

COMPANION ANIMAL REGISTER – ACCESS AND USE OF PERSONAL INFORMATION MANAGEMENT POLICY

ADOPTED BY EXECUTIVE MANAGEMENT COMMITTEE: 18 DECEMBER 2018

BACKGROUND

This Policy has been developed to define Companion Animal Register (CAR) access levels and to provide information about the use of data from the CAR.

The Companion Animals Act 1998 and Regulation 2018 include substantial obligations on Council in respect to the provision of information. This is also supported by Guidelines issued under the Regulation by the Office of Local Government from time to time. Copies of these Guidelines have been provided to all staff responsible for the administration of the *Companion Animals Act 1998*.

This Policy documents the permitted purposes of determining access and use of information from the register for general enquiries only. The Companion Animals Register is not a public register and the information is protected from general disclosure and from any use not directly related to the operation of the *Companion Animals Act 1998*.

OBJECTIVE

The main objectives of this Policy are to:

- 1 Manage access to the *NSW Companion Animal Register* and to optimise the exercise of functions under the *Companion Animals Act 1998*.
- 2 Define the authorisation permitted under the *Companion Animal Register 1998* for authorised Council Officers to disclose certain information about enforcement action.

POLICY STATEMENT

This Policy aims to manage access and use of information from the *NSW Companion Animal Register* and to limit use to appropriate Officers of Council and Council's Pound Contractor, the RSPCA.

STATEMENT OF PROCEDURES

Council has a process for receiving and processing approved companion animal registration forms from members of the public that provides an appropriate level of privacy. This includes a separation of all relevant forms from the general mail. The information passes along a clear trail of responsibility, limiting actions on the information to the appropriate staff and maintaining a tracking process to identify who has access to the information. Submitted forms are all digitised and registered into Council's correspondence system (TRIM).

In managing information associated with Companion Animal data, a person must not:

- Access or attempt to access confidential information
- Allow a person to have access to confidential information
- Directly or indirectly make a record of confidential information
- Directly or indirectly disclose or pass confidential information to any person
- Use confidential information
- Alter, delete, destroy or interfere with any record comprising confidential information
- Make an entry in the *Companion Animal Register*.

It is not an offence if the information is used for the purposes of, or in connection with the lawful exercise of functions under the Act, but this should only be done through the Officers responsible.

Council is responsible for determining the legitimacy of a request, but generally data requests for personal reasons, to enforce other Acts, for commercial reasons, to pursue debts or to supplement other data are not to be permitted.

As a guide, access to the Register will only be used for data entry correction, and enforcement, where the details of the owner are required to issue a penalty for a breach, and in order to reunite animals with their owners.

Access to the Companion Animal Register is approved as detailed below:

<u>Access</u>	<u>Category</u>	<u>User Type</u>
<u>Level 1 W</u>	Registration Identification Change of details	Customer Service staff RSPCA Staff
<u>Level 2</u>	Council data entry Enforcement Animal searches	Animal Control Rangers Foreshore Rangers Regulation Administration Staff
<u>Level 3</u>	Data Entry and correction Financial reports Enforcement Statistical reports	Ranger Services Coordinator Companion Animal Administration Officers

The Ranger Services Coordinator is in addition, also authorised to deal with suppressed records.

In the case of injured or stray animals, the person finding the animal may take it to a Vet for treatment. Vets can obtain the relevant information by providing their Authorised Identifier Number and the microchip number of the animal. If the Veterinary does not have Companion Animal Register access, Council staff can attempt to locate the animal on behalf of the Vet. Staff cannot provide details of the owner from the Register to the Vet in this circumstance.

In the case of an emergency, such as a dog attack or a companion animal causing an accident, information may be released, but only when legal proceedings have commenced against the owner of the dog, and the complainant or their legal representative have made a written request for that information and the animal's behaviour has been reported to the Police or Council.

All employees and contractors including the RSPCA Pound contractor/provider are also bound in regard to privacy and confidentiality by the Privacy and Personal Information Act 1998.

POLICY REVIEW

This Management Policy forms part of the four (4) year rolling Policy review schedule for Management Policies and will be reviewed within four (4) years from the date of each adoption of the Policy, or more frequently as required.

SUMMARY SHEET

Responsible Division	Regulation and Enforcement
Date adopted by Executive Management Committee	18 December 2018
Date of previous adoptions	N/A
Date of next review	December 2022
Responsible Manager	Manager Regulation and Enforcement
Authorised by	Director Planning and Environment