

Privacy Policy 2024

POL085



Policy No: POL085
Policy Title: Privacy Policy
Section Responsible: Governance
Minute No: 24/140
Doc ID: 546418

1. INTENT

The collection of personal and health information from Councillors, employees, volunteers, contractors, ratepayers and members of the public is required for Council to perform its statutory functions and to allow the effective provision of services.

2. SCOPE

This policy applies to all personal or health information collected, maintained and/or used by Council officials.

3. OBJECTIVE

Council aims to:

- Maintain the highest possible integrity for services provided by the Council.
- Safeguard its assets, including people, information, property and financial resources.
- Ensure Council deals with personal and health information in a manner which complies with the requirements of the legislation and promotes the protection of privacy.
- Inform Council's stakeholders and customers of their rights with regard to personal or health information collected by Council.
- Demonstrate transparent and responsible information management processes aligned with accepted best practice standards and methods.

4. POLICY STATEMENT

Council respects the privacy of its residents, customers and employees and has prepared its Privacy Policy in accordance with the relevant legislation and accompanying regulations.

This policy sets out the relevant requirements to promote the protection of personal and

health information and the protection of privacy and provides the foundation for Council's Privacy Management Plan.

5. PROVISIONS

5.1 CONTENT

Council is committed to ensuring the adequate protection of all personal and health information that is collected and held by Council.

Council will apply the following general principles, based on the 12 Information Protection Principles outlined in the Privacy and Personal Information Protection Act (PPIPA). The principles are a legal obligation for Council and describe what a NSW government agency must do when it collects, stores, uses and discloses personal and health information. Modifications and exceptions to the following general principles are set out in detail in Council's Privacy Management Plan:

5.1.1 PPIPA Principle 1 - Lawful

Council will collect personal information for a lawful purpose and only if it is directly related to Council's activities and necessary for that purpose.

5.1.2 PPIPA Principle 2 – Direct

Council will ensure that the information is collected directly from the person concerned unless consent from the person has been given otherwise. Parents and guardians can give consent for minors.

5.1.3 PPIPA Principle 3 – Open

Council will inform the person as soon as is practicable that the information is being collected, why it is being collected and who will be storing and using it. Council will also inform the individual how they can view and amend this information once collected.

5.1.4 PPIPA Principle 4 – Relevant

Council will ensure that the information is relevant, accurate, up-to-date and not excessive. The collection of information will not unreasonably intrude into the personal affairs of the individual.

5.1.5 PPIPA Principle 5 – Secure

Information must be stored securely, not kept any longer than necessary and disposed of appropriately. It will be protected from unauthorised access, use or disclosure.

5.1.6 PPIPA Principle 6 – Transparent

Council will ensure that individuals are provided with enough details about what personal information is being held, how it is being stored and what rights they have to access it.

5.1.7 PPIPA Principle 7 – Accessible

Council will allow access for individuals to their personal information, without unreasonable delay or expense.

5.1.8 PPIPA Principle 8 – Correct

Council will allow individuals to update correct or amend personal information where necessary.

5.1.9 PPIPA Principle 9 – Accurate

Council will take all reasonable steps to ensure that personal information is accurate before using it.

5.1.10 PPIPA Principle 10 – Limited

Council will only use personal information for the purpose for which it was collected, for a directly related purpose, or for a purpose to which the individual has given consent. Personal information can also be used without the individual's consent in order to deal with a serious and imminent threat to any person's health or safety.

5.1.11 PPIPA Principle 11 – Restricted

Council will only disclose personal information with the individual's consent or if they are informed at the time of collection that it would be disclosed. Council may also disclose personal information if it is for a related purpose, and it is considered that the individual would not object. Personal information can also be used without consent to deal with a serious and imminent threat to any person's health or safety.

5.1.12 PPIPA Principle 12 – Safeguarded

Council cannot disclose sensitive personal information without consent, for example information about an individual's ethnic or racial origin, political opinions, religious or philosophical beliefs, health or sexual activities or trade union membership. Council is only allowed to disclose sensitive information without an individual's consent in order to deal with a serious and imminent threat to any person's health or safety.

5.2 DISCLOSURE

5.2.1 Disclosure of Personal Information

Disclosure of personal information in Public Registers and other Council Registers to third parties is covered in Council's Privacy Management Plan in more detail. Council will comply with the relevant legislation and Privacy Code of Practice regarding the disclosure of Privacy Information. Personal Information will be provided at Council's discretion, only where it would be in the public interest to do so.

5.2.2 Requesting a Review

An internal review can be requested from Council in relation to a privacy matter or against a decision, where requested in writing, addressed to the General Manager. Alternatively, a

complaint may be made to the Privacy Commissioner.

If the person is not satisfied with the internal review, or it is not completed within 60 days, an application can be made to the NSW Civil & Administrative Tribunal (NCAT)

The Information and Privacy Commissioner can be contacted:

Email: ipcinfo@ipc.nsw.gov.au

Phone: 1800 472 679

Mail: GPO Box 7011, Sydney NSW 2001

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

Website: <http://www.ipc.nsw.gov.au>

Information about NCAT is available on the following website <http://www.ncat.nsw.gov.au>

6. DEFINITIONS

- **Information Privacy:** the way in which governments or organisations manage an individual's personal information such as age, address, race, sexual preference, etc.
- **Personal Information:** is any information or opinion about an identifiable person. This includes records containing your name, address, sex, etc., or physical information like fingerprints, body samples or a person's DNA.
- **Health Information:** is a specific type of personal information. Health information includes personal information that is information or an opinion about the physical or mental health or a disability of an individual.
- **Public Register:** 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).
- **Privacy Management Plan:** regulates the collection, use and disclosure of, and the procedures for dealing with, personal information held by Council.

7. ROLES AND RESPONSIBILITIES

The principles set out in this policy will be implemented through the provisions of Council's Privacy Management Plan.

8. RELATED LEGISLATION

- *Privacy and Personal Information Protection Act 1998 (PPIPA)* and the *Health Records Information and Privacy Act 2002 (HRIPA)* govern the collection, use, storage, and disclosure of personal and health information.
- *Government Information (Public Access) Act 2009 (GIPAA)* allows for public access to

government information, which can include personal information. GIPAA is not intended to replace provisions of other Acts which allow for access such as viewing personal information under PPIPA or health information under HRIPA.

9. RELATED POLICIES AND DOCUMENTS

- Privacy Code of Practice for Local Government – (2019) www.ipc.nsw.gov.au
- Privacy Management Plan prepared under Section (33) of the PPIPA - Doc ID 531194
- Access to Council Information Policy - Doc ID 8364
- Councillors Access to information Policy - Doc ID 8358
- Agency Information Guide - Doc ID 531946


10. VARIATION

Council reserves the right to review, vary or revoke this policy in accordance with legislation, regulation and award changes, where applicable. Council may also make changes to this policy and the relevant procedures from time-to-time to improve the effectiveness of its operation.

11. PREVIOUS VERSIONS

Reference to a superseded policy number and/or name is also considered a reference to the new policy number.

POLICY HISTORY

Responsible Officer	Governance and Engagement Manager		
Approved by	General Manager		
Approval Date	9 October 2024		
GM Signature <i>(Authorised staff to insert signature)</i>	 George Cowan		
Next Review	01/06/2027		
Version Number	Endorsed by ELT	Endorsed by Council	Date signed by GM
1 Adopted	23/02/2021	20/04/2021	21/06/2021
2 Reviewed	05/07/2024	27/07/2024	21/10/2024

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12. Acknowledgement of Training Received

I hereby acknowledge that I have received, read and understood a copy of Council's Privacy Policy.	
Employee Name	
Position Title	
Signature	
Date	