Privacy Management Plan
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1. INTRODUCTION

Council collects, stores, and uses a broad range of information for the purpose of facilitating its business. A significant part of that information is personal and health information. It is important that the community and council officials understand how we manage personal information. In addition, council is required to have a privacy management plan under s33 of the Privacy and Personal Information Protection Act 1998 (NSW) (PPIP Act).

This plan explains how personal information is collected, its purpose and how council protects the privacy of individuals.

This Plan should be read in conjunction with the Code of Practice for Local Government.

Nothing in this Plan is to:
- affect any matter of interpretation of the Codes or the Information Protection Principles and the Health Privacy Principles as they apply to the Council;
- affect any obligation at law cast upon the Council by way of representation or holding out in any manner whatsoever;
- create, extend or lessen any obligation at law which the Council may have.

1.1. What is personal information?

Personal information is defined to mean information or an opinion about an individual whose identity is apparent or can reasonably be ascertained from the information or opinion. Personal information can include a person's name, address, family life, sexual preferences, financial information, fingerprints and photos. This information can be on a database and does not necessarily have to be recorded in a material form.

1.2 What is not “personal information”

“Personal information” does not include information about an individual that is contained in a publicly available publication. This information ceases to be covered by the PPIPA.

The following are 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 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.

1.3 Electoral Rolls

The Electoral Roll is a publicly available publication. Council will provide a link to the Electoral Roll on Council’s website. Council will refer any requests for copies of the Electoral Roll to the State Electoral Commissioner.

1.4 Personal Information held by Council

The following is a list of examples of the types of personal information and circumstances in which we may collect personal information in exercising Council functions:

Councillors

Council holds personal information concerning Councillors, such as:
- personal contact information;
- complaints and disciplinary matters;
- pecuniary interest returns; and
- entitlements to fees, expenses and facilities.
Customers, ratepayers and residents
Council holds personal information concerning its customers, ratepayers and residents, such as:
- rates records
- development applications and submissions
- library lending records
- burial and cremation records
- leases, licences and agreements
- waste services records
- customer requests
- tree removal requests
- financial records
- donation, grant and sponsorship applications
- photos of vehicle registration plates
- child care information
- community services records
- age & disability support records
- community consultation and submissions
- youth services records
- golf club records - membership, financial and agreements

Employees, volunteers and contractors
The Council holds personal information concerning its employees, volunteers and contractors, such as:
- recruitment material
- bank account details
- protected disclosure investigations
- leave and payroll data
- personal contact information
- performance management plans
- disciplinary matters
- disclosure of interest returns
- wage and salary entitlements

2. PUBLIC REGISTERS

2.1 What are public registers?
A public register is defined in PPIPA as a register of personal information that is required by law to be, or is made, publicly available or open to public inspection.

Council holds the following public registers
- Register of Pecuniary Interests
- Register of consents and approvals
- Record of building certificates
- Public register of licences held
- Record of impounding
- Cemetery Operator’s register

2.2 Disclosure of personal information contained in the public registers
Personal information contained in a public register, other than where required by legislation, will only be disclosed where Council is satisfied that it is to be used for a purpose directly related to the purpose of the register.

Individuals seeking a disclosure of someone else’s personal information from a public register must satisfy Council that the intended use of the information is for a purpose directly relating to the purpose of the register or the Act under which the register is kept.
2.3 Purposes of public registers

Register of Pecuniary Interests
The primary purpose of this register is to determine whether or not a Council official has a pecuniary or non-pecuniary interest in any matter with which the council is likely to be concerned. There is a secondary purpose of public accountability.

Register of Consents and Approvals
The primary purpose is to identify applications for development consent and all other approvals, confirm determinations on appeal and identify applications for complying development certificates.

Record of Building Certificates
The primary purpose is to identify all building certificates.

Public Register of Licences Held
The primary purpose is to identify all licences granted under the Act.

Record of Impounding
The primary purpose is to identify any impounding action by Council.

Cemetery Operator's register
Under the Cemeteries and Crematoria Act, cemetery operators must keep a register.

2.4 Other Registers
Council may keep other registers that are not public registers. PPIPA, this plan and any applicable Codes apply to those registers or databases.

Rates Record
A register that Council keeps that is not a public register is the rates record and Council's position on this record is as follows:

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.

The rates record will also be used by council to notify relevant land owners of development applications and other matters where council is required or wishes to consult its local community.

Public access to the rates record will only be granted where the purpose of the access is to obtain information necessary for a statutory purpose such as adjoining property owners under the Dividing Fences Act, or when there is an overriding public interest in favour of disclosure.

2.5 Applications for suppression of personal information in a public register
A person about whom personal information is contained (or proposed to be contained) in a public register, may request Council to have the information removed from, or not placed on the register by submitting an application in the form of a statutory declaration.

If Council is satisfied that the safety or well-being of any person would be affected by not suppressing the personal information, 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.

The information may still be used in the exercise of council functions, but it cannot be disclosed to other parties.

An application for suppression, must be addressed to the General Manager and verified by a statutory declaration that outlines the reasons for the request. Council may require supporting documentation where appropriate.

When in doubt, Council will err in favour of suppression.
3. THE INFORMATION PROTECTION PRINCIPLES

This section contains a general summary of how we must manage personal information under the PPIPA Act and other relevant laws.

PPIPA provides for the protection of personal information by means of 12 Information Protection Principles:

IPP 1) Collection of personal information for lawful purposes
IPP 2) Collection of personal information directly from the individual
IPP 3) Requirements when collecting personal information
IPP 4) Other requirements relating to collection of personal information
IPP 5) Retention and security of personal information
IPP 6) Information about personal information held by agencies
IPP 7) Access to personal information held by agencies
IPP 8) Alteration of personal information
IPP 9) Agency must check accuracy of personal information before use
IPP 10) Limits on use of personal information
IPP 11) Limits on disclosure of personal information
IPP 12) Special restrictions on disclosure of personal information

Following is an overview of these information protection principles and how they apply to Council.

3.1 Collection

IPP 1) Collection of Personal Information for Lawful Purposes

Council will only collect personal information for a lawful purpose that is directly related to a function or activity of Council and when the collection of the information is reasonably necessary for that purpose.

Council will not collect any more personal information than is reasonably necessary to fulfill its proper functions.

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.

Any forms, notices or requests by which personal information is collected by Council, including information collected electronically or on Council’s Website, will be referred to the Privacy Contact Officer prior to adoption or use.

IPP 2) Collection of personal information directly from individual

Council will only collect personal information directly from the individual to whom the information relates (or parents/guardians if the individual is under the age of 16), unless authorised by the individual to whom the information relates.

The Code makes provision for Council to depart from this principle where indirect collection of personal information is reasonably necessary when an award, prize, benefit or similar form of personal recognition is intended to be conferred upon the person to whom the information relates.

Council may collect personal information from other public sector agencies in respect of specific statutory obligations where it is authorised by law to do so.

PPIPA permits non-compliance with this principle if council is exercising complaint handling, investigative functions or is authorised or required not to comply with the principle under any Act or law.

The only other exception to the above is in the case where Council is given unsolicited information (see section 8.1).
IPP 3) Requirements when collecting personal information

Council will take steps as are reasonable in the circumstances to ensure that, before the information is collected or as practicable after collection, the individual to whom the information relates is made aware that their personal information is being collected, why it is being collected, what it is used for and who the intended recipients will be.

A Privacy Statement is included on Council’s website and on forms where personal information is collected. This statement also informs Development Application objectors that they have a right to remain anonymous if they so choose. However, should they need to substantiate their objections; anonymous objections may be given less weight (or no weight) in the overall consideration of the Application.

Council will also inform individuals on how they can view and correct their information.

The Code makes provision for Council to depart from this principle where personal information is collected about an individual for the purpose of conferring upon that person, an award, prize, benefit or similar form of personal recognition without prior or subsequent notification.

PPIPA permits non-compliance with this principle if council is exercising complaint handling, investigative functions or is authorised or required not to comply with the principle under any Act or law.

IPP 4) Other requirements relating to collection of personal information

Council will seek to ensure that personal information collected is directly relevant to its functions, is accurate, and is up-to-date and complete. The collection will not be excessive or intrude into the personal affairs of individuals. Council has exemption from this in relation to CCTV cameras installed for the purpose of filming a public place.

Council collects personal information through various forms that customers complete and lodge with Council. Before adoption of a new form, the Privacy Contact Officer will review it to ensure that it complies with this principle.

3.2 Storage

IPP 5) Retention and security of personal information

Council will store personal information for as long as required by the General Retention Disposal Schedule for Local Government in accordance with the State Records Act 1989 and Council’s Records Management Policy. It will then be disposed of securely.

Council will store personal information securely and protect it from unauthorised access, use or disclosure by the use of access levels to Council’s electronic data management system and through regular training of council officials.

3.3 Access and accuracy

IPP 6) Information about personal information held by agencies

Individuals can request to access their own information to determine whether Council holds their personal information, the nature and main purposes for which it is held, how it is stored and how long it will be held for.

Where council receives an application or request by a person as to whether council holds information about them, council will undertake a search of its records to answer the enquiry. Council may ask the applicant to describe what dealings the applicant has had with council in order to assist council to conduct the search.
Council will ordinarily provide a response to applications of this kind within 28 days of the application being made.

PPIPA permits non-compliance with Information Protection Principle 6 where non-compliance is “necessarily implied” or “reasonably contemplated” under any Act or law.

**IPP 7) Access to personal information held by agencies**

Council will ensure that individuals who request their own personal information are provided with that information without unreasonable delay or expense.

Compliance this principle does not allow disclosure of information about other people. If access to information that relates to someone else is sought, the application must be made under the GIPA Act.

Where a person makes an application for access under the PPIPA and it is involved or complex, it may be referred, with the written consent of the applicant, as an application under the GIPA Act.

Council will ordinarily provide a response to applications of this kind within 28 days of the application being made.

PPIPA permits non-compliance with Information Protection Principle 7 where non-compliance is “necessarily implied” or “reasonably contemplated” under any Act or law.

**IPP 8) Alteration of personal information**

Individuals can make an application to Council to amend personal information held about them so as to ensure the information is accurate, relevant to the purpose for which it was collected, up to date and not misleading.

Council requires appropriate evidence to support certain amendments so as to ensure the amendment is factually correct and appropriate.

If Council is unable to amend or delete the personal information a statement can be attached in such a manner as to be read with the information.

Council will seek to notify recipients of amendments to personal information as soon as possible, where it is reasonably practicable.

PPIPA permits non-compliance with Information Protection Principle 8 where non-compliance is “necessarily implied” or “reasonably contemplated” under any Act or law.

**IPP 9) Agency must check accuracy of personal information before use**

Council will take all reasonable steps necessary to ensure personal information is accurate, relevant and up to date before using it.

Council will take into account the age of the information, its significance, the likelihood of change and the particular function for which the information was collected.

**3.4 Use**

**IPP 10) Limits on use of personal information**

Council will seek to ensure that personal information is used for the purpose for which it was collected, or for a directly related purpose. For example, the Rates Record may be used to:

- notify neighbours of a proposed development
- evaluate a road opening
- evaluate a tree management order
Where Council may need to use personal information collected for another purpose, it will first gain consent of the individual concerned.

Council may also use personal information when it is reasonably necessary for law enforcement purposes, protection of the public revenue or to prevent or lessen a serious and imminent threat to a person’s life or health.

The Code makes provision that Council may use personal information for a purpose other than the purpose for which it was created in the following circumstances:

- 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; or
- 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.

PPIPA permits non-compliance with Information Protection Principle 10 if:

(i) Council is investigating or otherwise handling a complaint or other matter that could be referred or made to, or has been referred from or made by, an investigative agency; and

(ii) the use of the information concerned for a purpose other than the purpose for which it was collected is reasonably necessary in order to enable the council to exercise its complaint handling functions or any of its investigative functions.

PPIPA permits non-compliance with Information Protection Principle 10 where non-compliance is “necessarily implied” or “reasonably contemplated” under any Act or law.

3.5 Disclosure

IPP 11) Limits on disclosure of personal information

Council will only disclose personal information with the individual's consent or if the individual concerned was made aware at the time of collection that it would do so. Council may also disclose information if it is for a directly related purpose and it considers that the individual would not object.

Council may need to disclose personal information for law enforcement purposes, research purposes, protection of public revenue, complying with a subpoena, or when it is reasonably necessary to prevent or lessen a serious and imminent threat to the life or health of an individual.

PPIPA permits non-compliance of this principle if the disclosure is in relation to a complaint that could be referred or made to, or has been referred from or made by, an investigative agency.

The Code makes provision for council to depart from this principle in the circumstances described below:

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 personal information which has been collected about an individual 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, 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.

The Privacy Code of Practice for theDisclosure of Personal Information by NSW Councils to NBN co limited for the delivery and ongoing operation of the NBN™ network allows Councils to disclose personal information to NBN and their contractors.

PPIPA permits non-compliance where a disclosure is to be made to a public sector agency for the purpose of informing the Minister for Local Government or the Premier about a matter within their administration.

PPIPA permits non-compliance with Information Protection Principle 11 where non-compliance is “necessarily implied” or “reasonably contemplated” under any Act or law.

**IPP 12) Special restrictions on disclosure of personal information**

Council will not disclose sensitive personal information without consent unless it is necessary to prevent a serious and imminent threat to the life or health of an individual, in relation to the following:

- ethnic or racial origin
- political opinions
- religious or philosophical beliefs
- trade union membership
- sexual activities.

Council will not disclose this information to any person or body that is in a jurisdiction outside NSW unless:

- a relevant privacy law that applies to the personal information concerned is in force in that jurisdiction, or
- where Council is requested by a potential employer outside NSW, 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.

- the disclosure is necessary to investigate an offence or where there are reasonable grounds to believe an offence has been or may be committed
- the consent of the person cannot reasonably be obtained and the disclosure is made by an authorised person to another authorised person. “Authorised person” means a medical practitioner, health worker, or other official or employee providing health or community services who is employed or engaged by a public sector agency.

- where a disclosure is to be made to a public sector agency for the purpose of informing the Minister for Local Government or the Premier about a matter within their administration.
4. HEALTH PRIVACY PRINCIPLES

This section contains a general summary of how we must manage health information under the HRIP Act (Health Records and Information Privacy Act).

Health information includes information or an opinion about the physical or mental health or a disability of an individual and includes personal information about:

- a health service provided, or to be provided, to an individual
- an individual’s express wishes about the future provision of health services
- 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

4.1 Health Information held by Council

Council holds health information in relation to care of the elderly, youth, children, and various types of community health support services. Following is a list of the types of health information and circumstances in which we may collect this information in exercising Council functions:

- library special needs statements
- child care immunisation
- child care illness and accident records
- employees immunisation records and medical certificates
- pre-employment medical information
- volunteers medical information
- workers compensation claims
- tree removal requests for health reasons
- responses to clean up notices regarding health issues
- age and disability services health records
- youth health information for excursions
- golf club member fitness medical records

4.2 Health Protection Principles

HRIP provides for the protection of health information by means of 15 Health Protection Principles.

HPP 1) Purposes of collection of health information
HPP 2) Information must be relevant, not excessive, accurate and not intrusive
HPP 3) Collection to be from the individual concerned
HPP 4) Individual to be made aware of certain matters
HPP 5) Retention and Security
HPP 6) Information about health information held by organisations
HPP 7) Access to health information
HPP 8) Amendment of health information
HPP 9) Accuracy
HPP 10) Limits on use of health information
HPP 11) Limits on disclosure of health information
HPP 12) Identifiers
HPP 13) Anonymity
HPP 14) Transborder data flows and data flow to Commonwealth agencies
HPP 15) Linkage of health records

4.3 Collection

HPP 1) Council will only collect health information that is reasonably necessary and for a lawful purpose that is directly related to its functions and activities. Health information may be collected from enquiries, applications, complaints handling, human resources, recruitment and through core business activities.
HPP 2) Council will ensure that health information collected is relevant, accurate, up to date, is not excessive and does not unreasonably intrude into the personal affairs of the individual.

When designing a new form for the collection of health information, a suitable officer will review it to ensure that it complies with this principle.

HPP 3) Council will only collect health information directly from the individual concerned unless it is unreasonable or impracticable to do so. If Council does collect information about an individual from someone else, we will take reasonable steps to ensure that the individual is made aware.

HPP 4) Council will inform people why their health information is being collected, what it will be used for, and to whom it will be disclosed. We will tell people how they can access and amend their health information and any possible consequences if they decide not to give their health information to us.

A Privacy Statement is included on Council's website and on forms where health information is collected.

4.4 Storage

HPP 5) Council will store health information securely in our electronic data management system which protects it from unauthorised access, use or disclosure. We will keep it no longer than necessary and destroy it appropriately according to the General Retention Disposal Schedule for Local Government.

4.5 Access and accuracy

HPP 6) Council will be transparent about the health information that we store about people, why we use this information and about the right to access and amend it.

HPP 7) Council will allow individuals to access their own health information without unreasonable delay or expense.

HPP 8) Council will allow individuals to update, correct or amend their health information where necessary.

HPP 9) Council will provide individuals with details about what health information we are holding about them and why we are storing it. Council will make sure that the health information is relevant and accurate before using it and allow people to access, update, correct or amend their health information where necessary.

4.6 Use

HPP 10) Council will only use health information for the purpose for which it was collected or for a directly related purpose that the individual consents to.

4.7 Disclosure

HPP 11) Council will only disclose health information for the purpose for which it was collected or with the individuals consent for a directly related purpose.

4.8 Identifiers and anonymity

HPP 12) Council will only give an identification number to health information if it is reasonably necessary to carry out Council functions effectively.

HPP 13) Where Council provides health services it will allow for individuals to stay anonymous where it is lawful and practical to do so.
4.9 Transfers and linkage

HPP 14) Council will not transfer health information out of NSW without the individuals 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
- 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 HRIP Act

HPP 15) Council does not participate in a 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.

5. IMPLEMENTATION OF THE PRIVACY MANAGEMENT PLAN

5.1 Privacy Contact Officer

Council's Public Officer is assigned the role of the Privacy Contact Officer and will be responsible for the implementation of the Privacy Management Plan. (contact details are listed at the end of this Plan)

5.2 Promoting the Plan to Council Officials

Council will promote awareness of this plan to Councillors, staff and members of council committees by:

- Providing an overview at inductions and including a copy of the plan in induction packs
- Publishing the plan on our 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 though newsletters, all staff emails, staff notice boards and initiatives such as Privacy Awareness Week

5.3 Responsibilities of Council Officials

Council will ensure computer screens in its public areas have special provisions similar to the following:

- Fast screen savers
- Facing of the computers away from the public
- Only allowing the record system to show one record at a time

Council's electronic databases are also reviewed to ensure that they contain procedures and protocols to check the accuracy and currency of personal and health information.

5.4 Promoting the Plan to the Community

Council promotes public awareness of this plan to the community by:

- Making it publicly available and publishing it on our website
- Writing the plan in plain English
- Telling people about the plan when they enquire about personal and health information
- Provide a link on our website to the Information & Privacy Commission website and distributing copies of literature available on that site
6. **ACCESSING PERSONAL OR HEALTH INFORMATION**

Council ensures that people can access information we hold about them. People have a right to amend their own personal or health information.

6.1 **How do I Access or amend my own personal or health information?**

**Informal Request**

Individuals wanting to access or amend their own personal or health information may do so informally by contacting Council, for example to update contact details. A formal application may not be necessary and is only used as a last resort.

**Formal Application**

Individuals wanting to access or amend their own personal or health information must request it from Council in writing. This application must contain the following:

- the person's name and contact details
- state whether the application is under the PPIP Act (personal information) or HRIP Act (health information)
- explain what personal or health information the person wants to access or amend
- explain how the person wants to access or amend it
- confirmation of their identity

6.2 **Accessing or amending other peoples personal or health information**

Council is restricted from giving individuals access to someone else's personal and health information unless that person provides us with written consent. An "authorised" person must confirm their identification to act on behalf of someone else.

There may be other reasons Council may be authorised to disclose personal and health information, such as in the event of a serious and imminent threat to the life, health and safety of the individual, to find a missing person or for compassionate reasons. A third party could also consider making an application for access to government information under the GIPA Act.

6.3 **Applications for suppression in relation to general information (not public registers)**

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.

An application for suppression, must be addressed to the General Manager and verified by a statutory declaration that outlines the reasons for the request. Council may require supporting documentation where appropriate.

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

For information regarding suppression of information on public registers, see Part 2 of this Plan.

7. **COMPLAINT PROCESS**

Council encourages individuals to try to resolve privacy issues with us informally before going through the formal review process. People can contact Council by phone and speak to a Customer Service 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 us with their concerns and Council will respond providing advice on the best course of action.
7.1 Internal Review

If an issue has not been resolved after discussions with Council’s Privacy Contact Officer, or if they think that Council has breached the PPIP or HRIP Acts relating to their own personal or health information they may seek an internal review.

Individuals cannot seek an internal review for a breach of someone else's privacy, unless they are an authorised representative.

An application for internal review is to be made in writing to Council’s Privacy Contact Officer within 6 months of when the person first became aware of the conduct. (contact details are listed at the end of this Plan)

The Privacy Contact Officer will appoint a suitably qualified Reviewing Officer to conduct the internal review.

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.

The Privacy Commissioner can make submissions and provide relevant material in relation to internal reviews for Council’s consideration.

Council must notify the applicant of the outcome of the review within 14 days of its determination.

If the applicant disagrees with the outcome of an internal review or is not notified of an outcome within 60 days, they have the right to seek an external review.

7.2 External Review

If the applicant remains unsatisfied with the outcome of an internal review they may appeal to the NSW Civil and Administrative Tribunal (NCAT) for a review of Council’s conduct.

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.

7.3 Complaint to the Privacy Commissioner

If a person wishes to complain about Shellharbour City Council they can write to the Privacy Commissioner. The complaint does not need to be reviewed internally before being reviewed by the Information Commissioner. The role of the Privacy Commissioner includes promoting the adoption of and compliance with the information protection principles, investigating complaints, initiating privacy codes of practice, assisting agencies manage personal information and implement privacy management plans, conducting research, recommending legislative, administrative or other action in the interests of privacy as well as conducting inquiries and investigations into privacy related matters. (Contact details are listed on the last page of this Plan)

7.4 Offences

It is an offence for Council Officials to:

- intentionally disclose or use personal information about another person accessed in the exercising of official functions for an unauthorised purpose.
- offer to supply personal information that has been disclosed unlawfully.
8. OTHER INFORMATION

8.1 Unsolicited Information
Personal or health information is not “collected” by Council if it is unsolicited. This means that the Information Protection Principles and Health Privacy Principles in relation to the collection of personal or health information does not apply. However, the Principles in relation to storage, access, use and disclosure of the information does apply.

8.2 Review of the collection, storage and use of personal or health information
The information practices relating to the collection, storage and use of personal or health information will be reviewed by the Council at least every three (3) 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.

8.3 Review of Privacy Management Plan
When information practices are reviewed from time to time, the Privacy Management Plan will also be reviewed to ensure that the Plan is up to date.

8.4 NSW Civil and Administrative Tribunal (NCAT)
NCAT was established in 1 January 2014, NCAT consolidates the work previously dealt with by 22 separate tribunals. Council’s previous Privacy Management Plan was covered under the Administrative Decisions Tribunal (ADT).

NCAT’s broad and diverse jurisdiction and matter types are dealt with in four specialist Divisions. The division that is relevant to this Plan is the Administrative and Equal Opportunity Division. This division reviews administrative decisions made by NSW Government agencies and resolves discrimination matters. (contact details are listed at the end of this Plan)

9. CONTACT DETAILS
For assistance in understanding the processes under the PPIPA and HRIPA, please contact Council’s Privacy Contact Officer or the Information & Privacy Commission.

Shellharbour City Council’s Administration Centre is located at:
Shellharbour Civic Centre
76 Cygnet Avenue
Shellharbour City Centre
Monday to Friday - 8.30am to 4.30pm

All communication addressed to:
The General Manager
Shellharbour City Council
Locked Bag 155
SHELLHARBOUR CITY CENTRE  NSW  2529

DX 26402
Shellharbour City Centre

Phone 02 4221 6111
Fax 02 4221 6016

Email council@shellharbour.nsw.gov.au
Website www.shellharbour.nsw.gov.au
Shellharbour City Council
Privacy Management Plan
March 2021

Information & Privacy Commission
GPO Box 7011
SYDNEY NSW 2001

Phone 1800 472 679
Email ipcinfo@ipc.nsw.gov.au
Web www.ipc.nsw.gov.au

NSW Civil and Administrative Tribunal (NCAT)
Level 10
John Maddison Tower
86-90 Goulburn Street
SYDNEY NSW 2000

Phone 02 9377 5859
Or 1300 006228
Enquiries and feedback should be made to:
The Chief Executive Officer
Shellharbour City Council
Locked Bag 155
Shellharbour City Centre NSW 2529

Telephone: (02) 4221 6111
Facsimile: (02) 4221 6016
E-mail: council@shellharbour.nsw.gov.au

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