6.12.5 Companion Animal Regulation – access and use of personal information

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<tr>
<th>Directorate</th>
<th>Community, Environment and Planning</th>
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<tbody>
<tr>
<td>Responsible Officer</td>
<td>Manager</td>
</tr>
</tbody>
</table>

Contents

Companion Animal Regulation – access and use of personal information 1
Introduction 2
Introduction

The Companion Animals Act 1998 and Regulation 2008 include substantial obligations on Council in respect to the provision of information. This is also supported by Guidelines issued under the Regulation by the Department 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 procedure 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.

Council has a process for receiving and processing approved companion animal 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.

In managing information associated with companion animal information 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 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 should only be done through the officers responsible.

As a guide, access to the register will only be used for data entry correction, 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.

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

From a practical point of view, Council administrative staff who are processing application forms are allowed data entry, but no database search functions. Officers such as Rangers for enforcement purposes, and the person authorised to process changes to the information shall be entitled to search functions within the Register and the ability to change address or ownership details. Council’s Senior Ranger is the authorised person and has full access which allows all functions including the ability to correct data errors and to generate necessary reports.

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.

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 after providing the Companion Animal Register of their authorised identifier number and the microchip number of the animal. If the veterinary does not have such access to the Register then
Council staff can attempt to locate the owner on the veterinary’s behalf. Details of the owner from the Register will not however be provided to the Veterinary in these circumstances.

Significant penalties under the *Companion Animals Act 1998* apply for breaches of these provisions.

Council also has a responsibility to ensure the accuracy of information and must retain it for at least two years and not more than five years. Disposal of the information is undertaken in a secure environment and Council has a responsibility to ensure this is the case.