



# **PRIVACY MANAGEMENT PLAN P3.0116.5**

# PRIVACY MANAGEMENT PLAN

**DIRECTORATE:** Customer and Corporate Strategy  
**BRANCH:** Legal and Governance  
**CATEGORY:** 1

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## CONTENTS

<b>PART 1 - INTRODUCTION .....</b>	<b>1</b>
<b>1. Background .....</b>	<b>1</b>
<b>2. Objectives.....</b>	<b>2</b>
<b>3. Scope.....</b>	<b>3</b>
<b>PART 2 - POLICY STATEMENT .....</b>	<b>3</b>
<b>A. PERSONAL INFORMATION .....</b>	<b>3</b>
<b>4. What is “Personal Information”? .....</b>	<b>3</b>
<b>5. What is not “Personal Information”?.....</b>	<b>3</b>
<b>6. Policy on Electoral Rolls.....</b>	<b>4</b>
<b>7. Personal Information held by Council.....</b>	<b>4</b>
<b>8. Applications for Suppression in Relation to General Information (not Public Registers).....</b>	<b>5</b>
<b>9. Caution as to Unsolicited Information .....</b>	<b>6</b>
<b>B. PUBLIC REGISTERS.....</b>	<b>6</b>
<b>10. Public Registers .....</b>	<b>6</b>
<b>11. Public Registers, the PPIPA and the HRIPA .....</b>	<b>8</b>
<b>12. Effect on Section 6 of the GIPA Act.....</b>	<b>8</b>
<b>13. Where Some Information in the Public Register has been Published .....</b>	<b>9</b>
<b>14. Disclosure of Personal Information Contained in Public Registers .....</b>	<b>9</b>
<b>15. Purposes of Public Registers .....</b>	<b>10</b>
<b>16. Applications for Access to Own Records on a Public Register.....</b>	<b>11</b>
<b>17. Applications for Suppression in Relation to a Public Register.....</b>	<b>11</b>
<b>18. Other Registers .....</b>	<b>12</b>
<b>C. INFORMATION PROTECTION PRINCIPLES.....</b>	<b>12</b>

19.	<b>Collection</b> .....	12
20.	<b>Storage</b> .....	13
21.	<b>Access and Accuracy</b> .....	14
22.	<b>Use</b> .....	15
23.	<b>Disclosure</b> .....	15
<b>D. HEALTH PRIVACY PRINCIPLES</b> .....		<b>16</b>
24.	<b>Collection</b> .....	17
25.	<b>Storage</b> .....	18
26.	<b>Access and Accuracy</b> .....	19
27.	<b>Use</b> .....	20
28.	<b>Identifiers and Anonymity</b> .....	21
29.	<b>Transferrals and Linkage</b> .....	21
<b>E. EXEMPTIONS</b> .....		<b>22</b>
30.	<b>General</b> .....	22
31.	<b>Privacy Code of Practice for Local Government</b> .....	22
<b>F. IMPLEMENTATION OF THE PRIVACY MANAGEMENT PLAN</b> .....		<b>24</b>
32.	<b>Training Seminars/Induction</b> .....	24
33.	<b>Responsibilities of the Privacy Contact Officer</b> .....	25
34.	<b>Distribution of Information to the Public</b> .....	26
<b>G. INTERNAL REVIEW</b> .....		<b>26</b>
35.	<b>Informal Resolution</b> .....	26
36.	<b>How Does the Process of Internal Review Operate?</b> .....	26
37.	<b>What Happens After an Internal Review?</b> .....	27
<b>H. OTHER RELEVANT MATTERS</b> .....		<b>27</b>
38.	<b>Contracts with Consultants and Other Private Contractors</b> .....	27
39.	<b>Memorandums of Understanding or Referral Arrangements with Other Agencies or Organisations</b> .....	28
40.	<b>Confidentiality</b> .....	28
41.	<b>Offences</b> .....	29
42.	<b>Regular Review of the Collection, Storage and Use of Personal or Health Information</b> .....	29
43.	<b>Regular Review of Privacy Management Plan</b> .....	29

<b>44. Further Information.....</b>	<b>30</b>
<b>45. Notifiable Data Breaches Scheme .....</b>	<b>31</b>
<b>46. Mandatory Data Breach Notification Scheme .....</b>	<b>31</b>
<b>47. Related Materials .....</b>	<b>31</b>
<b>I. APPENDICES.....</b>	<b>32</b>
<b>Appendix 1.....</b>	<b>32</b>
<b>Appendix 2 .....</b>	<b>33</b>
<b>Appendix 3 .....</b>	<b>34</b>
<b>Appendix 4 .....</b>	<b>35</b>
<b>Appendix 5 .....</b>	<b>36</b>
<b>Appendix 6 .....</b>	<b>37</b>
<b>Appendix 7.....</b>	<b>38</b>
<b>Appendix 8 .....</b>	<b>39</b>
<b>Appendix 9 .....</b>	<b>40</b>
<b>Appendix 10 .....</b>	<b>41</b>
<b>Appendix 11.....</b>	<b>42</b>

## **PART 1 - INTRODUCTION**

### **1. Background**

- 1.1 The [Privacy and Personal Information Protection Act 1998](#) (PPIPA) requires all councils to prepare a Privacy Management Plan, outlining their policies and practices to ensure compliance with the requirements of that Act and the [Health Records and Information Privacy Act 2002](#) (HRIPA).
- 1.2 The PPIPA provides for the protection of personal information and for the protection of the privacy of individuals. Section 33 of the PPIPA requires all councils to prepare a Privacy Management Plan (Plan) to deal with:
- The devising of policies and practices to ensure compliance by Council with the requirements of the PPIPA and the HRIPA.
  - The dissemination of those policies and practices to persons within Council.
  - The procedures that Council proposes for internal review of privacy complaints.
  - The procedures and practices used by Council to ensure compliance with the obligations and responsibilities for the mandatory notification of data breach scheme.
  - Such other matters as are considered relevant by Council in relation to privacy and the protection of personal information held by it.

This Plan has been prepared for the purpose of section 33 of the PPIPA.

- 1.3 The PPIPA provides for the protection of personal information by means of 12 Information Protection Principles. Those principles are:

Principle 1	Collection of personal information for lawful purposes
Principle 2	Collection of personal information directly from individual
Principle 3	Requirements when collecting personal information
Principle 4	Other requirements relating to collection of personal information
Principle 5	Retention and security of personal information
Principle 6	Information about personal information held by agencies
Principle 7	Access to personal information held by agencies
Principle 8	Alteration of personal information

- Principle 9 Council must check accuracy of personal information before use
- Principle 10 Limits on use of personal information
- Principle 11 Limits on disclosure of personal information
- Principle 12 Special restrictions on disclosure of personal information.

- 1.4 The HRIPA additionally provides for the protection of health information by means of the Health Privacy Principles set out in this Plan.
- 1.5 The Information Protection Principles are modified by the [Privacy Code of Practice for Local Government](#) (Privacy Code) made by the Attorney General. To date, there has been no Health Records and Information Privacy Code of Practice made for Local Government.
- 1.6 The Privacy Code has been developed to enable Local Government to fulfill its statutory duties and functions under the [Local Government Act 1993](#) (LGA) in a manner that seeks to comply with the PPIPA.

## **2. Objectives**

- 2.1 The objects of this Plan are to inform:
- The community about how their personal information will be used, stored and accessed after it is collected by Council.
  - Council staff of their obligations in relation to handling personal information and when they can and cannot disclose, use or collect it.
- 2.2 This Plan outlines how Council will incorporate the 12 Information Protection Principles into its everyday functions. It should be read in conjunction with the Privacy Code.
- 2.3 Nothing in this Plan is to:
- Affect any matter of interpretation of a Code or the Information Protection Principles and the Health Privacy Principles as they apply to Council.
  - Affect any obligation at law cast on Council by way of representation or holding out in any manner whatsoever.
  - Create, extend or lessen any obligation at law which Council may have.
- 2.4 This Plan is designed to introduce policies and procedures to maximise compliance with the PPIPA and the HRIPA.

- 2.5 Where Council has the benefit of an exemption, it will nevertheless describe procedures for compliance in this Plan. By doing so, it is not to be bound in a manner other than that prescribed by any applicable Code.
- 2.6 Council collects, stores and uses a broad range of information. A significant part of that information is personal information. This Plan applies to that part of Council's information that is personal information.
- 2.7 It may mean in practice that any information that is not personal information will receive treatment of a higher standard; namely treatment accorded to personal information where the information cannot be meaningfully or practicably separated.

### **3. Scope**

3.1 This Plan (and the PPIPA and HRIPA) apply to:

- Councillors;
- Council employees;
- Consultants and contractors of Council;
- Volunteers;
- Council owned businesses;
- Council committees (including community members of those committees which may be established under section 355 of the LGA);
- Anyone working for and on behalf of Council in whatever capacity.

Council will ensure that all such parties are made aware that they must comply with the PPIPA, the HRIPA, any other applicable Code and this Plan.

## **PART 2 - POLICY STATEMENT**

### **A. PERSONAL INFORMATION**

#### **4. What is "Personal Information"?**

4.1 "Personal information" is defined in section 4 of the PPIPA as follows:

"Information or an opinion about an individual whose identity is apparent or can reasonably be ascertained from the information or opinion. This information can be on a database and does not necessarily have to be recorded in a material form."

#### **5. What is not "Personal Information"?**

5.1 "Personal information" does not include information about an individual that is contained in a publicly available publication. Personal information, once it is contained in a publicly available publication, ceases to be covered by the PPIPA.

- 5.2 Section 4A of the PPIPA also specifically excludes “health information”, as defined by section 6 of the HRIPA, from the definition of “personal information”, but includes “health information” in the PPIPA’s consideration of public registers (discussed below). “Health information” is considered in [part D](#) of this Plan.
- 5.3 Where Council is requested to provide access or make a disclosure and that information has already been published, then Council will rely on the provisions of the relevant Act that authorises Council to hold that information and not the PPIPA (for example, section 8 of the [Government Information \(Public Access\) Act 2009](#) (GIPA Act)).
- 5.4 Council considers that publicly available publications include the following:
- An advertisement containing personal information in a local, city or national newspaper;
  - Personal information on the internet;
  - Books or magazines that are printed and distributed broadly to the general public;
  - Council business papers or that part that is available to the general public;
  - Personal information that may be a part of a public display on view to the general public.

Information published in this way ceases to be covered by the PPIPA.

Council’s decision to publish in this way must be in accordance with the PPIPA.

## **6. Policy on Electoral Rolls**

- 6.1 The Electoral Roll is a publicly available publication. Council will refer any requests for copies of the Electoral Roll to the NSW Electoral Commissioner.

## **7. Personal Information held by Council**

- 7.1 Council holds personal information as is relevant to its various functions and activities. These are detailed at clauses 2.3-2.4 of Council’s [Agency Information Guide](#). Examples of the types of personal information held by Council are detailed below.
- 7.2 Council holds personal information concerning Councillors, such as:
- Personal contact information;
  - Complaints and disciplinary matters;
  - Pecuniary interest returns;
  - Entitlements to fees, expenses and facilities.



7.3 Council holds personal information concerning its customers, ratepayers and residents, such as:

- Rates records
- Development applications and related submissions
- Library lending records
- Library special needs statements
- Leases, licences and agreements
- Waste services records
- Customer requests
- Tree removal requests, including for requests for health reasons
- Fitness testing records
- Burial and cremation records
- Financial records
- Donation, grant and sponsorship applications
- Photos of vehicle registration plates
- Community service utilisation e.g. Community Transport
- Age and disability support records including health records
- Submissions and information collected as part of Council's community engagement and consultation activities
- Public access forum applications
- CCTV footage.

7.4 Council holds personal information concerning its employees, volunteers and contractors, such as:

- Recruitment material
- Leave and payroll data
- Personal contact information
- Performance management plans
- Disciplinary matters
- Disclosure of interest returns
- Wage and salary entitlements
- Bank account details
- Workers' compensation investigations
- Public interest disclosure investigations
- Next of kin
- Education
- Secondary employment
- Conflicts of interest.

## **8. Applications for Suppression in Relation to General Information (not Public Registers)**

8.1 Under section 739 of the LGA, a person can make an application to suppress certain material that is available for public inspection in circumstances where the material discloses or would disclose the person's place of living, if the person considers that the disclosure would place the personal safety of the person or their family at risk.

- 8.2 Section 739 of the LGA relates to publicly available material other than public registers. As such, it limits disclosure in those circumstances where an application for suppression is successful. An application for suppression must be verified by statutory declaration and otherwise meet the requirements of section 739. When in doubt, Council will err in favour of suppression.

Statutory declaration forms which can be used for this purpose are available on the [Service NSW website](#) and the request must be made to Council's General Manager or, in the case of the Electoral Roll for an area, the NSW Electoral Commissioner. See [Council's website](#), and the [NSW Electoral Commissioner's website](#), for relevant contact details.

- 8.3 For more information regarding the disclosure of information (other than public registers), see the discussion of IPPs 11 and 12 in [part C](#) of this Plan. For information regarding the suppression of information on public registers, see part B of this Plan.

## **9. Caution as to Unsolicited Information**

- 9.1 Where an individual, a group or committee not established by Council gives Council unsolicited personal or health information, then that information should be still treated in accordance with this Plan, any Code, the HRIPA and the PPIPA for the purposes of IPPs 5-12 and HPPs 5-15 which relate to storage, access, use and disclosure of information.
- 9.2 For the purposes of section 10 of the HRIPA, Council is not considered to have "collected" health information if the receipt of the information by Council is unsolicited. Section 4(5) of the PPIPA also provides that personal information is not "collected" by Council if it is unsolicited.

## **B. PUBLIC REGISTERS**

### **10. Public Registers**

- 10.1 A public register is defined in section 3 of the PPIPA:

"...public register means a register of personal information that is required by law to be, or is made, publicly available or open to public inspection (whether or not on payment of a fee)."

- 10.2 A distinction needs to be drawn between 'public registers' within the meaning of part 6 of the PPIPA and 'non-public registers'. A 'non-public register' is a register, but not a 'public register' for the purposes of the PPIPA. For example, the register might not be publicly available or it may not contain personal information.

- 10.3 Disclosure in relation to public registers must comply with part 6 of the PPIPA and the Privacy Code. Personal information cannot be accessed by a person about another person unless the personal information is contained in a public register. Where personal information is contained in a public register, then part 6 of the PPIPA applies to determine whether access to that information will be given to another person.
- 10.4 Disclosure in relation to all other personal information must comply with the Information Protection Principles as outlined in part B of this Plan and the Privacy Code, where it includes personal information that is not published.
- 10.5 Council holds the following public registers under the LGA:\*\*\*

Section 53	Land Register
Section 113	Records of Approvals
Section 602	Rates Record.
<a href="#">Code of Conduct</a>	<a href="#">Register of 'Disclosures by Councillors and Designated Persons' Returns</a>

\*\*\*Note – this is purely indicative. Council may, by virtue of its own practice, hold other Public Registers, to which the PPIPA applies.

Council holds the following public registers under the [Environmental Planning and Assessment Act 1979](#):

- Section 4.58 - Register of consents and approvals
- Section 6.26(8)-(10) - Record of building certificates.

Council holds the following public register under the [Protection of the Environment \(Operations\) Act 1997](#):

- Sections 308-309 - Public register of licences and other relevant matters held.

Council holds the following public register under the [Public Spaces \(Unattended Property\) Act 2021](#):

- Section 33 - Record of property taken possession of.

- 10.6 Members of the public may enquire only in accordance with the primary purpose of any of these registers. The primary purpose for public registers is generally explained in the following sections.

## 11. Public Registers, the PPIPA and the HRIPA

- 11.1 A public register generally confers specific rights or privileges, a benefit or status, which would not otherwise exist. It may be required by law to be made publicly available or open to public inspection, or it is simply made publicly available or open to public inspection (whether or not payment is required).
- 11.2 Despite the exclusion of “health information” from the definition of “personal information” under section 4A of the PPIPA, section 56A of the PPIPA includes, as “personal information”, “health information” on public registers.
- 11.3 Section 57 of the PPIPA requires very stringent controls over the disclosure of personal information contained in a public register. It provides broadly that where Council is responsible for keeping a public register, it will not disclose any personal information kept in that register unless it is satisfied that the information is to be used for a purpose relating to the purpose of the register or the Act under which the register is kept.
- 11.4 Section 57(2) provides that in order to ensure compliance with section 57(1), Council may require any person who applies to inspect personal information contained in the public register to give particulars in the form of a statutory declaration as to the proposed use of that information (the form at [Appendix 1](#) may be used as a guide).
- 11.5 Councils also need to consider the Privacy Code of Practice for Local Government, which has the effect of modifying the application of part 6 of the PPIPA (the “public register” provisions).
- 11.6 If the stated purpose of the applicant does not conform with the purpose for which the public register is kept, access to the information sought will not be given.
- 11.7 Where personal information is contained in a publicly available publication, that information will not be regarded as “personal information” covered by the PPIPA or as “health information” for the purposes of part 6 of the PPIPA.

## 12. Effect on Section 6 of the GIPA Act

- 12.1 Section 57 of the PPIPA prevails over clause 1(3) of Schedule 1 of the [Government Information \(Public Access\) Regulation 2018](#) (GIPA Regulation) to the extent of any inconsistency. Therefore:
  1. If a register is listed in Schedule 1 of the GIPA Regulation, access must not be given except in accordance with section 57(1) of the PPIPA.
  2. If a register is not listed in Schedule 1 of the GIPA Regulation, access must not be given except:

- if it is allowed under section 57(1) of the PPIPA, and
- there is no overriding public interest against disclosure of the information under section 6 of the GIPA Act.

Note: Both 1 and 2 are amended with regard to specific public registers in the Privacy Code.

### **13. Where Some Information in the Public Register has been Published**

- 13.1 That part of a public register that is not published in a publicly available publication will be treated as a “public register” and the following procedure for disclosure will apply.
- 13.2 For example, the Register of Consents and Approvals held by Council under section 4.58 of the *Environmental Planning and Assessment Act 1979* requires Council to advertise or publish applications for development consent.
- 13.3 When Council publishes the address of the property, it may identify the owner. The personal information that has not been published and any applications not advertised or that have been rejected or withdrawn (and hence also not published) will be treated as a public register under the PPIPA.
- 13.4 Council may hold a register under the [Contaminated Land Management Act 1997](#) on behalf of the Environment Protection Authority. This is not to be considered a public register of Council as the statute does not place any obligations on Council to make this register publicly available as a register of contaminated land. Furthermore, the legislation foreshadows that the Environment Protection Authority may indeed post this list or register it on the internet. This may constitute a publication of the information and therefore the PPIPA will not apply.
- 13.5 Registers should not generally be published on the internet, unless prescribed as open access information under the GIPA Act.

### **14. Disclosure of Personal Information Contained in Public Registers**

- 14.1 A person seeking a disclosure concerning someone else’s personal information from a public register, must satisfy Council that the intended use of the information is for a purpose relating to the purpose of the register or the Act under which the register is kept.
- 14.2 In the following section, by way of guidance only, what might be called the “primary” purpose (or “the purpose of the register”) has been specified for each identified register. In some cases, a “secondary purpose” has also been specified, by way of guidance as to what might constitute “a purpose relating to the purpose of the register”.

## 15. Purposes of Public Registers

### **Purposes of public registers under the *Local Government Act 1993***

- 15.1 Section 53 – Land Register – The primary purpose is to identify all land vested in Council, or under its control. The secondary purpose includes a consideration of public accountability as to the land held by Council. Third party access is therefore a secondary purpose.
- 15.2 Section 113 – Records of Approvals – The primary purpose is to identify all approvals granted under the LGA.
- 15.3 Section 602 – Rates Record – The primary purpose is to record the value of a parcel of land and record rate liability in respect of that land. The secondary purpose includes recording the owner or lessee of each parcel of land. For example, a disclosure on a section 603 (of the LGA) rating certificate that a previous owner was a pensioner is considered to be allowed, because the secondary purpose is “a purpose relating to the purpose of the register”.
- 15.4 Code of Conduct – Register of ‘Disclosures by Councillors and Designated Persons’ Returns – The primary purpose of this register is to determine whether or not a Councillor or a designated person has a specified interest in a matter with which Council is likely to be concerned. There is a corresponding public accountability purpose and third party access is a secondary purpose.

### **Purposes of public registers under the *Environmental Planning and Assessment Act 1979***

- 15.5 Section 4.58 – Register of consents and approvals – The primary purpose is to identify applications for development consent and other approvals, confirm determinations on appeal and identify applications for complying development certificates.
- 15.6 Section 6.26(8)-(10) – Record of building certificates – The primary purpose is to identify all building certificates.

### **Purposes of public registers under the *Protection of the Environment (Operations) Act 1997***

- 15.7 Sections 308-309 – Public register of licences and other relevant matters held – The primary purpose is to identify all licences and other relevant matters granted or issued under the Act.

### **Purposes of the public register under the *Public Spaces (Unattended Property) Act 2021***

- 15.8 Section 33 – Record of property taken possession of – The primary purpose is to identify any property taken possession of by Council.

### **Secondary purpose of all public registers**

15.9 Due to the general emphasis (to be found in the LGA and elsewhere) on Local Government processes and information being open and accountable, it is considered that a secondary purpose for which all public registers are held by Council includes the provision of access to members of the public. Therefore, disclosure of specific records from public registers would normally be considered to be allowable under section 57 of the PPIPA.

15.10 However, requests for access, copying or the sale of the whole or a substantial part of a public register held by Council will not necessarily fit within this purpose. Council should be guided by the Privacy Code in this respect. Where Council officers have doubt as to the intended use of the information, an applicant may be requested to provide a statutory declaration so that Council may satisfy itself as to the intended use of the information. Council will make its assessment as to the minimum amount of personal information that is required to be disclosed with regard to any request.

### **Other purposes**

15.11 Persons or organisations who apply to Council to have access to the information contained in any public register for a purpose not related to the purpose of the register, may be given access at the discretion of Council, but only in accordance with the Privacy Code concerning public registers.

### **Requesting access to public registers**

15.12 Persons or organisations who seek access to the information contained in any public register should submit their request for access to Council's Privacy Contact Officer using the contact details provided at [clause 44](#) of this Plan.

## **16. Applications for Access to Own Records on a Public Register**

16.1 A person wishing to have access to a public register to confirm their own details needs only to prove their identity to Council before having access to their own personal information.

## **17. Applications for Suppression in Relation to a Public Register**

17.1 An application for suppression in relation to a public register will be dealt with under the PPIPA, rather than section 739 of the LGA.

17.2 A person about whom personal information is contained (or proposed to be contained) in a public register, may request Council under section 58 of the PPIPA to have the information removed from, or not placed on, the register.

- 17.3 If Council is satisfied that the safety or well-being of any person would be affected by not suppressing the personal information as requested, Council will suppress the information in accordance with the request unless Council is of the opinion that the public interest in maintaining public access to the information outweighs any individual interest in suppressing the information, in accordance with section 58(2) of the PPIPA (“well-being” is defined in the Macquarie Dictionary as “the good or satisfactory condition of existence; welfare”).
- 17.4 When in doubt, Council will err in favour of suppression.
- 17.5 Any information that is removed from, or not placed on, that aspect of a public register to be made public may be kept on the register for other purposes. That is, the information may still be used for Council functions, but it cannot be disclosed to other parties.
- 17.6 An application for suppression should be made in writing addressed to the Privacy Contact Officer and must outline the reasons for the request. Council may require supporting documentation where appropriate. See [clause 44](#) of this Plan for the relevant contact details of the Privacy Contact Officer.

## **18. Other Registers**

- 18.1 Council may have other registers that are not public registers. The Information Protection Principles, this Plan, any applicable Codes and the PPIPA apply to those registers or databases.

## **C. INFORMATION PROTECTION PRINCIPLES**

There are legal obligations that local councils must abide by when they collect, store, use or disclose personal information, known as Information Protection Principles (IPPs). The IPPs are set out below. Further guidance with respect to how these IPPs are practically applied can be obtained from Council’s Privacy Contact Officer.

## **19. Collection**

- IPP 1. Lawful – Only collect personal information for a lawful purpose, which is directly related to the agency’s activities and necessary for that purpose. This IPP is further detailed at [section 8](#) of the PPIPA. Further information about Council's functions and activities is provided at [clause 7](#) of this Plan.
- IPP 2. Direct – Only collect personal information directly from the person concerned, unless they have authorised collection from someone else, or if the person is under the age of 16 and the information has been provided by a parent or guardian. This IPP is further detailed at [section 9](#) of the PPIPA, and modifications to the application of this IPP made by the Privacy Code of Practice for Local Government are outlined at [clause 31](#) of this Plan.



In order to perform its functions and activities, Council collects and receives personal information in a variety of ways. The collection of this information may be in writing, e-mail, through a form, over the phone, by fax, or in person at a Council facility. Council will take reasonable measures to ensure that any third parties it collects personal information from are authorised to provide that information, such as applying appropriate ID verification processes and/or requiring a verbal or written authorisation.

- IPP 3. Open – Inform the person as to why you are collecting personal information, what you will do with it and who else might see it. Tell the person how they can view and correct their personal information, if the information is required by law or voluntary, and any consequences that may apply if they decide not to provide their information. This IPP is further detailed at [section 10](#) of the PPIPA, and modifications to the application of this IPP made by the Privacy Code of Practice for Local Government are outlined at [clause 31](#) of this Plan.

Council will assess the notification requirements on a case-by-case basis to ensure they are reasonable having regard to the personal information being collected. Notification may be made in a number of ways including by way of a collection notice, Council's website, a form, electronic acknowledgement, audio recording or in person. If notification cannot be made prior to collection of the information, it will be made as soon as practicable afterwards. The notification will be made in accordance with Council's [Communications and Community Engagement Strategy](#), which requires that different languages and access to translation services are accommodated.

Template post-collection and pre-collection forms for personal information are provided at [Appendix 2](#) and [Appendix 3](#) respectively. Council will have regard to these when collecting information, regardless of the method of the notification.

- IPP 4. Relevant – Ensure that the personal information is relevant, accurate, complete, up-to-date and not excessive and that the collection does not unreasonably intrude into the personal affairs of the individual. This IPP is further detailed at [section 11](#) of the PPIPA.

Council will decide what personal information is appropriate to be collected on a case-by-case basis, with the understanding that the information must be reasonably necessary for the purpose for which it is collected.

## **20. Storage**

- IPP 5. Secure – Store personal information securely, keep it no longer than necessary and dispose of it appropriately. It should also be protected from unauthorised access, use, modification or disclosure. This IPP is further detailed at [section 12](#) of the PPIPA.

Council utilises a variety of approved business systems to store and protect personal information. The most notable of these is the Electronic Document Management System (EDMS), which is Council's primary system for storing digital records. Physical records, including hardcopy files or removable media, are stored in designated areas to ensure their security and proper preservation.

Records and information are protected from unauthorised or unlawful access, destruction, loss, deletion, or alteration according to access and security controls outlined in relevant Council operational procedures and the [State Records Act 1998](#).

Records and information are also disposed of in accordance with relevant Council operational procedures and legislation, including the [GA39-General Retention and Disposal Authority: Local Government Records](#) issued by State Records NSW.

## **21. Access and Accuracy**

- IPP 6. Transparent – Explain to the person what personal information about them is being stored, why it is being used and any rights they have to access it. This IPP is further detailed at [section 13](#) of the PPIPA.

A form is available at [Appendix 4](#) for any person who wishes to ascertain whether Council holds their personal information. The form can be submitted to Council via the contact details provided on the form, and Council will respond to the request as soon as is reasonably practicable.

- IPP 7. Accessible – Allow people to access their personal information without unreasonable delay or expense. This IPP is further detailed at [section 14](#) of the PPIPA.

A form is available at [Appendix 5](#) for any person who wishes to request access to their personal information held by Council. The form can be submitted to Council via the contact details provided on the form, and Council will respond to the request as soon as is reasonably practicable.

- IPP 8. Correct – Allow people to update, correct or amend their personal information where necessary. This IPP is further detailed at [section 15](#) of the PPIPA.

A form is available at [Appendix 6](#) for any person who wishes to request that Council amend their personal information held by Council. The form can be submitted to Council via the contact details provided on the form, and Council will respond to the request as soon as is reasonably practicable.

## 22. Use

- IPP 9. Accurate – Make sure the personal information is relevant, accurate, up to date and complete before using it. This IPP is further detailed at [section 16](#) of the PPIPA, and modifications to the application of this IPP made by the Privacy Code of Practice for Local Government are outlined at [clause 31](#) of this Plan.

Council will take reasonable steps to check contact details directly with a person to make sure the information is correct, and take appropriate steps to record personal information carefully.

- IPP 10. Limited – Only use personal information for the purpose it was collected unless the person has given their consent, or the purpose of use is directly related to the purpose for which it was collected, or to prevent or lessen a serious or imminent threat to any person’s health or safety. This IPP is further detailed at [section 17](#) of the PPIPA, and modifications to the application of this IPP made by the Privacy Code of Practice for Local Government are outlined at clause 31 of this Plan. For example, the modifications permit Council to use personal information to exercise its complaint handling or investigative functions.

The relevant uses of personal information held by Council are also set out in Council’s privacy collection notices and consent forms.

## 23. Disclosure

- IPP 11. Restricted – Only disclose personal information with a person’s consent or if the person was told at the time that it would be disclosed, if disclosure is directly related to the purpose for which the information was collected and there is no reason to believe the person would object, or the person has been made aware that information of that kind is usually disclosed, or if disclosure is necessary to prevent a serious and imminent threat to any person’s health or safety. This IPP is further detailed at [section 18](#) of the PPIPA, and modifications to the application of this IPP made by the Privacy Code of Practice for Local Government are outlined at [clause 31](#) of this Plan.

In addition to the modifications to this IPP, examples of when Council may disclose personal information include but are not limited to disclosures to law enforcement or investigative agencies for purposes relevant to their functions, and where information is requested under a valid subpoena, warrant or court order. Further detail about relevant exemptions is provided at [clause 30](#) of this Plan.

IPP 12. Safeguarded – An agency cannot disclose sensitive personal information without a person’s consent, for example, information about ethnic or racial origin, political opinions, religious or philosophical beliefs, sexual activities or trade union membership. It can only disclose sensitive information without consent in order to deal with a serious and imminent threat to any person’s health or safety. This IPP is further detailed at [section 19](#) of the PPIPA, and modifications to the application of this IPP made by the Privacy Code of Practice for Local Government are outlined at [clause 31](#) of this Plan. These provisions include specific restrictions relating to the disclosure of personal information to jurisdictions outside NSW.

Council ensures that sensitive personal information is safeguarded in accordance with access and security controls outlined in relevant Council operational procedures and the *State Records Act 1998*.

#### **D. HEALTH PRIVACY PRINCIPLES**

In 2002, most references to ‘health information’ were taken out of the PPIPA and separate legislation was enacted. The HRIPA was enacted to deal with this specific type of personal information. On and from September 2004, various agencies and organisations, including local councils, were expected to comply with the HRIPA in their collection and management of health information.

Health information includes personal information that is information or an opinion about the physical or mental health or a disability of an individual. Health information also includes personal information that is information or an opinion about:

- A health service provided, or to be provided, to an individual
- An individual’s express wishes about the future provision of health services to him or her
- Other personal information collected in connection with the donation of human tissue
- Genetic information that is or could be predictive of the health of an individual or their relatives or descendants.

Health information is defined in section 6 of the HRIPA. Local councils will often hold health information by reason of their role in elder care, childcare and various types of community health support services. It is therefore very important for councils to be familiar with the 15 Health Privacy Principles (HPPs).

The following is a non-exhaustive list of examples of the types of health information and circumstances in which councils may collect health information in exercising their functions:

- Tree pruning/removal application where residents approach council for a reconsideration or reassessment of a tree pruning/removal application on medical grounds

- Issuing of clean up orders which may include recording information about a resident's health, GP professional contact details or involvement with mental health services
- Volunteer programs where volunteers are asked to disclose health conditions which may preclude them from some types of volunteer work
- Meals on wheels programs where residents may be asked for medical or dietary requirements (eg allergies for catering purposes)
- Seniors bus outings where information may be collected on special medical needs
- Provision of respite and social support services collecting information that is consistent with the client intake and referral record system
- Information on families for the purposes of children's services (eg history of illness, allergies, asthma, diabetes, epilepsy etc)
- Physical exercise classes
- Some councils run podiatry services
- Information may be collected through a healthy community program
- Child care information, immunisation, illness and accident records
- Family counsellor/youth support workers records
- Pre-employment medical information
- Employee immunisation records and medical certificates
- Health records information for excursions.

HPPs 1-4 concern the collection of health information, HPP 5 concerns the storage of health information, HPPs 6-9 concern the access and accuracy of health information, HPP 10 concerns the use of health information, HPP 11 concerns the disclosure of health information, HPPs 12-13 concern the identifiers and anonymity of the persons to which health information relate, HPPs 14-15 concern the transferral of health information and the linkage to health records across more than one organisation.

The HPPs are set out below.

## **24. Collection**

HPP 1. Lawful – Only collect health information for a lawful purpose that is directly related to the agency or organisation's activities and necessary for that purpose. This HPP is further detailed at [clause 1](#) of Schedule 1 to the HRIPA, and further information about Council's functions and activities and the types of health information it may collect is provided at [clause 7](#) and [part D](#) of this Plan.

HPP 2. Relevant – Ensure the health information is relevant, accurate, up-to-date and not excessive, and that the collection does not unreasonably intrude into the personal affairs of a person. This HPP is further detailed at [clause 2](#) of Schedule 1 to the HRIPA.

Council will only collect as much health information as is reasonably necessary on a case-by-case basis for the specific function or service it is performing, and will take appropriate steps to ensure that the information collected is not unreasonably intrusive.

- HPP 3. Direct – Only collect health information directly from the person concerned, unless it is unreasonable or impracticable to do so. Health information is to be collected in accordance with any guidelines issued by the Privacy Commissioner for the purposes of this clause. This HPP is further detailed at [clause 3](#) of Schedule 1 to the HRIPA.

Where appropriate in order to perform its functions and activities, Council collects and receives health information directly in a variety of ways, such as in writing, over the phone, or in person at a Council facility. On a case-by-case basis, Council may collect health information from a third party where it is unreasonable or impracticable to collect it directly from the person. When Council does so, it will take reasonable measures to ensure that any third parties it collects health information from are authorised to provide that information.

- HPP 4. Open – Inform a person as to why you are collecting health information, what you will do with it, and who else may see it. Tell the person how they can view and correct their health information and any consequences that will occur if they decide not to provide their information to you. If you collect health information about a person from a third party you must still take reasonable steps to notify the person that this has occurred. This HPP is further detailed at [clause 4](#) of Schedule 1 to the HRIPA.

Council will assess the notification requirements on a case-by-case basis to ensure they are reasonable having regard to the health information being collected. Notification may be made in a number of ways including by way of a collection notice, Council's website, a form, electronic acknowledgement, audio recording or in person. If notification cannot be made prior to collection of the information, it will be made as soon as practicable afterwards. The notification will be made in accordance with Council's [Communications and Community Engagement Strategy](#), which requires that different languages and access to translation services are accommodated.

Template post-collection and pre-collection forms for health information are provided at [Appendix 7](#) and [Appendix 8](#) respectively. Council will have regard to these when collecting information, regardless of the method of the notification.

## **25. Storage**

- HPP 5. Secure – Ensure the health information is stored securely, not kept any longer than necessary, and disposed of appropriately. Health information should be protected from unauthorised access, use or disclosure. This HPP is further detailed at [clause 5](#) of Schedule 1 to the HRIPA.

Council utilises a variety of approved business systems to store and protect health information. The most notable of these is EDMS, which is Council's primary system for storing digital records. Physical records, including hardcopy files or removable media, are stored in designated areas to ensure their security and proper preservation.

Records and information are protected from unauthorised or unlawful access, destruction, loss, deletion, or alteration according to access and security controls outlined in relevant Council operational procedures and the *State Records Act 1998*.

Records and information are also disposed of in accordance with relevant Council operational procedures and legislation, including the [GA39-General Retention and Disposal Authority: Local Government Records](#) issued by State Records NSW.

## 26. Access and Accuracy

HPP 6. Transparent – Explain to the person what health information is being stored, the reasons it is being used and any rights they have to access it. This HPP is further detailed at [clause 6](#) of Schedule 1 to the HRIPA.

A form is available at [Appendix 9](#) for any person who wishes to ascertain whether Council holds their health information. The form can be submitted to Council via the contact details provided on the form, and Council will respond to the request as soon as is reasonably practicable.

HPP 7. Accessible – Allow a person to access their health information without unreasonable delay or expense. This HPP is further detailed at [clause 7](#) of Schedule 1 to the HRIPA.

A form is available at [Appendix 10](#) for any person who wishes to request access to their health information held by Council. The form can be submitted to Council via the contact details provided on the form, and Council will respond to the request as soon as is reasonably practicable.

HPP 8. Correct – Allow a person to update, correct or amend their personal information where necessary. This HPP is further detailed at [clause 8](#) of Schedule 1 to the HRIPA.

A form is available at [Appendix 11](#) for any person who wishes to request that Council amend their health information held by Council. The form can be submitted to Council via the contact details provided on the form, and Council will respond to the request as soon as is reasonably practicable.

HPP 9. Accurate – Ensure that the health information is relevant and accurate before using it. This HPP is further detailed at [clause 9](#) of Schedule 1 to the HRIPA.

Council will take reasonable steps to check contact details directly with a person to make sure the information is correct, and take appropriate steps to record health information carefully.

## 27. Use

HPP 10. Limited – Only use health information for the purpose for which it was collected or for a directly related purpose, which a person would expect. Otherwise, you would generally need their consent to use the health information for a secondary purpose. This HPP is further detailed at [clause 10](#) of Schedule 1 to the HRIPA.

The relevant uses of health information held by Council are also set out in Council's privacy collection notices and consent forms, which where applicable have regard to the circumstances authorised under clause 10 of Schedule 1 to the HRIPA.

There are also other uses of health information which are permissible under the HRIPA. For instance, where the use of the health information is reasonably necessary for the management of health services, training, or research, by a law enforcement agency to find a missing person or for their law enforcement functions where there are reasonable grounds to believe an offence may have been committed or where there are reasonable grounds to suspect that unlawful activity may have been engaged in. Further detail about relevant exemptions is provided at [clause 30](#) of this Plan.

HPP 11. Limited – Only disclose health information for the purpose for which it was collected, or for a directly related purpose that a person would expect. Otherwise, you would generally need their consent. (Note: See also HPP 10). This HPP is further detailed at [clause 11](#) of Schedule 1 to the HRIPA.

The persons to whom Council usually discloses health information of a particular kind are also set out in Council's privacy collection notices and consent forms, which where applicable have regard to the circumstances authorised under clause 11 of Schedule 1 to the HRIPA.

There are also other disclosures of health information which are permissible under the HRIPA. For instance, where the disclosure of the health information is reasonably necessary for the management of health services, training, or research, by a law enforcement agency to find a missing person or for their law enforcement functions where there are reasonable grounds to believe an offence may have been committed or where there are reasonable grounds to suspect that unlawful activity may have been engaged in. Further detail about relevant exemptions is provided at [clause 30](#) of this Plan.



## 28. Identifiers and Anonymity

HPP 12. Not identified – Only identify people by using unique identifiers if it is reasonably necessary to carry out your functions efficiently. This HPP is further detailed at [clause 12](#) of Schedule 1 to the HRIPA.

Council does not usually assign unique identifiers to people in relation to health information. It would only do so if it is reasonably necessary to enable it to carry out its functions of providing a service.

HPP 13. Anonymous – Give the person the option of receiving services from you anonymously, where this is lawful and practicable. This HPP is further detailed at [clause 13](#) of Schedule 1 to the HRIPA.

Where appropriate considering the nature of the health information and its intended use, Council will provide an opportunity for people to remain anonymous when entering into transactions with or receiving health services from Council. How anonymity is best achieved will be determined on a case by case basis suitable to the context.

## 29. Transferrals and Linkage

HPP 14. Controlled – Only transfer health information outside NSW in accordance with HPP 14.

Council will not transfer health information out of NSW without the individual's consent unless:

- Council is unable to obtain consent, it is of benefit to the individual and that they would likely give it.
- It is necessary for a contract with a third party.
- It is to help prevent a serious and imminent threat to life, health or safety of individuals.
- It is permitted by an Act or other law.
- The recipient is subject to protection laws similar to the HRIPA.

This HPP is further detailed at [clause 14](#) of Schedule 1 to the HRIPA.

Council does not usually transfer health information outside of NSW.

HPP 15. Authorised – Only use health records linkage systems if the person has provided or expressed their consent. This HPP is further detailed at [clause 15](#) of Schedule 1 to the HRIPA.

Council does not participate in a relevant system to link health records across more than one organisation at this time. If Council decided to use a system like this in the future, Council would make sure that the individual to whom the health information relates expressly consents to the link.

Under section 8 of the [Health Records and Information Privacy Regulation 2022](#), there is an exemption to this HPP in relation to the My Health Record system. Further detail about relevant exemptions is provided at [clause 30](#) of this Plan.

## **E. EXEMPTIONS**

### **30. General**

30.1 Exemptions from compliance with the PPIPA and HRIPA that apply directly to Council include where:

- Information is collected in connection with proceedings (whether commenced or not) before any Court or Tribunal.
- Information is collected for law enforcement purposes.
- Information is used for a purpose reasonably necessary for law enforcement purposes or to protect the public revenue.
- Council is authorised or required by a subpoena or search warrant or other statutory instrument.
- Council is investigating a complaint that may be referred or made to an investigative agency.
- Council is permitted by a law or Act not to comply.
- Compliance would prejudice the interests of the individual to whom the information relates.
- The individual to whom the information relates has given express consent to Council not to comply.

The exemptions are detailed in the PPIPA, HRIPA, *Health Records and Information Privacy Regulation 2022* and [Privacy and Personal Information Protection Regulation 2019](#). Where an exemption applies, Council is authorised to not comply with particular IPPs or HPPs.

### **31. Privacy Code of Practice for Local Government**

31.1 The Privacy Code of Practice for Local Government (the Privacy Code) is made under the PPIPA and modifies the operation of specified IPPs for local government. The Privacy Code may be accessed at [the Information and Privacy Commission website](#).

31.2 Specific modifications include:

#### **IPPs 2, 3, 10 and 11:**

Council may depart from these IPPs where the collection, use or disclosure of personal information is reasonably necessary when an award, prize, benefit or similar form of personal recognition is intended to be, or may be, conferred upon the person to whom the information relates.

**IPP 10:**

Council may use personal information for a purpose other than the purpose for which it was collected where the use is in pursuance of Council's lawful and proper function/s and Council is satisfied that the personal information is reasonably necessary for the exercise of such function/s.

**IPP 11:**

Council may depart from this IPP in the following circumstances:

1. Council may disclose personal information to public sector agencies or public utilities on condition that:
  - i. The agency has approached Council in writing.
  - ii. Council is satisfied that the information is to be used by that agency for the proper and lawful function/s of that agency, and
  - iii. Council is satisfied that the personal information is reasonably necessary for the exercise of that agency's function/s.
2. Where Council is requested by a potential employer, it may verify that a current or former employee works or has worked for Council, the duration of that work, and the position occupied during that time. This exception shall not permit Council to give an opinion as to that person's suitability for a particular position with any potential employer unless Council is satisfied that the person has provided their consent for Council to provide a reference, which may include an opinion as to that person's suitability for the position for which he/she has applied.

31.3 The Privacy Code of Practice also modifies the application of section 57 of the PPIPA to the extent that:

1. Council may allow any person to:
  - i. Inspect a publicly available copy of a public register in Council premises, and
  - ii. Copy a single entry or a page of the register.

without requiring the person to provide a reason for accessing the register and without determining that the proposed use of the register is consistent with the purpose of the register or the Act under which the register is kept.

2. Council should not require any person to provide a reason for inspecting Council's Register of 'Disclosures by Councillors and Designated Persons' Returns or any register on which Council records returns of interests made by Councillors or designated persons under Part 4 of the Model Code of Conduct for Local Councils in NSW.
3. Council should not require the making of a statutory declaration as to the intended use of any information obtained from an inspection of Council's Register of 'Disclosures by Councillors and Designated Persons' Returns or any register on which Council records returns of interests made by Councillors or designated persons under Part 4 of the Model Code of Conduct for Local Councils in NSW.

31.4 The Privacy Code also requires Council to ensure that the provisions of section 6 of the GIPA Act and sections 4.58 and 6.26 of the *Environmental Planning and Assessment Act 1979* are complied with, where applicable. In brief, these sections deal with releasing open access information, and making Council's register of development consents and building information certificates available for inspection.

## **F. IMPLEMENTATION OF THE PRIVACY MANAGEMENT PLAN**

### **32. Training Seminars/Induction**

- 32.1 During induction, all employees should be made aware that the performance management system has the potential to include personal information on their individual work performance or competency.
- 32.2 Councillors, all staff of Council including staff of Council businesses, and members of Council committees should be acquainted with the general provisions of the PPIPA, the HRIPA and in particular, the 12 Information Protection Principles (IPPs), the 15 Health Privacy Principles (HPPs), the Public Register provisions, the Privacy Code of Practice for Local Government, this Plan and any other applicable Code of Practice.
- 32.3 Council will promote awareness of this Plan and rights under the PPIPA, HRIPA and this Plan to Council officials by:
- Providing an overview at inductions and including a copy of the Plan in induction packs
  - Publishing the Plan on Council's internal and external websites
  - Offering training sessions on a regular basis as required
  - Providing specialised and on-the-job training to key groups
  - Promoting the Plan regularly through newsletters, 'all staff' emails, staff notice boards and initiatives such as Privacy Awareness Week.

### **33. Responsibilities of the Privacy Contact Officer**

- 33.1 The Public Officer within Council is assigned the role of the Privacy Contact Officer unless the General Manager has directed otherwise.
- 33.2 In order to ensure compliance with the PPIPA and the HRIPA, the Privacy Contact Officer will ensure the relevant staff are made aware that all contracts and agreements with consultants and other contractors, rates notices, application forms of whatsoever nature, and other written requests by which personal information is collected by Council, must comply with the PPIPA.
- 33.3 Interim measures to ensure compliance with IPP 3 in particular may include the creation of stamps or printed slips that contain the appropriate wording (see [Appendix 2](#) and [Appendix 3](#)).
- 33.4 The Privacy Contact Officer will ensure that relevant staff are made aware of the need to take precautions when working with computer screens in public areas or where a member of the public is present. Computer screens may require:
- Fast screen savers
  - Facing computers away from the public
  - Only allowing the records system to show one record at a time.
- 33.5 Council's electronic databases should also be reviewed to ensure that they contain procedures and protocols to check the accuracy and currency of personal and health information.
- 33.6 The Privacy Contact Officer will also provide opinions within Council as to:
- Whether the personal or health information is collected for a lawful purpose
  - If that lawful purpose is directly related to a function of Council
  - Whether or not the collection of that personal or health information is reasonably necessary for the specified purpose.
- 33.7 Any further concerns of a legal nature will be referred to Council's solicitor. Should Council require, the Privacy Contact Officer may assign designated officers as Privacy Resource Officers, within the larger sections of Council. In this manner, Council may ensure that the IPPs are more broadly understood and that individual sections have a greater focus on the information protection principles and are directly applied to Council's day to day functions.
- 33.8 The Privacy Contact Officer or otherwise an authorised member of Council's Legal and Governance branch will review Council's policies and procedures whenever they are drafted or revised to ensure they comply with the PPIPA and the HRIPA.

### 34. Distribution of Information to the Public

34.1 Council promotes public awareness of this Plan to the community by:

- Making it publicly available and publishing it on Council's [website](#)
- Writing the Plan in plain English
- Telling people about the Plan when they enquire about personal and health information
- Providing a link on Council's website to the Information and Privacy Commission website and distributing copies of literature available on that site
- Including privacy statements on application forms and invitations for community engagement
- Publishing a [Privacy webpage](#) advising how to access information on an individual's rights under the PPIPA, the HRIPA and this Plan.

## G. INTERNAL REVIEW

### 35. Informal Resolution

35.1 Council encourages individuals to try to resolve privacy issues with Council informally before going through the formal review process.

35.2 People can contact Council by phone and speak to a Customer Relations Officer for advice and, if the issue is not resolved, they may be referred to the Privacy Contact Officer. People can also write a letter or email Council with their concerns and Council will respond providing advice on the best course of action.

### 36. How Does the Process of Internal Review Operate?

36.1 Under section 53 of the PPIPA, a person (the applicant) who is aggrieved by the conduct of a council is entitled to a review of that conduct. An application for internal review is to be made within **six months** of when the person first became aware of the conduct. The Information and Privacy Commission publishes a form for requesting an internal review on its [website](#).

36.2 The application is to be in writing and addressed to Council's Privacy Contact Officer. The Privacy Contact Officer will appoint a Reviewing Officer to conduct the internal review. The Reviewing Officer must not be substantially involved in any matter relating to the application. The Reviewing Officer must be an employee and suitability qualified.

36.3 The review must be completed as soon as is reasonably practicable in the circumstances. If the review is not completed within **60 days** of the lodgement, the applicant is entitled to seek external review.

- 36.4 Council must notify the Privacy Commissioner of an application as soon as practicable after its receipt, keep the Commissioner informed of the progress of the application and inform the Commissioner of the findings of the review and of the action it proposes to take in relation to the application.
- 36.5 The Privacy Commissioner is entitled to make submissions in relation to internal reviews and Council is required to consider any relevant material submitted by the Privacy Commissioner. Council must provide the Privacy Commissioner with a draft of Council's internal review report to enable the Privacy Commissioner to make a submission.
- 36.6 Council may provide a copy of any submission by the Privacy Commissioner to the applicant.
- 36.7 Council must notify the applicant of the outcome of the review within 14 days of its determination. A copy of the final review should also be provided to the Privacy Commissioner where it departs from the draft review.
- 36.8 An internal review checklist has been prepared by the Information and Privacy Commission and can be accessed from its website at:  
<https://www.ipc.nsw.gov.au/privacy/agencies/how-handle-internal-review>.
- 36.9 The Privacy Commissioner must be notified of a complaint, briefed on its progress and notified of the outcome of an internal review under the PPIPA or HRIPA.

### **37. What Happens After an Internal Review?**

- 37.1 If the applicant is not satisfied with the findings of the internal review or the action taken by Council in relation to the application, or the internal review is not completed within 60 days of the lodgement, they have the right to seek an administrative review by the NSW Civil and Administrative Tribunal.
- 37.2 An application for external review can only be made after an internal review has been completed and must be made within 28 days from the date of the internal review decision.
- 37.3 An individual can also make a complaint directly to the Privacy Commissioner about an alleged breach of their privacy – see  
<https://www.ipc.nsw.gov.au/privacy/citizens/make-complaint>.

## **H. OTHER RELEVANT MATTERS**

### **38. Contracts with Consultants and Other Private Contractors**

- 38.1 It is necessary to have procedures consistent with this Plan to protect Council in any dealings with private consultants and contractors.

### 39. Memorandums of Understanding or Referral Arrangements with Other Agencies or Organisations

39.1 Council may from time to time enter into a Memorandum of Understanding (MOU) or similar referral arrangement with another agency or organisation. These do not generally impact on Council's handling of personal or health information.

39.2 Council has entered into a MOU with the NSW Commissioner of Fines Administration in relation to the processing of Penalty Notices and Enforcement Orders under the [Fines Act 1996](#) and related legislation. The MOU outlines how personal or health information is disclosed and protected by each party, and requires each party to remain compliant with relevant privacy legislation in fulfilling the terms of the MOU.

39.3 Council has entered into a Terms of Access Agreement with Transport for NSW (TfNSW) in relation to the use of DRIVES24, an online database of driver licensing and vehicle registration data held by TfNSW. The Agreement:

- Grants authorised Council staff access to DRIVES24 (excluding photographs) for permitted purposes that fall within the exemptions to the IPPs detailed at sections 23(5)(a), 23(5)(d)(i) and 24(4) of the PPIPA
- Imposes confidentiality obligations on Council with respect to the use, disclosure and storage of DRIVES24 information
- Requires Council to comply with relevant privacy legislation in relation to the collection, use, storage and disclosure of relevant personal information
- Requires that Council users of DRIVES24 complete mandatory privacy awareness training.

### 40. Confidentiality

40.1 The obligation of confidentiality is additional to and separate from that of privacy. Nevertheless, a duty to withhold information lies at the heart of both concepts. Confidentiality attaches to information per se, personal or health information to the person to whom that information relates.

40.2 An obligation of confidentiality exists for all employees whether express or implied as a matter of law.

40.3 Information which may be confidential is also likely to have a separate and independent obligation attaching to it in the form of privacy and in that regard, a release for the purposes of confidentiality will not suffice for privacy purposes. Two separate releases will be required and, in the case of privacy, the person to whom the information relates will be required to provide the release.



#### **41. Offences**

41.1 Section 664 of the LGA makes it an offence for anyone to disclose information obtained in connection with the LGA except in accordance with that section. Whether or not a particular disclosure is made with lawful excuse, is a matter that requires legal opinion from case to case.

41.2 Offences under the PPIPA are detailed at Part 8 of that Act. It is an offence for anyone to:

- Intentionally disclose or use personal information accessed during the exercise of official functions for an unauthorised purpose
- Offer to supply personal information that has been disclosed unlawfully
- Hinder the Privacy Commissioner or their staff member from doing their job.

41.3 Offences under the HRIPA are detailed at Part 8 of that Act. It is an offence for anyone to:

- Intentionally disclose or use any health information about an individual to which the official has or had access to in the exercise of his or her official functions
- Offer to supply health information that has been disclosed unlawfully
- Attempt to persuade an individual to refrain from making or to withdraw an application pursuing a request for access to health information or a complaint to the Privacy Commissioner or NSW Civil and Administrative Tribunal
- By threat, intimidation, or false representation require another person to give consent or to do, without consent, an act for which consent is required.

#### **42. Regular Review of the Collection, Storage and Use of Personal or Health Information**

42.1 The information practices relating to the collection, storage and use of personal or health information will be reviewed by Council every three years. Any new program initiatives will be incorporated into the review process with a view to ascertaining whether or not those programs comply with the PPIPA.

#### **43. Regular Review of Privacy Management Plan**

43.1 The Privacy Management Plan will be regularly reviewed at intervals of no less than 12 months. Council will also review and update the Plan when its functions, structure or activities change or when technological advances or new systems change the way Council manages personal or health information.

43.2 As required under section 33(5) of the PPIPA, Council will provide a copy of its Plan to the Privacy Commissioner as soon as practicable after it has been finalised. Wherever possible, Council will also provide a draft copy of its Plan prior to the Plan being formally adopted and published.

#### **44. Further Information**

44.1 For assistance in understanding the processes under the PPIPA and HRIPA, please contact Council's Privacy Contact Officer or the Information and Privacy Commission.

#### **All communication should be addressed to:**

##### **The Privacy Contact Officer**

Camden Council

70 Central Ave, Oran Park 2570

Post: PO Box 183, Camden NSW 2570

Phone: 13 CAMDEN (13 226 336)

Email: [mail@camden.nsw.gov.au](mailto:mail@camden.nsw.gov.au)

Website: [www.camden.nsw.gov.au](http://www.camden.nsw.gov.au)

Monday to Friday – 8.30 am to 5.00 pm

##### **Information and Privacy Commission**

Level 15, McKell Building

2-24 Rawson Place

Haymarket NSW 2000

Post: GPO Box 7011, Sydney NSW 2001

Phone: 1800 472 679

Email: [ipcinfo@ipc.nsw.gov.au](mailto:ipcinfo@ipc.nsw.gov.au)

Website: [www.ipc.nsw.gov.au](http://www.ipc.nsw.gov.au)

##### **NSW Civil and Administrative Tribunal (NCAT) – Administrative and Equal Opportunity Division**

Level 10, John Maddison Tower

86-90 Goulburn Street

Sydney NSW 2000

Post: PO Box K1026, Haymarket NSW 1240

Phone: 1300 006 228

Email: [aeod@ncat.nsw.gov.au](mailto:aeod@ncat.nsw.gov.au)

Website: [www.ncat.nsw.gov.au](http://www.ncat.nsw.gov.au)

#### 45. Notifiable Data Breaches Scheme

45.1 As a tax file number (TFN) recipient, Council is subject to the requirements of the Notifiable Data Breaches Scheme, which is part of the federal [Privacy Act 1988](#). Council's obligations under the Scheme are limited to TFN information.

#### 46. Mandatory Data Breach Notification Scheme

46.1 As a public sector agency, Council is subject to the requirements of the Mandatory Notification of Data Breach (MNDB) Scheme under the PPIPA. Council's obligations under the MNDB Scheme are set out in Council's [Data Breach Policy](#), including how Council has prepared for a data breach, the procedures for containing, assessing, notifying and managing eligible data breaches, and the roles and responsibilities of Council staff.

#### 47. Related Materials

##### 47.1 Related Legislation

- *Data Sharing (Government Sector) Act 2015*
- *Dividing Fences Act 1991*
- *Environmental Planning and Assessment Act 1997*
- *Government Information (Public Access) Act 2009*
- *Health Records and Information Privacy Act 2002*
- *Local Government Act 1993*
- *Privacy Act 1988 (Commonwealth)*
- *Privacy and Personal Information Protection Act 1998*
- *Privacy Code of Practice for Local Government*
- *Protection of the Environment (Operations) Act 1997*
- *Public Spaces (Unattended Property) Act 2021*
- *State Records Act 1998*

##### 46.2 Related Policies, Procedures and Other Guidance Material

- [Access to Information Policy](#)
- [Agency Information Guide](#)
- Clean Desk Policy [internal policy available on staff intranet and provided to the public on request]
- [Code of Conduct](#)
- [Data Breach Policy](#)
- [Open Data Policy](#)
- Records and Information Management Policy [internal policy available on staff intranet and provided to the public on request]

I. APPENDICES

Appendix 1

**STATUTORY DECLARATION FOR ACCESS UNDER SECTION 57 OF THE *PRIVACY AND PERSONAL INFORMATION PROTECTION ACT 1998* TO A PUBLIC REGISTER HELD BY COUNCIL**

**STATUTORY DECLARATION  
OATHS ACT 1900, NINTH SCHEDULE**

I, .....(name of declarant) of.....(residence), do hereby solemnly declare and affirm that:

I am.....(relationship (if any) to person inquired about) I seek to know whether ..... is on the public register<sup>1</sup> of .....

The purpose for which I seek this information is .....

The purpose for which the information is required is to .....

[the facts to be stated according to the declarant's knowledge, belief, or information, severally]  
And I make this solemn declaration, as to the matter (or matters) aforesaid, according to the law in this behalf made – and subject to the punishment by law provided for any wilfully false statement in any such declaration.

Declared at: ..... on .....  
[place] [date]

.....  
[signature of declarant]

in the presence of an authorised witness, who states:

I, ..... , a .....  
[name of authorised witness] [qualification of authorised witness]  
certify the following matters concerning the making of this statutory declaration by the person who made it: [\*please cross out any text that does not apply]

1. \*I saw the face of the person OR \*I did not see the face of the person because the person was wearing a face covering, but I am satisfied that the person had a special justification<sup>2</sup> for not removing the covering, and

2. \*I have known the person for at least 12 months OR \*I have confirmed the person's identity using an identification document and the document I relied on was ..... [describe identification document relied on]

.....  
[signature of authorised witness] [date]

1. Applicant to describe the relevant public register.  
2. The only "special justification" for not removing a face covering is a legitimate medical reason (at September 2018).

**Appendix 2**

**PRIVACY NOTIFICATION FORM – SECTION 10 (POST-COLLECTION)**

(Addressed to the person from whom personal information has been collected.)

The personal information that Council has collected from you is personal information for the purposes of the *Privacy and Personal Information Protection Act 1998* (“the Act”) and Council’s [Privacy Management Plan](#).

The intended recipients of the personal information are:

- Officers within Council;
- Data service providers engaged by Council from time to time;
- Any other agent of Council; and
- (Any other).

The supply of the personal information by you is/is not voluntary. If you cannot provide or do not wish to provide the information sought, Council may .....

Council has collected this personal information from you in order to ..... You may make application for access or amendment to personal information held by Council.

You may also make a request that Council suppress your personal information from a public register. Council will consider any such application in accordance with the Act.

Council\* is to be regarded as the agency that holds the personal information.

Enquiries concerning this matter can be addressed to .....

Signed.....

Dated.....

\*Please state who holds or controls the personal information if not Council

**Appendix 3**

**PRIVACY NOTIFICATION FORM - SECTION 10 (PRE-COLLECTION)**

(Addressed to the person from whom personal information is about to be collected or has been collected.)

The personal information that Council is collecting from you is personal information for the purposes of the *Privacy and Personal Information Protection Act 1998* ("the Act") and Council's [Privacy Management Plan](#).

The intended recipients of the personal information are:

- Officers within Council;
- Data service providers engaged by Council from time to time;
- Any other agent of Council; and
- (Any other).

The supply of the personal information by you is / is not voluntary. If you cannot provide or do not wish to provide the information sought, Council may / will be unable to process your application.

Council is collecting this personal information from you in order to:

.....

You may make application for access or amendment to personal information held by Council.

You may also make a request that Council suppress your personal information from a public register. Council will consider any such application in accordance with the Act.

Council\* is to be regarded as the agency that holds the personal information.

Enquiries concerning this matter can be addressed to .....

Signed.....

Dated.....

\*Please state who holds or controls the personal information if not Council.

**Appendix 4**

**APPLICATION UNDER SECTION 13 OF THE *PRIVACY AND PERSONAL INFORMATION PROTECTION ACT 1998* – TO DETERMINE WHETHER COUNCIL HOLDS PERSONAL INFORMATION ABOUT A PERSON**

I, (name) .....

of (address), .....

hereby request that Council provide the following:

Does Council hold personal information about me? YES/NO

If so, what is the nature of that information?

.....  
.....  
.....

What is the main purpose for holding the information?

.....  
.....  
.....

Am I entitled to access the information? YES/NO

My email and/or postal address for response to this Application is:

.....  
.....  
.....

Note to applicants

Should you provide your address or any other contact details Council will not record those details for any other purpose other than to respond to your application.

As an applicant, you have a right of access to personal information concerning yourself that is held by Council under section 14 of the *Privacy and Personal Information Protection Act 1998* ("the Act"). There is a separate application form to gain access.

Council may refuse to process this application in part or in whole if there is an exemption to section 13 of the Act, or a Code of Practice may restrict the operation of section 14 of the Act.

This application and any related enquiries can be submitted to:

Privacy Contact Officer  
Camden Council  
70 Central Avenue, Oran Park NSW 2570mail@camden.nsw.gov.au  
13 CAMDEN (13 226336)

**Appendix 5**

**APPLICATION UNDER SECTION 14 OF THE *PRIVACY AND PERSONAL INFORMATION PROTECTION ACT 1998* - FOR ACCESS TO APPLICANT'S PERSONAL INFORMATION**

I, (name).....

of (address), .....

hereby request that Council provide me with:

- access to all personal information held concerning myself; or
- access to the following personal information only.....

My email and/or postal address for response to this Application is:

.....  
.....  
.....

**Note to applicants:**

As an applicant, you have a right of access to your personal information held by Council under section 14 of the *Privacy and Personal Information Protection Act 1998* ("the Act").

You are entitled to have access without unreasonable delay or unreasonable cost. However, Council may refuse to process your Application in part or in whole if:

- The correct application fee has not been paid;
- There is an exemption to section 14 of the Act; or
- A Code of Practice may restrict disclosure.

This application and any related enquiries can be submitted to:

Privacy Contact Officer  
Camden Council  
70 Central Avenue, Oran Park NSW 2570  
mail@camden.nsw.gov.au  
13 CAMDEN (13 226336)



**Appendix 6**

**APPLICATION UNDER SECTION 15 OF THE *PRIVACY AND PERSONAL INFORMATION PROTECTION ACT 1998* – FOR ALTERATION OF APPLICANT’S PERSONAL INFORMATION**

I, (name).....,

of (address),.....

hereby request the Council to alter personal information regarding myself in the following manner:

I propose the following changes:

.....

The reasons for the changes are as follows

.....

The documentary base/s for those changes is as shown on the attached documents:

.....

My email and/or postal address for response to this Application is:

.....

.....

.....

Note to Applicants:

You have a right to request appropriate amendments are made (whether by way of corrections, deletions or additions) to ensure that the personal information held by Council:

- (A) Is accurate, and
- (B) Having regard to the purpose for which the information was collected (or is to be used) and to any purpose that is directly related to that purpose, is relevant, up to date, complete and not misleading.

If your personal information is amended, you are entitled under the *Privacy and Personal Information Protection Act 1998* (“the Act”), if it is reasonably practicable, to have recipients of that information notified of the amendments made by Council.

Council may refuse to process your application in part or in whole if:

- There is an exemption to section 15 of the Act; or
- A Code of Practice may restrict alteration.

This application and any related enquiries can be submitted to:

Privacy Contact Officer  
Camden Council  
70 Central Avenue, Oran Park NSW 2570  
mail@camden.nsw.gov.au  
13 CAMDEN (13 226336)

**Appendix 7**

**PRIVACY NOTIFICATION FORM – CLAUSE 4 OF SCHEDULE 1 (POST-COLLECTION)**

(Addressed to the person from whom health information has been collected.)

The health information that Council has collected from you is health information for the purposes of the [Health Records and Information Privacy Act 2002](#) (“the Act”) and Council’s [Privacy Management Plan](#).

The intended recipients of the health information are:

- Officers within Council;
- Data service providers engaged by Council from time to time;
- Any other agent of Council; and
- (Any other).

The supply of the health information by you is/is not voluntary. If you cannot provide or do not wish to provide the information sought, Council may .....

Council has collected this health information from you in order to .....(note the purposes of collection and any law that requires the information to be collected). You may make application for access or amendment to health information held by Council.

You may also make a request that Council suppress your personal information (including health information) from a public register. Council will consider any such application in accordance with the *Privacy and Personal Information Protection Act 1998*.

Council\* is to be regarded as the agency that holds the health information.

Enquiries concerning this matter can be addressed to .....

Signed.....

Dated.....

\*Please state who holds or controls the health information if not Council

**Appendix 8**

**PRIVACY NOTIFICATION FORM – CLAUSE 4 OF SCHEDULE 1 (PRE-COLLECTION)**

(Addressed to the person from whom information is about to be collected or has been collected.)

The health information that Council is collecting from you is health information for the purposes of the [Health Records and Information Privacy Act 2002](#) (“the Act”) and Council’s [Privacy Management Plan](#).

The intended recipients of the health information are:

- Officers within Council;
- Data service providers engaged by Council from time to time;
- Any other agent of Council; and
- (Any other).

The supply of the health information by you is / is not voluntary. If you cannot provide or do not wish to provide the information sought, Council may / will be unable to process your application.

Council is collecting this health information from you in order to:

.....  
(note the purposes of collection and any law that requires the information to be collected).

You may make application for access or amendment to health information held by Council.

You may also make a request that Council suppress your personal information (including health information) from a public register. Council will consider any such application in accordance with the *Privacy and Personal Information Protection Act 1998*.

Council\* is to be regarded as the agency that holds the health information.

Enquiries concerning this matter can be addressed to .....

Signed.....

Dated.....

\*Please state who holds or controls the health information if not Council.

**Appendix 9**

**APPLICATION UNDER CLAUSE 6 OF SCHEDULE 1 TO THE HEALTH RECORDS AND INFORMATION PRIVACY ACT 2002 - TO DETERMINE WHETHER COUNCIL HOLDS HEALTH INFORMATION ABOUT A PERSON**

I, (name) .....

of (address), .....

hereby request that Council provide the following:

Does Council hold health information about me? YES/NO

If so, what is the nature of that information?

.....  
.....  
.....

What is the main purpose for holding the information?

.....  
.....  
.....

Am I entitled to access the information? YES/NO

My email and/or postal address for response to this Application is:

.....  
.....  
.....

Note to applicants

Should you provide your address or any other contact details Council will not record those details for any other purpose other than to respond to your application.

As an applicant, you have a right of access to health information concerning yourself that is held by Council under clause 7 of Schedule 1 to the *Health Records and Information Privacy Act 2002* ("the Act"). There is a separate application form to gain access.

Council may refuse to process this application in part or in whole if there is an exemption to clause 6 of Schedule 1 to the Act, or a Code of Practice may restrict the operation of clause 7 of Schedule 1 to the Act.

This application and any related enquiries can be submitted to:

Privacy Contact Officer  
Camden Council  
70 Central Avenue, Oran Park NSW 2570  
mail@camden.nsw.gov.au  
13 CAMDEN (13 226336)

**Appendix 10**

**APPLICATION UNDER CLAUSE 7 OF SCHEDULE 1 TO THE HEALTH RECORDS AND INFORMATION PRIVACY ACT 2002 – FOR ACCESS TO APPLICANT’S HEALTH INFORMATION**

I, (name).....

of (address), .....

hereby request that Council provide me with:

- access to all health information held concerning myself; or
- access to the following health information only.....

My email and/or postal address for response to this Application is:

.....  
.....  
.....

Note to applicants:

As an applicant, you have a right of access to your health information held by Council under clause 7 of Schedule 1 to the *Health Records and Information Privacy Act 2002* (“the Act”).

You are entitled to have access without unreasonable delay or unreasonable cost. However, Council may refuse to process your Application in part or in whole if:

- The correct application fee has not been paid;
- There is an exemption to clause 7 of Schedule 1 to the Act; or
- A Code of Practice may restrict disclosure.

This application and any related enquiries can be submitted to:

Privacy Contact Officer  
Camden Council  
70 Central Avenue, Oran Park NSW 2570  
mail@camden.nsw.gov.au  
13 CAMDEN (13 226336)

**Appendix 11**

**APPLICATION UNDER CLAUSE 8 OF SCHEDULE 1 TO THE *HEALTH RECORDS AND INFORMATION PRIVACY ACT 2002* – FOR ALTERATION OF APPLICANT’S HEALTH INFORMATION**

I, (name).....

of (address),.....

hereby request the Council to alter health information regarding myself in the following manner:

I propose the following changes:

.....

The reasons for the changes are as follows

.....

The documentary base/s for those changes is as shown on the attached documents:

.....

**Note to Applicants:**

You have a right to request appropriate amendments are made (whether by way of corrections, deletions or additions) to ensure that the health information held by Council:

- (A) Is accurate, and
- (B) Having regard to the purpose for which the information was collected (or is to be used) and to any purpose that is directly related to that purpose, is relevant, up to date, complete and not misleading.

If your health information is amended, you are entitled under the *Health Records and Information Privacy Act 2002* (“the Act”), if it is reasonably practicable, to have recipients of that information notified of the amendments made by Council.

Council may refuse to process your application in part or in whole if:

- There is an exemption to clause 8 of Schedule 1 to the Act; or
- A Code of Practice may restrict alteration.

This application and any related enquiries can be submitted to:

Privacy Contact Officer  
Camden Council  
70 Central Avenue, Oran Park NSW 2570  
mail@camden.nsw.gov.au  
13 CAMDEN (13 226336)

Approval and Review	
<b>Responsible Branch</b>	Legal and Governance
<b>Responsible Manager</b>	Manager Legal and Governance
<b>Date Adopted</b>	Council – 09/07/2024
<b>Version</b>	5
<b>EDMS Reference</b>	18/95265
<b>Date of Next Review</b>	31/07/2027

Version Control				
Version	Date Adopted	Approved By	EDMS Ref.	Description
1	27/08/2013	Council	13/25633	Initial adoption of policy.
2	27/03/2018	Council	18/95265	Incorporation of the Privacy Principles from the Model Policy, minor amendments and formatting.
3	14/06/2022	Council	18/95265	Minor amendments.
4	23/11/2023	ELG	18/95265	Inclusion of Mandatory Data Breach Notification Scheme and update to related materials.
5	09/07/2024	Council	18/95265	Moderate amendments.



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