

Council Policy

Privacy Management Plan

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Related Legislation*	<p><i>Privacy and Personal Information Protection Act 1998 (PIIP Act)</i></p> <p><i>Health Records and Information Privacy Act 2002 (HRIP Act)</i></p> <p>Privacy Code of Practice for Local Government Information (Public Access) Act 2009</p> <p>Government Information (Public Access) Act 2009</p> <p>State Records Act 1998</p>
Related Policies	<p>Council Policy - Code of Conduct</p> <p>Council Policy - Access to Information Policy</p> <p>Council Policy - Records Management Policy</p> <p>Council Policy - Enterprise Risk Management Policy</p> <p>Workplace Policy - Staff Behaviours Guidelines</p> <p>Workplace Policy - Information Security Policy and Framework</p> <p>Operational Policy - Mandatory Data Breach Policy</p>

Related Documents

[Agency Information Guide](#)

Note: Any reference to Legislation will be updated in this Policy as required. See website <http://www.legislation.nsw.gov.au/> for current Acts, Regulations and Environmental Planning Instruments.

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1. Purpose

The Privacy Management Plan is prepared in accordance with the *Privacy and Personal Information Protection Act 1998* ([PPIP Act](#)) which 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* ([HRIP Act](#)).

2. Commencement

This Policy is effective from date of adoption by Council resolution and shall remain in force until repealed by resolution of Council.

3. Scope and Application

This Policy applies to all Council Officials, including Councillors, Council staff, Council committee members, Council delegates, and volunteers of Council.

Government agencies are required to comply with the Information Protection Principles (IPPs) in the PIPP Act and the Health Privacy Principles in the HRIP Act. These regulate the collection, storage, use and disclosure of personal information held by government agencies.

Section 33 of the PPIP Act requires all Councils to prepare a Privacy Management Plan (the 'Plan') to deal with:

- a) The devising of policies and practices to ensure compliance by the Council with the requirements of the PPIP Act;
- b) The dissemination of those policies and practices to persons within the Council;
- c) The procedures that the Council proposes for internal review of privacy complaints; and
- d) Such other matters as are considered relevant by the Council in relation to privacy and the protection of personal information held by it.

Council will take reasonable steps to ensure that all such parties are made aware that they must comply with the privacy obligations, any other applicable Privacy Code of Practice and this Plan.

4. Definitions

In this Policy, the following terms shall be interpreted as having the following meanings:

Term	Definition
Council	means Parkes Shire Council.
Business Day	means a day that is not a Saturday, a Sunday, 27/28/29/30/31 December, nor a public holiday in Sydney.
General Manager	means the General Manager of Parkes Shire Council appointed under section 334 of the <i>Local Government Act 1993</i> .
Governing Body	Means a person elected or appointed to civic office as a member of the governing body of Council who is not suspended, including the Mayor

Collection	(of personal information) the way in which the Council acquires personal or health information, which can include a written or online form, a verbal conversation, a voice recording, or a photograph.
Disclosure	(of personal information) occurs when the Council makes known to an individual or entity personal or health information not previously known to them.
Exemptions from compliance with Information Protection Principles (IPPs)	(general, specific and other exemptions) are provided both within the principles (and under Division 2 and Division 3 of Part 2 of the PPIP Act).
Health information	information or an opinion about a person's physical or mental health or disability, or a person's express wishes about the future provision of his or her health services or a health service provided or to be provided to a person; See the definition at S6 HRIP Act .
Personal information	information or an opinion (including information or an opinion forming part of a database and whether or not recorded in a material form) about an individual whose identity is apparent or can reasonably be ascertained from the information or opinion, including such things as an individual's fingerprints, retina prints, body samples, or genetic characteristics. Exclusions to the definition of personal information are contained in s4(3) of the PPIP Act and includes health information; (see the definition at s4 PPIP Act and s4(3) PPIP Act and s5 of the HRIP Act).
Privacy principles	the Information Protection Principles set out in Division 1 of Part 2 of the PPIP Act and Health Principles set out in Schedule 1 of the HRIP Act. The privacy principles set out the minimum standards for all NSW public sector agencies when handling personal and health information. Within these principles lawful exemptions are provided.
Public register	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 upon payment of a fee. Note: public register exemptions are provided for in clause 7 of the Privacy and Personal Information Protection Regulation 2014.
Staff	any person working in a casual, temporary, or permanent capacity in the IPC, including consultants and contractors.

5. Policy Statement

Collecting personal information is an essential component for Council to be able to carry out its business activities. Any personal information collected is therefore managed in accordance with our privacy obligations.

This Plan is prepared based on the 12 Information Protection Principles (IPPs) and 15 Health Privacy Principles (HPPs) in the PPIP Act and the HRIP Act respectively.

5.1. What is personal information?

Personal information is defined in section 4 of the PPIP Act and is essentially any information or opinions about a person where that person's identity is apparent or can be reasonably ascertained. Personal information can include a person's name, address, information about a person's family life, information about a person's sexual preferences, financial information, photos, etc.

5.2. What is Health information?

Health information is a more specific type of personal information and is defined in section 6 of the HRIP Act. Health information can include, among other things, information about a person's physical or mental health such as a psychological report, a blood test or an Xray, or even information about a person's medical appointment.

5.3. What is not personal or health information?

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 PPIP Act.

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 release that information and not the PPIP Act (for example, Section 8 of the GIPA Act).

Council considers the following to be examples of publicly available publications:

- 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 public
- personal information that may be a part of a public display on view to the public

5.4 Personal Information Held By Council

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

- Levying and collecting rates
- Providing services, for example libraries
- Development applications and submissions
- personal contact information
- Incident management
- Enforcing regulations and legislation
- Issuing approvals, consents, licenses and permits
- Family Day Care records

- Enquiries
- Complaints handling
- CCTV Footage

Council holds personal information concerning employees, such as:

- recruitment material
- leave and payroll data
- personal contact information
- performance management information
- CCTV footage
- complaints and disciplinary matters
- Secondary employment
- pecuniary interest returns
- wage and salary entitlements
- health information, for for example medical certificates, workers compensation claims and vaccination status.

Council holds personal information concerning Councillors, such as:

- personal contact information
- complaints and disciplinary matters
- pecuniary interest returns
- entitlements to fees, expenses and facilities.

5.5 Applications for Suppression in Relation to General Information (Not Public Registers)

Under Section 739 of the *Local Government Act 1993* (LG Act), 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.

5.6 Caution as to Unsolicited Information

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, the Codes, 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.

Note that for the purposes of Section 10 of the HRIPA, the Council is not considered to have 'collected' health information if the receipt of the information by the Council is unsolicited.

Section 4(5) of the PPIPA also provides that personal information is not 'collected' by Council if it is unsolicited.

6. Public Registers

Council is required by law to maintain a number of public registers and to make them available for public inspection and is required to ensure that any access to personal information in a register is consistent with the purpose for which the register exists. In line with this requirement.

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).”

Part 6 of the PPIP Act requires agencies with responsibilities for public registers to:

- a) satisfy themselves that personal or health information disclosed from a register is used for a purpose relating to the purpose of the register or the Act under which the public register is kept (section 57 of the PPIP Act), and
- b) comply with requests to suppress personal or health information from the register, where the agency is satisfied that the safety and well-being of any person would be affected by not suppressing that information (section 58 of the PPIP Act).

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.

Disclosure in relation to all other personal information must comply with the Information Protection Principles as outlined in this Plan and the Privacy Code where it includes personal information that is not published.

The application of section 57 of the [Privacy Code of Practice for Local Government](#) is modified to the extent that Council may allow any person to:

- a) inspect a publicly available copy of a public register in council premises, and
- b) 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.

The application of section 57 is modified to the extent that:

- a) Council should not require any person to provide a reason for inspecting the council's pecuniary interest register or any register on which the 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.
- b) Council should not require the making of a statutory declaration as to the intended use of any information obtained from an inspection the council's pecuniary interest register or any register on which the 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.

Council must ensure that the provisions of section 6 of the *Government Information (Public Access) Act 2009* and sections 4.58 and 6.26 of the *Environmental Planning and Assessment Act 1979* are complied with, where applicable.

The list of Council registers below specifies the main purpose of each of those registers***.

Term	Definition
Public Land Register	(Section 53 of the <i>Local Government Act 1993</i>). The purpose of this register is to identify all land vested in Council, or under its control. It includes a consideration of public accountability as to the land held by Council.
Records of Approvals	(Section 113 of the <i>Local Government Act 1993</i>). The primary purpose is to identify all approvals granted under the LGA
Pecuniary Interests	(Section 449 - 450A of the <i>Local Government Act 1993</i>). The purpose of this register is to determine whether a Councillor, a member of a council committee or a designated officer, has a pecuniary interest in any matter with which the Council is likely to be concerned. There is a corresponding public accountability purpose.
Rates & Charges Records	(Section 602 of the <i>Local Government Act 1993</i>). The purpose of this register is to record the value of a parcel of land and record rate liability in respect of that land and the owner or lessee of each parcel of land. The information that is held on the Rates & Charges record is: <ul style="list-style-type: none"> - property address - rate liability - property valuation - owner name/s Owner contact mailing information is not considered part of the Rates and Charges record. Owner contact mailing information will only be provided to adjoining property owners who apply in person at Council's Administration Centre.
Development Consent	(Section 100 of the <i>Environmental Planning and Assessment Act 1979</i>). The purpose of this register is to identify applications for development consent and other approvals, confirm determinations on appeal, and identify applications for complying development certificates.
Building Certificates	(Section 149G of the <i>Environmental Planning and Assessment Act 1979</i>). The purpose of this register is to identify all building certificates. Register information is available for inspection free of charge. However, copies of certificates are only available with owner's consent and the payment of the prescribed fee.
Public register of licences held	(Section 308 of the <i>Protection of the Environment Operations Act 1997</i>). The purpose of this register is to identify all licences granted under the Act.
Record of Impounding	(Sections 30 and 31 of the <i>Impounding Act 1993</i>). The purpose of this register is to record any impounding action by Council.

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

6.1 Secondary purpose of all public registers

Due to the general emphasis on local government processes and information being transparent and accountable, it is considered that a secondary purpose for councils holding public registers is the provision of access to the public.

Therefore, disclosure of specific records from public registers would normally be considered allowable under Section 57 of the PPIPA. 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 of Practice for Local Government](#) 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.

6.2 Application for access to one's own records on a public register

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.

6.3 Applications for suppression in relation to a public register

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

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.

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".)

When in doubt, Council will err in favour of suppression. 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.

An application for suppression should be made in writing addressed to the General Manager and must outline the reasons for the request. Council may require supporting documentation where appropriate.

6.4 Other registers

Council may have other registers that are not considered public registers. The Information Protection Principles, the PPIP Act, all applicable codes, and this Privacy Management plan apply to those databases or registers.

6.5 Effect on section 6 of the GIPA Act

Section 57 of the PPIPA prevails over clause 1(3) of Schedule 1 of the *Government Information (Public Access) Regulation 2009* (GIPA Regulation) to the extent of any inconsistency.

Therefore:

- a) 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.
- b) If a register is not listed in Schedule 1 of the GIPA Regulation, access must not be given except:
 - (i) if it is allowed under section 57(1) of the PPIPA; and
 - (ii) there is no overriding public interest against disclosure of the information under section 6 of the GIPA Act.

Note: Both a) and b) are amended with regard to specific public registers in the Privacy Code of Practice for Local Government.

6.6 Mandatory Notification of Data Breach (MNDB) scheme

Parkes Shire Council developed a Data Breach Policy and is available as per Part 6A of the PPIP Act. The PPIP Act establishes the NSW Mandatory Notification of Data Breach (MNDB) Scheme commencing 28 November 2023. The MNDB Scheme requires every NSW public sector agency bound by the PPIP Act to notify the Privacy Commissioner and affected individuals of eligible data breaches.

An 'eligible data breach' occurs where:

- a) There is an unauthorised access to, or unauthorised disclosure of, personal information held by a public sector agency or there is a loss of personal information held by a public sector agency in circumstances that are likely to result in unauthorised access to, or unauthorised disclosure of, the information, and
- b) A reasonable person would conclude that the access or disclosure of the information would be likely to result in serious harm to an individual to whom the information relates.

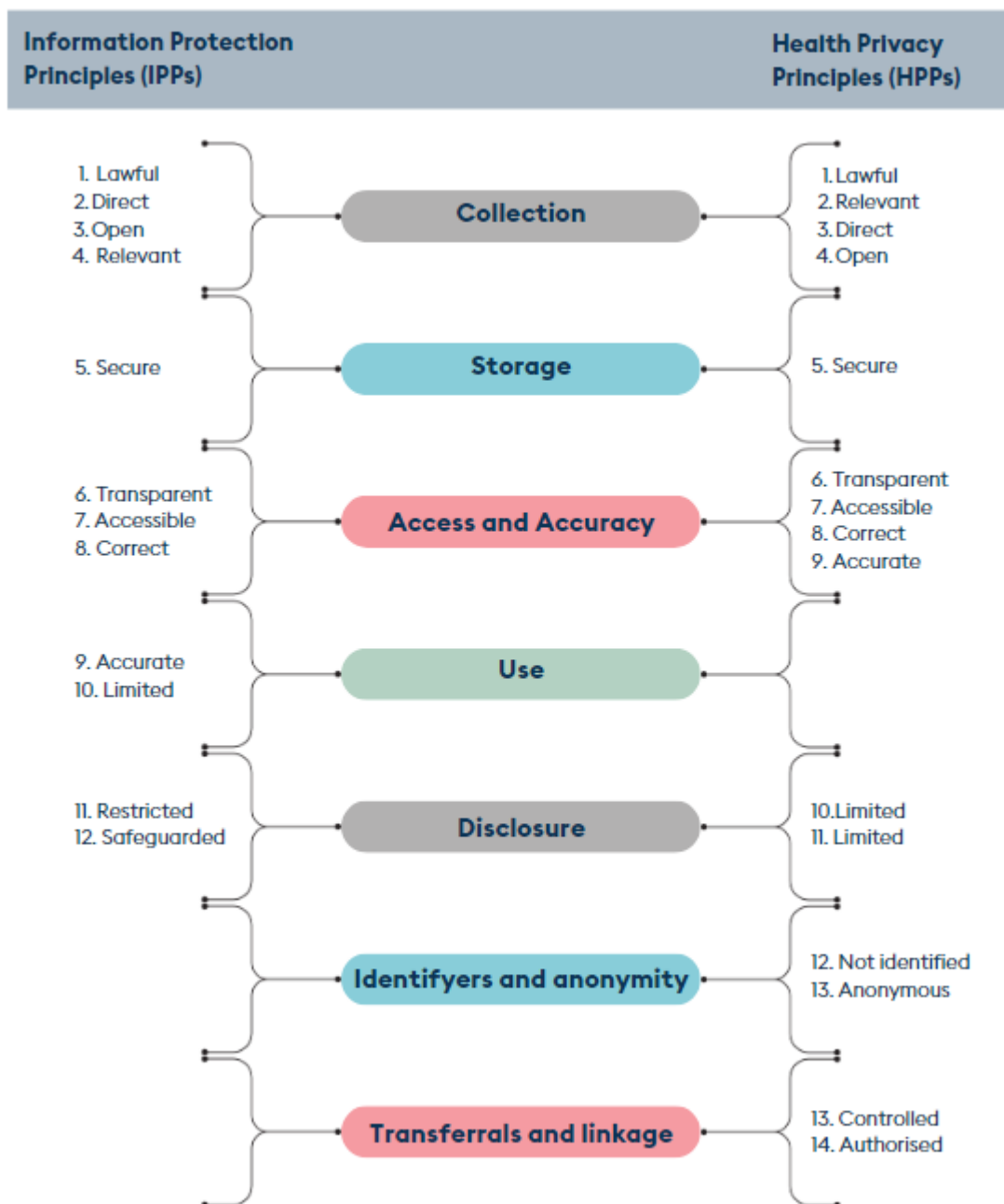
Breaches can occur between agencies, within an agency and external to an agency.

The MNDB scheme applies to breaches of 'personal information' as defined in section 4 of the PPIP Act, meaning information or an opinion about an individual whose identity is apparent or can reasonably be ascertained from the information or opinion.

The scheme also applies to 'health information,' defined in section 6 of the HRIP Act, covering personal information about an individual's physical or mental health, disability, and information connected to the provision of a health service.

The scheme does not apply to data breaches that do not involve personal information or health information, or to breaches that are not likely to result in serious harm to an individual. Where the scheme does not apply, agencies are not required to notify individuals or the Commissioner but should still take action to respond to the breach. Agencies may still provide voluntary notification to individuals where appropriate.

7. Privacy Principles and Health principles



These are the legal obligations which Council must abide by when collecting, storing, using or disclosing personal and health information. Some exemptions do apply which are detailed in the [Privacy Code of Practice for Local Government](#).

7.1 Collection

IPP 1 - 4 / HPP 1 - 4

An agency must only collect personal and health information for a lawful purpose that is directly related to the agency or organisation's activities and necessary for that purpose. Information must be collected 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.

Inform the person you are collecting the information from why you are collecting it, 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.

Ensure that the personal and health 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.

The [Privacy Code of Practice for Local Government](#) provides that council is not required to comply with Information privacy principles 2 and 3 where indirect collection 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. There is no intention to depart from principles 1 and 4.

Council Policy, Procedures and Guidelines

Council will only collect personal information for a lawful purpose as part of its official functions, of which its major obligation are set out under the LG Act.

Council will not collect personal information unless:

- a) information is collected for a lawful purpose that is directly related to a function or activity of Council, and;
- b) the collection of the information is reasonably necessary for that purpose.

Council will collect information:

- a) Verbally (e.g., in meetings, over the counter, on the phone)
- b) Via forms completed by individuals
- c) By correspondence, including electronic correspondence.

When Council collects personal information about an individual, that person will be notified of:

- a) the fact that the information is being collected,
- b) the purposes for which the information is collected.
- c) the intended recipients of the information.
- d) whether the supply of the information is required by law or is voluntary, and any consequences for the individual if the information (*or any part of it*) is not provided.
- e) the existence of any right of access to, and correction of the information.
- f) Council's name and address and where the information will be stored.

Council will take reasonable steps to ensure that:

- a) information collected, is relevant to a purpose, is not excessive, and is accurate, up to date and complete, and
- b) the collection of the information does not intrude to an unreasonable extent on the personal affairs of the individual to whom the information relates.

Information may be released to public enquiry under Section 12 of the LG Act or the *Freedom of Information Act 1982* (FIO Act).

Council continues to collect and deliver personal information to and from Government Departments involved in the normal functions of Council's operation.

Council deals with the NSW Department of Community Services (DOCS) for enquiries on personnel and recruitment matters (i.e., for pre-employment screening of people working with children (*Children and Young Peoples (Care and Protection) Act 1998*)).

As a guide, the Privacy Protection Notice will be added to all forms, where the Council solicits personal information from the public. The General Manager may vary this notice subject to there being no change to the intent of the notice.

Privacy & Personal Information Protection Notice

The personal information requested on this form is collected for the purpose of recording and processing this application and providing the information requested. Access is limited to use by Council employees and other authorised persons. Supply of the personal information is voluntary, but if you cannot, or do not wish to, provide the information sought, Council may not be able to process your application.

You may make application for access or amendment to information held by Council. This document will be stored on Council's electronic Records Management Database and archives.

Anyone engaged by Council as a private contractor or consultant that involves the collection of personal information must agree to be bound not to collect personal information by any unlawful means. This will include debt recovery actions by or undertaken on behalf of Council by commercial agents.

7.2 Storage

IPP 5 / HPP 5

Store personal and health information securely, keep it no longer than necessary and dispose of it appropriately. Security safeguards are in place so that personal and health information is protected from unauthorised access, use, modification or disclosure.

The [Privacy Code of Practice for Local Government](#) provides no intention to depart from this Information privacy principles.

Council Policy, Procedures and Guidelines

Council will endeavour to have appropriate security and retention policies and procedures in place to ensure that:

- information is used for a lawful purpose and is kept for no longer than is necessary;
- that the information will be disposed of securely;
- that the information is protected against loss, unauthorised access, use, modification or disclosure and against all other misuse (*as are reasonable in the circumstances*), and
- if it is necessary to release the information to a person in connection with the provision of a service to Council, everything reasonable is done to prevent unauthorised use or disclosure of the information.

Parkes Shire Council has a number of policies that it has implemented to help with the protection of personal and health information which all council employees and contractors must abide by, including:

- Information security framework
- Records management policy
- Access to government information policy
- Agency information guide
- Code of conduct

7.3 Access, Accuracy and Use

IPP 6 - 9 / HPP 6 - 9

Council will explain to the person what personal and health information about them is being stored, why it is being used and any rights they have to access it, without excessive delay or expense.

Allow a person to update, correct, delete, add, or amend their personal information where necessary. This will ensure that the information is accurate, is being collected or used for its directly related purpose, and is relevant, up to date, complete and not misleading.

The [Privacy Code of Practice for Local Government](#) provides no intention to depart from this Information privacy principles.

Council Policy, Procedures and Guidelines

Council wishes to have its information current, accurate and complete and endeavours to ensure that personal information is relevant and accurate before using it.

Proposed amendments or changes to the personal information held by the Council are welcomed.

Where information is requested to be amended (either by way of correction, deletion or addition), the individual to whom the information relates, must make a request. That request should be accompanied by appropriate evidence to support the making of the amendment, sufficient to satisfy the Council that the proposed amendment is factually correct and appropriate. The Council may require further documentary evidence to support certain amendments.

Requests can be made in writing to the General Manager by email to council@parkes.nsw.gov.au or via mail to 2 Cecile Street, PARKES NSW 2870.

7.4 Use and Disclosure

IPP 10 - 12 / HPP 10 - 11

Only use or disclose personal and health information with a person's consent or 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, there is no reason to believe the person would object, or to prevent or lessen a serious or imminent threat to any person's health or safety.

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.

The [Privacy Code of Practice for Local Government](#) makes provision for Council to depart from information privacy principles.

Council may use personal information for a purpose other than the purpose for which it was collected (IPP10) in the following circumstances:

- 1) where the use is for the purpose of undertaking 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, or
- 2) where personal information is to be used for the purpose of conferring upon a particular person, an award, prize, benefit or similar form of personal recognition.

There is no intention to depart from IPP11 and IPP12 principles except in the circumstances described below:

1. Council may disclose personal information to public sector agencies or utility providers on condition that:
 - (i) the agency or utility provider has approached Council in writing
 - (ii) Council is satisfied that the information is to be used by that agency or utility provider for the proper and lawful function/s of that agency or utility provider, and
 - (iii) Council is satisfied that the personal information is reasonably necessary for the exercise of that agency or utility provider's function/s.
2. Where personal information about an individual collected or held by Council is to be disclosed for the purpose of conferring upon that person, an award, prize, benefit or similar form of personal recognition. Where Council is requested by a potential employer inside and outside NSW, it may verify:
 - (i) that a current or former employee works or has worked for Council
 - (ii) the duration of their employment, and
 - (iii) the position occupied during their employment.

This exception shall not permit Council to give an opinion as to that person's suitability to 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.

Council Policy, Procedures and Guidelines

Council will take reasonable steps to ensure the accuracy of personal information prior to use, having regard to the purpose it was collected, its proposed use, its relevance, accuracy, whether it is up to date, complete and not misleading, in accordance with Council's Code of Conduct, approved policies and recorded procedures.

Council will not use personal information for a purpose other than for which it was collected unless:

- a) the individual to whom the information relates has consented to use the information for that other purpose, or;
- b) the other purpose for which the information is used directly related to the purpose for which it was collected; or
- c) the use of the information for that other purpose is necessary to prevent or lessen a serious and imminent threat to the life or health of the individual to whom that information relates or of another person.

Staff using relevant personal information will not notify individuals for approval to perform usual office functions. Personnel and recruiting records will be discussed with solicitors when the need arises and with administrative staff when necessary, without prior approval of individuals. These processes relate to the normal operational functions of Council and any personal information collected will be used for multiple purposes if required for the business of Council.

Council will take reasonable care not to disclose personal information that:

- a) relates to an individual's ethnic or racial origin, political opinions, religion or philosophical beliefs, trade union membership, health or sexual activities unless the disclosure is necessary to prevent a serious or imminent threat to the life or health of the individual concerned or another person.
- b) relates to any enquiry from anyone outside the state of New South Wales unless:
 - (i) 12.2.1 a relevant privacy law applies to personal information in force in that jurisdiction, or;
 - (ii) 12.2.2 the disclosure is permitted under a privacy code of practice (a law determined by the Privacy Commissioner and published in the Government Gazette).

7.5 Identifiers, Anonymity, Transferrals and Linkage

HPP 12 - 15

Only identify people by using unique identifiers if it is reasonably necessary to carry out your functions efficiently.

Give the person the opportunity of receiving services from you anonymously, where this is lawful and practicable.

Only transfer health information outside New South Wales in accordance with HPP 14.

Only use health records linkage systems if the person has expressly consented to this information being included (this includes disclosure of an identifier).

Council Policy, Procedures and Guidelines

Council will only give an identification number to health information if it is reasonably necessary for Council to carry out its functions effectively and provide health services anonymously where it is lawful and practical to do so.

Council will only transfer personal information out of New South Wales if the requirements of Health Privacy Principle 14 are met.

Council will only include health information in a system to link health records across more than one organisation if the individual to whom the health information relates expressly consents to the link (HPP 15).

8. Implementation of the Privacy Management Plan

During induction, all Councillors, all Council staff and members of Council Committees will be made aware of the types of personal information collected by Council.

All staff are encouraged to contact the Public Officer/Privacy Contact Officer if they are unsure about a privacy issue.

The policy will be always available for all staff through the PSC Intranet and to the public via the Parkes Shire Council Website.

8.1 Training Seminars/Induction

Parkes Shire Council has created Staff Behaviours Guidelines and Standards for employees, which includes the use of Council information and resources, including a summary of the general provisions of the PPIPA, the HRIPA and it is distributed to new staff during Council's Staff Induction Program.

Each Director is responsible to inform their staff of the requirements of the Privacy and Personal Information Protection Act and this Plan, and their individual responsibilities.

9. Privacy Contact Officer

The Public Officer within Council is assigned the role of the Privacy Contact Officer
Public Officer - Director Customer Corporate Services and Economy

9.1 Responsibilities of the Privacy Contact Officer

To ensure compliance with PPIPA and the HRIPA, the Privacy Contact Officer will review 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, to ensure that Council is in compliance with the PPIPA.

The Privacy Contact Officer will also provide opinions within Council as to:

- (i) Whether the personal or health information is collected for a lawful purpose;
- (ii) If that lawful purpose is directly related to a function of Council; and
- (iii) Whether or not the collection of that personal or health information is reasonably necessary for the specified purpose.

10. Internal review

Where a person has formally requested access to information and has been refused, is unsatisfied with Council's response, Council's refusal to change a person's personal details, or believes Council is in contravention of its obligations, they are entitled to request an Internal Review.

A privacy complaint may come under:

- a) the PPIP Act, section 53, if it relates to personal information and the Information Protection Principles (IPPs); or
- b) the HRIP Act, section 21, if it relates to health information and the Health Privacy Principles (HPPs).

In particular the following sections of the PPIP Act (and equivalent provisions in the HRIP Act) should be noted:

- a) s.53(1): a person (the applicant) who is aggrieved by the conduct of a public sector agency is entitled to a review of that conduct. The requirements for an application for Internal Review are as follows:
- b) s.53(3): an application for such a review must:
 - (i) be in writing, and
 - (ii) be addressed to the public sector agency concerned, and
 - (iii) specify an address in Australia to which a notice under subsection (8) may be sent, and
 - (iv) be lodged at an office of the public sector agency within six months (or such later date as the agency may allow) from the time the applicant first became aware of the conduct the subject of the application, and
 - (v) comply with such other requirements as may be prescribed by the regulations (there are no additional requirements prescribed at this time).

10.1 Internal review request

An internal review application may be lodged at any time, but if more than 6 months has lapsed between when the complainant first became aware of the alleged conduct and the application/privacy complaint was first lodged, then the Privacy Officer will decide whether to accept the late application.

At all times the contents of the review will be kept confidential in accordance with Council's Code of Conduct.

An internal review can be requested by:

- a) Filling out the [Internal Review Application Form](#)
- b) Emailing Council at council@parkes.nsw.gov.au or
- c) A letter addressed to:
The General Manager,
Parkes Shire Council,
PO Box 337,
PARKES NSW 2870

Alternatively, a complaint can be made to the Privacy Commissioner, details and information can be found on their website [Information Privacy Commission \(IPC\)](#) or in section 13 of this document.

10.2 Internal review Process

- 1) On receipt of the request for review, a reviewing Officer will be appointed.
- 2) A letter will be written to the complainant acknowledging receipt of the internal review request.
- 3) A copy will be forwarded to the Privacy Commissioner. The Privacy Commissioner will be informed of progress and the outcome of the review.
- 4) The review will be completed as soon as reasonably practicable within 60 days from receipt and acceptance of the application for review.
- 5) A draft copy of the report (prior to finalisation) will be submitted to the Privacy Commissioner for comment, and to determine whether the Commissioner wishes to make a submission. The Privacy Commissioner is entitled to make submissions to the agency (s54(2)). At the very least you are required to provide the Privacy Commissioner with the findings of the review and the action your agency proposes to take (s54(1)(c)).

10.3 What happens after an Internal Review?

Following completion of the review, Council will do one or more of the following:

- a) take no further action on the matter;
- b) make a formal apology to the applicant;
- c) take appropriate remedial action;
- d) provide undertakings that the conduct will not occur again;
- e) implement administrative measures to ensure that the conduct will not occur again.

As soon as practicable within 14 days of the completion of the review, Council will notify the applicant in writing of:

- a) the findings and the reasons for those findings.
- b) any proposed action to be taken.
- c) the right of the applicant to have those findings and the Council's proposed action, reviewed by the Administrative Appeals Tribunal.

An internal review checklist has been prepared by the Office of the Privacy Commissioner NSW and can be accessed from its website

<https://www.ipc.nsw.gov.au/checklist-privacy-internal-review-agencies>.

If the complainant remains unsatisfied, he/she may appeal to the [NSW Civil & Administrative Tribunal](#) which hears the matter afresh and may impose its own decision and can make a range of orders including an award of damages for a breach of an information protection principle or a health privacy principle.

11. Offences under the PPIP Act and the HRIP Act

The Privacy and Personal Information Protection Act 1998 (PPIP Act) and Health Records and Information Privacy Act 2002 (HRIP Act) prescribe offences for corrupt and improper misuse of personal information or health information.

Parts 8 of the PPIP Act and the HRIP Act contain offences for certain conduct of public sector officials and other persons. For example, there are offences relating to:

- a) corrupt disclosure and use of personal and health information by public sector officials
- b) inappropriately offering to supply personal or health information that has been disclosed unlawfully.

Council officers who breach any part of the of the legislation may be dealt with via Councils' code of conduct or through the agency's targeted privacy training.

12. Contact details

[Parkes Shire Council](#)

Email: Council@parkes.nsw.gov.au

Phone: (02) 6861 2333

Address:

Post:

[Information Privacy Commission \(IPC\)](#)

Email: ipcinfo@ipc.nsw.gov.au

Phone: 1800 472 679

Address: Level 15, McKell Building, 2-24 Rawson Place, Haymarket NSW 2000

Post: GPO Box 7011, Sydney NSW 2001

[NSW Civil and Administrative Tribunal \(NCAT\)](#)

Phone: 1300 006 228

Address: Level 9 John Maddison Tower, 86-90 Goulburn Street Sydney (no public counter)

Post: PO Box K1026, Haymarket NSW 1240

13. Review

As part of Council's commitment to good governance and continuous improvement, this Policy must be reviewed and re-adopted by Council not less than yearly or as Council otherwise determines in line with legislative requirements and policy changes.