

TITLE:	Confidentiality Policy		
DIVISION:	Human Resources		
ADOPTED BY:	Council		
DATE OF ADOPTION:	October 2019	DATE OF REVIEW:	October 2022
MOTION NUMBER:	OC 273/19		
POLICY NUMBER:	CP 31		
AUTHORISED:	Human Resources Manager		

THIS POLICY APPLIES TO: All Council Elected Members, Appointed Members, and Employees, Contractors, Volunteers and all other persons that perform work on behalf of Council.

SUMMARY

Council holds sensitive and personal information about a range of matters relating to the residents and organisations of the Barkly and the wider community and personal information of employees employed by Council. In the course of their association with Council, Elected Members, Appointed Members and Council Employees ('relevant persons') may come across such confidential information. It is a condition of employment and is written into the Elected and Appointed Member Codes of Conduct and each individual employment contract that such information is treated in a sensitive or confidential nature and may not be disclosed to a third party.

OBJECTIVES

This Policy aims to:

- a) Ensure confidentiality is preserved in all Council dealings at all times;
- b) Protect the personal information of Council employees;
- c) Promote Council's reputation in the Barkly region;
- d) Encourage the utility of commercial arrangements that promote Council's operational objectives; and
- e) Ensure only the appropriate persons have access to confidential material.

BACKGROUND

Confidentiality

Confidentiality is information not known by the public which may identify or contain information relating to a specific person or potentially, if released or improperly used, cause harm to the Council or a member of the community or give an unfair advantage to someone.

Information that must always remain confidential includes:

- a) Legal advice received by Council;
- b) Information provided to Council on the condition that information remains confidential;
- c) Information relating to the appointment, dismissal, discipline or appraisal of Council staff;
- d) Information relating to industrial matters affecting Council staff;

- e) Information that concerns rating concessions granted to ratepayers within the region;
- f) Personal information of ratepayers within the Barkly region;
- g) Financial information of organisations within the Barkly region

Personal Information

Personal information of Council employees must be retained at Council headquarters for a certain period of time by law and by Council policy. This information relates to all employees' job related information, including that employee's CV and Cover Letter and all associated identification documents and any personal information of that employee, including address, training certificates and qualifications and bank and superannuation details.

Access to any personal information of a Council employee is restricted to the Human Resources team. Under the Freedom of Information Act, any current or former employee of an Agency (Council) may request access to their personal information in a procedure prescribed by Council. This Policy intends to complement the relevant Council procedure relating to the access of personnel records and any inconsistencies in the application of this policy and the relevant procedure should be viewed in favour of the policy.

POLICY

All relevant persons may come across confidential or personal information in the course of their association with Council. In order to protect the confidentiality and personal information of Barkly residents and Council staff, the misuse of confidential and personal information by relevant persons may result in disciplinary action taken against that person, up to and including termination.

When a relevant person comes across such confidential or personal information as identified above or information that, in the opinion of the Council Chief Executive Officer should remain confidential or personal, the relevant person must only use the information for the purpose for which it was provided and ensure that once the information has achieved its purpose that all physical copies are destroyed and electronic records of the information are destroyed unless Council is legally required to maintain the records. In that case, the information must be stored in a secure location on the relevant database and only the relevant people must have access to it.

If a relevant person comes across information that is marked as confidential or personal or should be, in the Chief Executive Officer's reasonable opinion, considered confidential or personal, that relevant person must not read or distribute that information and must immediately inform their Manager of the confidential or personal information.

LEGISLATION & STANDARDS

[*Freedom of Information Act \(Cth\)*](#)

[*Privacy Act \(Cth\)*](#)

[*Work Health and Safety Act \(Uniform Legislation Act\) 2014 \(NT\)*](#)

Code of Conduct – Members Policy

Code of Conduct – Staff Policy

Code of Meeting Practice Policy

Elected Member Access to Information Policy

Good Governance Policy

Member Disciplinary Policy

Personnel and Related Council Records Policy

Privacy Policy

Records Management Policy

Termination Policy

Employee Confidentiality Agreement

RESPONSIBILITY & DELEGATION

The Council Chief Executive Officer has the responsibility for the enforcement of this policy with authority delegated to each Council Director or Manager to ensure the objectives of this policy are implemented.

EVALUATION AND REVIEW

This Policy is to be reviewed every three (3) years or as necessary as a result of legislative change or internal recommendation.