle (IPP) means an information privacy principle set out in Schedule 1 of the PRIS Act, which prescribes requirements for the handling of personal information and, where applicable, de-identified information by an IPP entity, which includes the Shire of Waroona.

Notifiable information breach has the meaning given in the PRIS Act, and generally involves unauthorised access to, unauthorised disclosure of, or loss of personal information in circumstances where the relevant requirements of the PRIS Act are satisfied, including where a reasonable person would conclude that the breach is likely to result in serious harm to an individual.

Personal information has the meaning given in the PRIS Act and generally means information or an opinion, whether true or not and whether recorded in a material form or not, that relates to an individual, whether living or dead, whose identity is apparent or can reasonably be ascertained from the information or opinion.

PRIS Act means the *Privacy and Responsible Information Sharing Act 2024 of Western Australia*.

Privacy Officer means the officer designated by the Chief Executive Officer to oversee privacy matters, including providing advice on the application of the PRIS Act, coordinating privacy complaint and supporting the management of information breaches.

Privacy Impact Assessment means a documented assessment of:

- (a) a Shire function or activity that involves handling personal information and is likely to have a significant impact on individuals' privacy, including an assessment required by the Information Commissioner; or
- (b) a relevant activity under a proposed information sharing agreement where the activity is likely to have a significant privacy impact, involves data integration or data linkage, or involves providing information to an external entity.

The assessment identifies the likelihood of interference with an individual's privacy, the possible privacy impacts and recommended measures to manage, minimise or eliminate those impacts.

Sensitive personal information is personal information of a kind identified in the PRIS Act that attracts additional privacy protections, and may include information relating to health, racial or ethnic origin, political opinions or associations, religious or philosophical beliefs, trade union membership, sexual orientation or practices, criminal record, genetic information and certain biometric information.

Unique identifier means a number or other identifier assigned by an entity to uniquely identify an individual for the purposes of the entity's operations, but does not include an identifier consisting only of the individual's name.

4. Statement

4.1 Personal Information

4.1.1 General

Personal information may include, but is not limited to, the following kinds:

- name, address, phone number and email address;
- date of birth;
- payment and financial information;
- employment or business information;
- information about an individual's location;
- unique identifiers, online identifiers and pseudonyms;
- photographs, CCTV images, recordings or other visual or audio information;

- information contained in correspondence, applications, requests or submissions; and
- technical, physical, behavioural, cultural or other information that relates to an identifiable individual.

The Shire collects, holds, uses and discloses personal information to:

- (a) perform Shire functions, services and legal obligations; and
- (b) manage enquiries, applications, transactions and related arrangements.

The Shire will only collect personal information where it is reasonably necessary for one or more of its functions or activities.

The Shire will not collect excessive or unnecessary personal information.

4.1.2 Sensitive Personal Information

The Shire will only collect sensitive personal information where the collection is permitted by the PRIS Act or another applicable law.

Where required by the PRIS Act, the Shire will obtain the individual's consent before collecting sensitive personal information.

Sensitive personal information will be subject to additional protections appropriate to its nature and sensitivity.

4.1.3 Collection of Personal Information

The Shire will only collect personal information where it is reasonably necessary for one or more of its functions or activities.

Personal information will be collected lawfully, fairly and in a manner that is not unreasonably intrusive. The Shire will not collect excessive or unnecessary personal information.

Where practicable, the Shire will collect personal information **directly from the individual** to whom the information relates.

The Shire **may collect personal information from another person** or organisation where the collection is authorised or permitted by the PRIS Act or another applicable law.

Where personal information is collected from a third party, the Shire will take reasonable steps to satisfy itself that the information was originally collected in accordance with applicable requirements and to make the individual aware of the relevant matters required by the PRIS Act, unless an exception applies.

4.1.4 Collection Notices

The Shire will provide a collection notice when collecting personal information in accordance with IPP 1.9 of the PRIS Act.

Collection notices will be clear, concise and easy to understand, appropriate and specific to the circumstances in which the information is being collected, and the purpose and proposed handling of that information.

A collection notice may be provided through a form, website, correspondence, verbal notice, signage or another appropriate method, depending on the circumstances of the collection.

A reference to this Policy does not, by itself, satisfy the requirement to provide a collection notice.

4.1.5 Voluntary Provision of Personal Information

Providing personal information is generally voluntary unless the information is required by law or is otherwise necessary to enable the Shire to provide a particular service or perform a legislative function.

Where an individual does not provide requested information, the Shire may be unable to process a request, provide a service or otherwise deal effectively with the individual.

4.1.6 Anonymity

Where lawful and practicable, individuals may choose to interact with the Shire without identifying themselves or by using a pseudonym.

This option will not apply where the Shire is required or authorised by law to deal with an identified individual, or where it is impracticable for the Shire to deal with an individual who has not identified themselves.

4.1.7 Unique Identifiers

The Shire will only assign a unique identifier to an individual where this is necessary to efficiently perform one or more of its functions or activities.

The Shire will not adopt, use, disclose or require an identifier assigned by another entity unless this is permitted by the PRIS Act or another applicable law.

4.1.8 Information Quality

The Shire will take reasonable steps to ensure personal information it collects, uses or discloses is accurate, complete and up to date.

Where the Shire becomes aware that personal information is inaccurate, incomplete or out of date, reasonable steps will be taken to correct the information.

Individuals may request correction of their personal information in accordance with this Policy and the PRIS Act.

4.2 Use and Disclosure of Personal Information

The Shire will use and disclose personal information for the purpose for which it was collected, or for another purpose permitted by the PRIS Act or other applicable law.

The Shire will ensure that the quantity and nature of personal information used or disclosed is reasonably necessary for the relevant purpose. Personal information may be used or disclosed for a secondary purpose where the individual consents or the information use or disclosure is authorised or required by law. Personal information may also be used or disclosed if necessary to prevent or lessen a serious threat to the life, health, safety or welfare of an individual or the public, it is necessary for law enforcement, court proceedings or other legal purposes, or where another exception under the PRIS Act applies.

Where personal information is used or disclosed for a secondary purpose, the Shire will document the secondary purpose where required by the PRIS Act.

The Shire may disclose personal information to contractors, service providers, government agencies and other organisations where necessary to carry out the Shire's functions, or where authorised or required by law.

4.3 Responsible Information Sharing

The Shire recognises that appropriate information sharing can support the delivery of government services, community safety, regulatory functions and public benefit.

Where personal information is shared, the Shire will ensure that the sharing is authorised and undertaken in accordance with the PRIS Act and any other applicable legislation.

Information sharing will be undertaken in a manner that considers the sensitivity of the information or potential impact or harm to individuals, the purpose of sharing, whether the information is necessary and appropriate for that purpose, and any conditions applying to the use, disclosure, retention or further disclosure of the information.

4.4 Disclosure Outside Australia

The Shire does not ordinarily disclose personal information outside Australia.

Where disclosure of personal information outside Australia is necessary, the Shire will comply with the requirements of the PRIS Act and take reasonable steps to ensure the information is handled in a manner consistent with the IPPs.

4.5 De-identification of Personal Information

The Shire may de-identify personal information where it is appropriate to do so, including for planning, research, reporting, service improvement or disposal purposes.

Where the Shire holds de-identified information, it will take reasonable steps to protect the information from misuse or loss and from unauthorised re-identification, access, modification or disclosure.

Where de-identified information is disclosed to another person or organisation, the Shire will consider the risk of re-identification and apply strict and appropriate record handling security controls.

4.6 Automated Decision-Making

The Shire will remain transparent about whether personal information is used in an automated decision-making process.

If the Shire proposes to use automated decision-making involving personal information for significant decisions about individuals, it will assess risks, bias, discrimination, privacy compliance and opportunities for human intervention, periodically review the process, and provide appropriate information to affected individuals in accordance with the PRIS Act.

Any significant change to this position will be reflected in this Policy.

4.7 Website, Online Services and Social Media

When the Shire's website or digital platforms are accessed, technical information such as IP addresses, browser and device types, referring links and page visit information may be collected automatically. The Shire may use this information to operate and secure its digital services, monitor website usage and performance, identify technical problems and improve users' online experience. This information may constitute personal information where it identifies, or could reasonably identify, an individual.

Cookies and third-party tools, including website analytics and performance services, may be used to collect this information, support website functionality and remember user preferences. Cookies may be disabled through browser settings, although doing so may affect website functionality.

The Shire may use third-party platforms to deliver online services, forms, registrations, bookings, surveys, consultations, newsletters or other activities. Where personal information is collected through these services, the Shire will provide or make individuals aware of an appropriate collection notice in accordance with applicable privacy requirements.

Where an external platform collects or handles personal information on behalf of the Shire, the Shire will take reasonable steps to ensure that the information is handled in accordance with applicable privacy requirements. Third-party providers may also collect personal information for their own purposes and in accordance with their own privacy policies and terms.

When individuals interact with the Shire through its social media channels, the Shire may collect personal information voluntarily provided through comments, messages, reviews or other interactions. Individuals are encouraged not to provide sensitive personal information through public social media channels.

External websites and platforms may have their own privacy practices and terms. The Shire is not responsible for the privacy practices of external organisations operating websites or platforms accessed through links provided by the Shire.

4.8 Publicly Available Information and Public Registers

The Shire will only collect personal information from a publicly available source where the collection is permitted by the PRIS Act or another applicable law.

Where the Shire is responsible for administering a public register, it will only include personal information in the register where this is consistent with the purpose for which the register exists or the law under which it is maintained.

Requests by community members not to include, or to remove, personal information from a public register because publication would substantially affect an individual's safety or wellbeing will be considered in accordance with the PRIS Act.

4.9 Information Security

The Shire will take reasonable steps to protect personal information from misuse, loss, and unauthorised access, modification and disclosure.

The Shire's security measures may include:

- (a) access controls, user permissions and authentication requirements;
- (b) physical, system and network security;
- (c) information classification, handling and secure disposal processes;
- (d) staff training, awareness and governance arrangements; and
- (e) contractual controls and monitoring.

The level of security applied will be proportionate to the nature and sensitivity of the information and the risks associated with its handling.

4.10 Retention and Disposal

Personal information will be retained and disposed of in accordance with applicable recordkeeping requirements, including the *State Records Act 2000 (WA)*, the PRIS Act and the Shire's Recordkeeping Plan.

The Shire will take reasonable steps to destroy or permanently de-identify personal information when it is no longer required for any purpose for which it may be used or disclosed, unless the Shire is required or authorised by law to retain such information.

4.11 Access and Correction

Individuals may request access to personal information held by the Shire that relates to them, and may request that inaccurate, incomplete or out-of-date personal information be corrected, in accordance with the PRIS Act.

Requests for access or correction will be managed in accordance with the PRIS Act and the Shire's Information Access Framework.

The Shire will respond as soon as practicable and within the timeframe required by the PRIS Act, or provide reasons for any delay, denial of access, or refusal to correct information, as applicable.

Individuals may also apply for access to documents under the *Freedom of Information Act 1992 (WA)*, where applicable.

The Shire will provide reasonable assistance to individuals who require help to make an FOI Application for access to Shire-held documents access, or an application to correct personal information.

4.12 Privacy Complaints

The Shire recognises the right of individuals to raise concerns about the handling of their personal information.

A person who believes their privacy has not been handled in accordance with this Policy or the PRIS Act may make a complaint to the Shire.

Once received, privacy complaints will be acknowledged and assessed, investigated where appropriate, handled fairly and as confidentially as practicable, resolved where possible. To prevent a recurrence of mishandling of personal information, investigation findings will be used to identify organisational opportunities for improvement.

Where a privacy complaint cannot be resolved satisfactorily, the individual may have a right to lodge a formal complain to the Information Commissioner of Western Australia in accordance with the PRIS Act.

4.13 Information Breaches

4.13.1 General

The Shire will respond promptly and appropriately to actual or suspected information breaches to protect affected individuals, contain the breach, mitigate harm and reduce the likelihood of recurrence.

The information breach provisions of the PRIS Act are scheduled to commence on 1 January 2027. Until those provisions commence, the Shire will manage actual or suspected information breaches in accordance with the principles and requirements set out in this Policy, applicable privacy guidelines issued by the Information Commissioner and the Shire's Information Breach Response Procedure, to the extent practicable. Following commencement, information breaches will also be managed in accordance with the PRIS Act.

4.13.2 Reporting and initial response

All Council Members, employees, contractors, volunteers and other persons handling information on behalf of the Shire must immediately report an actual or suspected information breach in accordance with the Shire's Information Breach Response Procedure.

The Privacy Officer will coordinate the Shire's response to reported information breaches and ensure matters are escalated to the Shire's Principal Officer and other relevant parties where appropriate.

4.13.3 Information containment and breach mitigation

The Shire will take reasonable steps to contain an actual or suspected information breach, prevent further unauthorised access, disclosure or loss, and mitigate harm arising from the breach.

Containment and mitigation measures will be determined having regard to the nature and circumstances of the breach and implemented in accordance with the Shire's Information Breach Response Procedure.

4.13.4 Information breach assessment

Where the Shire reasonably suspects that a notifiable information breach has occurred, the Shire will undertake an assessment and prepare a written assessment report as soon as reasonably practicable and within the timeframe prescribed by the PRIS Act, being 30 days from the day on which the reasonable suspicion is formed unless an extension applies under the Act.

The assessment will determine whether the breach constitutes, or there are reasonable grounds to believe it constitutes, a notifiable information breach under the PRIS Act and whether notification or other action is required.

The assessment will be undertaken in accordance with the PRIS Act, applicable privacy guidelines issued by the Information Commissioner and the Shire's Information Breach Response Procedure.

4.13.5 Notification of the information breach

Where the information breach assessment determines that a notifiable information breach has occurred, or that there are reasonable grounds to believe it has occurred, the Shire will notify the Information Commissioner as soon as practicable.

The Shire will also take all reasonable steps to notify each affected individual in writing as soon as practicable, unless an exception or exemption under the PRIS Act applies. Where it is not reasonably practicable to do so, the Shire will make the required notice publicly available for at least 12 months.

Any notification will contain the information required by the PRIS Act and provide affected individuals with practical information about the steps they can take to protect themselves and how they may make a privacy complaint.

The Shire may also notify affected individuals or other relevant parties where notification is appropriate to reduce or prevent harm, even where notification is not legally required.

4.13.6 Information Breach Register

The Shire will establish and maintain an information breach register in accordance with the PRIS Act, that records prescribed information about suspected and assessed information breaches and the Shire's response.

The register will not be made publicly available unless required by law.

4.13.7 Review and Prevention

Following an information breach, the Shire will consider whether changes are required to systems or security controls, information handling practices, staff training or awareness, contractual arrangements, policies or procedures, or other controls designed to prevent recurrence.

A post-breach review will be conducted where appropriate, and the Shire will document lessons learned, actions taken and any further monitoring required.

4.14 Privacy Impact Assessments

The Shire will undertake a Privacy Impact Assessment where required by the PRIS Act, including before it first performs a high privacy impact function or activity, before making a significant change to how personal information is handled as part of that function or activity, or where directed by the Information Commissioner.

The Shire may also undertake a Privacy Impact Assessment for any proposed project, system, service, technology or information-sharing arrangement that may create a significant privacy risk.

Privacy risks identified through an assessment will be considered and, where practicable, managed, minimised or eliminated before the relevant activity commences.

4.15 Roles and Responsibilities

4.15.1 Council

Council is responsible for:

- (a) adopting and reviewing this Policy in accordance with the Shire's Policy Development and Review requirements;
- (b) providing the governance oversight of the Shire's privacy and information management practices; and

4.15.2 Principal Officer - Chief Executive Officer

The Principal Officer is responsible for:

- (a) ensuring the Shire has appropriate arrangements to comply with the PRIS Act;
- (b) allocating appropriate resources to ensure the effective management of the Shire's privacy responsible information handling obligations;
- (c) designating an appropriately qualified officer/s to perform the Privacy Officer functions;
- (d) ensuring that significant privacy risks and information breaches are appropriately escalated; and
- (e) ensuring appropriate organisational procedures are established to support this Policy.

4.15.3 Privacy Officer

The Shire's designated Privacy Officer is responsible for:

- (a) providing advice on privacy matters;
- (b) supporting implementation of this Policy;
- (c) coordinating privacy complaint handling and investigations;
- (d) coordinating the assessment, management and reporting of information breaches;
- (e) monitoring relevant legislative and regulatory developments;
- (f) supporting privacy awareness and training; and
- (g) maintaining appropriate privacy documentation and reporting.

4.15.4 Council Members, Employees, Contractors and Volunteers

All persons covered by this Policy are responsible for:

- (a) handling personal information in accordance with this Policy and applicable law;
- (b) only accessing personal information where authorised and required for their role and assigned functions;
- (c) maintaining the confidentiality and security of Shire records and information;
- (d) following collection notice and information handling requirements;
- (e) immediately reporting actual or suspected information breaches; and
- (f) participating in privacy and information management training where required.

4.16 Training and Awareness

The Shire will promote awareness of privacy responsibilities and provide appropriate information, training or guidance to Council Members, employees, contractors and volunteers whose roles involve handling personal information.

Training and awareness activities will be proportionate to the person's role and level of access to personal information.

4.17 Monitoring and Review

The Shire will monitor compliance with this Policy and periodically review its principles and subsequent workplace procedures to ensure it remains consistent with:

- (a) the PRIS Act, including the Information Privacy Principles and associated regulations;
- (b) up-to-date guidance issued by the Information Commissioner,
- (c) changes to the Shire's functions, systems and information handling practices; and
- (d) lessons arising from privacy complaints, information breaches and Privacy Impact Assessments.

5. Legislative and Strategic Context

- *Privacy and Responsible Information Sharing Act 2024 (WA)*;
- *Freedom of Information Act 1992 (WA)*;
- *State Records Act 2000 (WA)*;
- *Local Government Act 1995 (WA)*; and
- *Children and Community Services Act 2004 (WA)*, where applicable.

6. Review

This policy is to be reviewed triennially, or sooner as required.

7. Associated Documents

Other documents or sources of information that have an association to this policy and that may be useful reference material are:

- Office of the Information Commissioner's *Privacy in Western Australia* website
- Office of the Information Commissioner's *Privacy 101 – An introduction to the privacy provisions of the Privacy and Responsible Information Sharing Act 2024 (WA)*
- Office of the Information Commissioner's *PRIS Frequently Asked Questions*

8. Document Control

Division	Corporate & Governance
Policy Number	CGP034
Contact Officer	Chief Executive Officer
Related Legislation	Privacy and Responsible Information Sharing Act 2024
Related Shire Documents	Privacy Statement

	CGFW001 Information Access Framework (Information Statement) AP003 Records Management policy AMP002 Record Keeping Plan AM005 Record Keeping Requirements and Induction Process CGP029 Policy Development and Review		
File Number	IM.9		
Risk Rating	Moderate	Review Frequency	Triennially
Next Review	September 29	Date Adopted	22/09/2026
OCM Number	OCM26/09/127		

9. Previous Policy No's.

Policy No.	Title
Nil	

10. Amendments

Date	Details of Amendment	Reference	Record Number