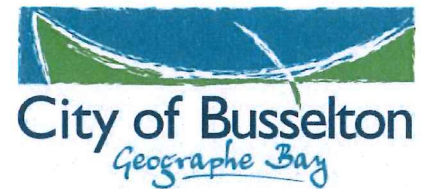


Our Ref:  
Your Ref: LAG190029-FOI02/1920  
Contact: Jennifer Libby-Jackson  
[REDACTED]



Department of Premier and Cabinet  
Public Sector Reform Unit  
Locked Bag 3001  
West Perth WA 6872

Attention : Ms Katja Gvozdenovic - Reform Officer

17 September 2019

Dear Ms Gvozdenovic

### **PRIVACY AND RESPONSIBLE INFORMATION SHARING – DISCUSSION PAPER**

I refer to the Department's Privacy and Responsible Information Sharing Discussion Paper<sup>1</sup>. I understand that there are presently no information sessions directed at local government specifically.

Local government has a large volume of information relating to individuals that may require additional consideration and discussion. The balance of information and the type of tension that exists in relation to privacy may be different at a local level than at a state level.

Due to:

- the nature of information held by local governments (including vast/diverse amounts of personal (and commercial) information of individuals, property details, applications, prosecution details);
- the requirements of the *Local Government Act 1995* (to have third party personal information publicly available for viewing and copying e.g. rates register and electoral roll etc);
- the expectations of the community on local governments -
  - providing general assistance and service directly to the community can increase the tension between transparency and protection of information;
  - pressure from community members to provide personal information for purposes of communication with neighbours, complaints etc;
- lack of clarification in other legislation (such as the Planning and Development Act) may lead to uncertainty as to when provision of personal information (for consultation purposes) is appropriate; and
- face to face contact, submissions of applications and property information can subject local government employees to additional pressure to supply certain information (names and addresses of neighbours, details of complaints made against neighbours, details of individuals for the purpose of consultation, dividing fence issues) it may be worth ensuring that privacy as it applies to West Australian local governments continues to be considered.

<sup>1</sup> <https://www.wa.gov.au/government/publications/privacy-and-responsible-information-sharing-discussion-paper>

To enable the efficient and effective operation of privacy legislation for local governments, examples of questions that may be considered during the development of Privacy legislation in Western Australia may include:

- Will the Local Government Act require amendment, so as to integrate with the proposed Privacy Law and not create apparent or unintended inconsistencies?
  - for example, currently the rates register and electoral roll are available for inspection by the public (*Local Government Act 1995* 5.94(m) and (s) and 5.96A(4)). Is the Government intending that this continue, and is the policy/reasons for that sufficiently understood? Upon the introduction of privacy legislation, would this remain the case?
- At what level of local government will operational decisions need to be made as to what information will be protected under the Privacy legislation? Will there be sufficient clarity and continuity between Privacy legislation and the Local Government Act to enable local government operate efficiently while upholding the privacy requirements and at what level will local government officers need to readily determine what information can or cannot be provided to the community?
- Should consideration be given as to how smaller, regional local governments will contend with the implementation of privacy legislation?
- Will local governments across the board have the appropriate technology and resources for data sharing and security of information, and who is to bear the costs of implementing privacy legislation?

I am aware that other states operate under Privacy legislation effectively and many of the questions may have already been dealt with however it may be important to be mindful of the operation of West Australian local government specific (and existing) issues as they relate to privacy as Privacy legislation is developed.

Yours faithfully



Mike Archer  
**CHIEF EXECUTIVE OFFICER**