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1. Statement

Ipswich City Council (Council), while committed to safeguarding an individual's privacy, recognise the need to release personal information to other law enforcement agencies when required to, and in strict accordance with the *Information Privacy Act 2009*.

2. Purpose and Principles

This policy guides Council's decision making to release personal information when requested by a law enforcement agency and explains the purpose and intended outcome of the policy.

The following principles are the fundamental rules and values that define Council's position on releasing personal information to law enforcement agencies:

- Safeguarding an individual's personal information is paramount;
- Council recognise that in certain circumstances, law enforcement agencies may request personal information for law enforcement purposes including the prevention, detection, investigation, and prosecution of criminal offences or breaches of the law;
- Council will only release personal information in circumstances where Council is satisfied on reasonable grounds that such a release is necessary and in accordance with the Information Privacy Principles or when Council is compelled to do so by law;
- Requests for the provision of information must be made in writing by a sufficiently senior officer of a law enforcement agency;
- All requests must set out the reasons as to why the personal information is necessary; and
- Council will comply with any legislative requirement which compels the provision of personal information such as statutory notices and warrants.

3. Strategic Plan Links

This policy relates to:

- Caring for the Community

4. Regulatory Authority

Privacy Act 1988 (Cth)

Local Government Act 2009

Information Privacy Act 2009

~~National Privacy Principle 2~~

Information Privacy Principle 11

5. Scope

This policy applies to all councillors, council staff, contractors, and others that act on Council's behalf to ensure they work under the policy principles and in accordance with the relevant legislation.

6. Roles and Responsibilities

The Manager Legal and Governance (General Counsel) must ensure an appropriate procedure is developed and implemented for the release of personal information to law enforcement agencies.

The Deputy General Counsel (Legal Services Manager), ~~or~~ the Manager Legal and Governance (General Counsel) and the Right to Information and Privacy Officer ~~are~~ is responsible for authorising the release of any information to a law enforcement agency.

Managers and supervisors are to ensure that all staff under their control are aware of their responsibilities under this policy and the relevant procedure.

All Council employees are responsible for ensuring that personal information is not released to law enforcement agencies unless done so under this policy and the relevant procedure.

7. Key Stakeholders

The following areas will be consulted during the policy review process:

- Legal and Governance Branch
- Planning and Regulatory Services Department

8. Monitoring and Evaluation

Records must be kept on every occasion that Council is asked to disclose personal information to a law enforcement agency. Records must include the evidence and information that was relied upon by Council to satisfy itself of the decision to disclose personal information.

Council is to monitor the outcome of any privacy complaint relating to information released under this policy to ensure that relevant legislation and procedures are being complied with.

9. Definitions

Personal Information means information or an opinion, including information or an opinion forming part of a database, whether true or not, and whether recorded in a material form or not, about an individual whose identity is apparent or can reasonably be ascertained, from the information or opinion.

Law enforcement agency means any of the following:

- Australian Federal Police
- Integrity Commissioner

- Australian Crime Commission
- Immigration Department
- Australian Prudential Regulation Authority
- Australian Securities and Investments Commission
- Office of the Director of Public Prosecutions, or a similar body established under a law of a State or Territory
- a police force or service of a State or a Territory
- New South Wales Crime Commission
- Independent Commission Against Corruption of New South Wales
- Law Enforcement Conduct Commission of New South Wales
- Independent Broad-based Anti-corruption Commission of Victoria
- Crime and Corruption Commission of Queensland
- Corruption and Crime Commission of Western Australia
- Independent Commissioner Against Corruption of South Australia
- State or Territory authority, to the extent that it is responsible for administering, or performing a function under a law that imposes a penalty or sanction or a prescribed law
- State or Territory authority, to the extent that it is responsible for administering a law relating to the protection of the public revenue
- Community Safety Department
- Any other agency, to the extent it has responsibility for:
 - the performance of functions or activities directed to the prevention, detection, investigation, prosecution or punishment of offences and other breaches of laws for which penalties or sanctions may be imposed; or
 - the management of property seized or restrained under a law relating to the confiscation of the proceeds of crime; or
 - the enforcement of a law, or an order made under a law, relating to the confiscation of the proceeds of crime; or
 - the execution or implementation of an order or decision made by a court or tribunal.

10. Policy Owner

The General Manager Corporate Services is the policy owner and the Legal and Governance Manager is responsible for authoring and reviewing this policy.