

**Warrumbungle Shire Council**  
Privacy Management Plan  
Draft

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### 1. Purpose

- 1.1 This Plan explains how Warrumbungle Shire Council (Council) manages personal and health information in accordance with the:
- *Privacy and Personal Information Protection Act 1998* (NSW) (PIIP Act)
  - *Health Records and Information Privacy Act 2002* (NSW) (HRIP Act)
  - *Government Information (Public Access) Act 2009* (NSW) (GIPA)
  - *State Records Act 1998* (NSW) (SRA)
  - Privacy Code of Practice for Local Government (Privacy Code).
- 1.2 Under section 33 of the PIIP Act, Council is required to have a Privacy Management Plan. The Plan must include information on:
- the devising of Council policies and practices in line with the State's information and privacy Acts (including the PIIP and HRIP Acts);
  - how Council disseminates these policies, protocols and practices within the organisation and educates staff in their use;
  - Council's internal review procedures; and
  - any other matters Council considers relevant in relation to privacy and the protection of any personal information it holds.
- 1.3 Scope – this Plan (as well as the provisions of the PIIP and HRIP Acts) covers:
- personnel employed by Council;
  - any person or organisation contracted to or acting on behalf of Council; and
  - any person or organisation employed to work on council premises or facilities and all activities of Council.

### 2. Personal and Health Information

#### What is personal information?

- 2.1 Under section 4 of the PIIP Act, personal information is defined as information or opinions about a person where that person's identity is apparent or can be reasonably ascertained from the information or opinion.
- 2.2 Personal information can be information that forms part of a database and does not have to be recorded in a hard copy document or format.

#### What is not personal information?

- 2.3 There are some types of information that is not personal information, including:
- Information about a person who has been dead for more than 30 years;
  - Information or an opinion about a person's suitability for appointment or employment as a public sector official; and
  - Information about someone that is contained in a publicly available publication.
- 2.4 Council considers the following to be publicly available publications:
- An advertisement containing personal information in a local, regional, or national newspaper;
  - Personal information on the internet;

- Books or magazines that are printed and broadly distributed to the general public;
- Council business papers or that part that is available to the general public; and
- Personal information that may be a part of a public display on view to the general public.

2.5 Personal information published in the ways described at 2.4 ceases to be covered by the PPIP Act. However, Council's decision to publish in a way described at 2.4 must be in accordance with the PPIP Act.

### What is health information?

- 2.6 Health information is a more specific type of personal information. It is defined under section 6 of the HRIP Act as personal information that is information or an opinion about a person's physical or mental health or disability (at any time).
- 2.7 Examples of health information could be a psychological report or blood tests, results from drug or alcohol tests and information about a person's medical appointments.

### 3. About Council Council's responsibilities

3.1 Council has responsibilities under the *Local Government Act 1993* (NSW) (LG Act) and other Commonwealth and State legislation, including but not limited to:

- *Companion Animals Act 1998*
- *Environmental Planning and Assessment Act 1979*
- *Government Information (Public Access) Act 2009*
- *Public Health Act 2010*
- *Roads Act 1993*
- *State Records Act 1998*

3.2 Councils exist to:

- Provide a representative, informed and responsible decision-making body;
- Develop the local community and its resources in a socially just and environmentally responsible way; and
- Ensure the local public services and facilities respond effectively to community needs.

3.3 Under the LG Act, Council's functions can be summarised as:

- To provide for development in the local area;
- To provide for local services and facilities that benefit ratepayers, residents and visitors;
- To provide for the welfare and wellbeing of the local community;
- To establish and support organisations and programs targeting the local community;
- To protect the environment and improve local amenity;
- To attract and provide infrastructure for commerce, tourism and industry; and

- To engage in long-term strategic planning on behalf of the local community.

### Roles and responsibilities

- 3.4 The General Manager (or their delegate) is responsible for:
- Ensuring this Plan is accurate and up to date;
  - Ensuring that Council meets its obligations under the PPIP Act, the HRIP Act and this Plan;
  - Appointing a Privacy Contact Officer;
  - Determining requests for the suppression of personal information;
  - Conducting internal reviews about Council's Privacy Contact Officer or their delegate, or the Mayor or councillors in accordance with this Plan; and
  - Conducting internal reviews in accordance with this Plan where Council's Privacy Contact Officer or their delegate, the Mayor or councillors were initially involved.
- 3.5 The Privacy Contact Officer (the Manager Corporate Services or their delegate) is responsible for:
- Assisting the General Manager to meet their responsibilities pursuant to the PPIP Act, HRIP Act and this Plan;
  - Creating awareness about this Plan;
  - Coordinating steps to ensure Council complies with the PPIP Act, HRIP Act and this Plan;
  - Coordinating requests for the suppression of personal information;
  - Assessing and determining applications to access or amend personal information;
  - Conducting internal reviews in accordance with this Plan;
  - Reporting data breaches to the Privacy Commissioner;
  - Providing advice on matters relating to privacy and personal information; and
  - Ensuring the compliance, monitoring and review of this Plan.
- 3.6 All Council Officials are responsible for:
- Collecting, storing, accessing and disclosing personal information in accordance with this Plan and clauses relating to personal information contained in Council's Code of Conduct;
  - Reporting breaches of personal information to the Privacy Contact Officer; and
  - Ensuring privacy disclaimers and disclosures are included when collecting personal information.

### Promoting this Plan

- 3.7 Council promotes the principles of this Plan through its Executive Leadership Team (ELT), staff and public awareness.
- 3.8 ELT is committed to transparency and accountability in respect of Council's compliance with the PPIP Act and the HRIP Act.

- 3.9 ELT reinforces transparency and compliance with these Acts by:
- Endorsing the Plan and making it publicly available on Council's website;
  - Identifying privacy issues when implementing new systems; and
  - Ensuring all staff are aware of sound privacy management practices.
- 3.10 Council ensures its staff is aware of and understand this Plan, particularly how it applies to the work they do. Council has written this Plan in a practical way to ensure that staff members can understand what their privacy obligations are, how to manage personal and health information in their work, and what to do if they are unsure.
- 3.11 Council makes its staff, including volunteers and contractors, aware of their privacy obligations by:
- Publishing this Plan in a prominent place on its website and intranet;
  - Including this Plan as part of its induction training for new staff members and providing training as required;
  - Providing refresher, specialised and on-the-job privacy training; and
  - Highlighting and promoting the Plan at least once a year (eg during Privacy Awareness Week).
- 3.12 When staff have questions about how to manage personal and health information under this Plan, they may consult their manager or Council's Privacy Contact Officer. Councillors need to contact the General Manager or Privacy Contact Officer for assistance.
- 3.13 This Plan is a guarantee of service to stakeholders on how Council manages personal and health information. Because it is integral to Council's operations and functions, this Plan is easy to access on Council's website and easy to understand. The Plan is publicly available as open access information under the GIPA Act.
- 3.14 Council promotes public awareness of this Plan by:
- Writing the Plan in plain English;
  - Publishing it on its website;
  - Providing hard copies of the Plan free of charge on request;
  - Referring to the Plan in other policies, protocols and processes; and
  - Telling the community and stakeholders about this Plan when answering questions about how Council manages personal and health information.
- 4 Access, Accuracy and Revising your Information**
- 4.1 Council must provide access to, and ensure the accuracy of, personal information in accordance with the PPIP Act, HRIP Act and the Privacy Code. The table below summarises these requirements:

	PPIP Act	Privacy Code	HRIP Act
<b>IPP6 and HPP6</b>	<b>Transparent</b> (section 13) Council must advise individuals what personal information is stored, what purposes it is used for and what rights an individual has to access it.	NA	<b>Transparent</b> (section 6 of Schedule 1) Council must advise individuals what health information is stored, what purposes it is used for and what rights an individual has to access it.
<b>IPP7 and HPP7</b>	<b>Accessible</b> (section 14) At the request of the individual to whom the information relates, Council must allow an individual access to their personal information without excessive delay or expense.	NA	<b>Accessible</b> (section 7 of Schedule 1) At the request of the individual to whom the information relates, Council must allow an individual access to their health information without excessive delay or expense.
<b>IPP8 and HPP8</b>	<b>Correct</b> (section 15) At the request of the individual to whom the information relates, Council must make appropriate amendments (whether by way of corrections, deletions or additions), to ensure that the personal information is accurate, relevant, up to date, complete and not misleading.	NA	<b>Correct</b> (section 8 of Schedule 1) At the request of the individual to whom the information relates, Council must make appropriate amendments (whether by way of corrections, deletions or additions), to ensure that the health information is accurate, relevant, up to date, complete and not misleading.
<b>IPP9 and HPP9</b>	<b>Accurate</b> (section 16) Before using any personal information, Council must take reasonable steps to ensure that the information is relevant, accurate, up to date, complete and not misleading.	NA	<b>Accurate</b> (section 9 of Schedule 1) Before using any health information, Council must take reasonable steps to ensure that the information is relevant, accurate, up to date, complete and not misleading.
<b>Exemptions</b>	Council does not have to comply with the Privacy Principles concerning the use of personal information as outlined in: <ul style="list-style-type: none"> <li>• s 23(6A)</li> <li>• s 23A(1)</li> <li>• ss 24-26</li> </ul>	NA	Council does not have to comply with the Privacy Principles concerning the use of personal information as outlined in: <ul style="list-style-type: none"> <li>• s 6(2) of Schedule 1</li> <li>• s 7(2) of Schedule 1</li> <li>• s 8(4) of Schedule 1</li> </ul>



### Amending or revising your information

- 4.2 Everyone has the right to access the personal and/or health information Council holds about them. They also have the right to amend their own personal and/or health information that Council holds, eg updating their contact details.
- 4.3 Council is required to provide you with access to the personal and/or health information it holds and allow you to amend this information without excessive delay or expense.
- 4.4 All requests to amend the personal information held by Council must be made in writing. This may be done by:
- completing a Change of Address form (available on Council's website and at the administration offices at Coolah and Coonabarabran); forms may be
    - emailed to [info@warrumbungle.nsw.gov.au](mailto:info@warrumbungle.nsw.gov.au)
    - mailed to PO Box 191, Coonabarabran, NSW, 2357
    - hand-delivered to the administration offices.
  - emailing any other changes to [info@warrumbungle.nsw.gov.au](mailto:info@warrumbungle.nsw.gov.au)
  - mailing any other changes to PO Box 191, Coonabarabran, NSW, 2357.
- 4.5 There is no charge to access or amend your personal and/or health information. There may be a charge for copies of personal and/or health information in accordance with Council's Fees and Charges.
- 4.6 Council will provide individuals with access to documents containing their personal information provided the individual can confirm their identity by producing one of the following pieces of identification:
- Valid driver's licence;
  - Passport;
  - Birth certificate;
  - Valid pension card or health care card issued by Centrelink;
  - Valid Medicare card;
  - Valid student photo identification card (issued by an Australian tertiary education institution);
  - Valid Proof of Age card; or
  - Recent rates notice.

### Amending your customer details

- 4.7 To amend your name, your address and contact details, ownership details, gender details, regardless of whether you are acting in a personal or business capacity, please contact Council in writing (see clause 4.4).

### Amending specific personal or health information

- 4.8 To amend specific personal and/or health information such as your employment details, records displaying your religious practices etc, please contact Council in writing (see clause 4.4).

### Accessing your personal information

- 4.9 To access any information or records that Council holds containing your personal or health information, please contact Council in writing including the following details:
- your name and contact details, including postal address, telephone number and email address;
  - whether you are requesting access to your information under the PPIP Act (to access personal information) or the HRIP Act (to access health information);
  - an explanation of what personal or health information you want to access or amend; and
  - how you want to access your information or amend it.
- 4.10 Council will advise you if your application is valid or not within 5 working days of receiving your application. Where applications are invalid, we will help with how these can become valid.
- 4.11 Council typically responds in writing to applications for accessing personal information within 20 working days. We will contact you if your request is likely to take longer than expected.
- 4.12 If Council decides not to provide access to or amend your personal or health information, the reason will be clearly explained to you in writing or over the telephone.
- 4.13 You also have the right to make a formal application to access information under the GIPA Act. For more information, please refer to the Access to Information page on Council's website.

### Accessing or amending other people's information

- 4.14 The PPIP Act and the HRIP Act gives people the right to access their own information; these Acts generally do not give people the right to access someone else's information.
- 4.15 However, section 26 of the PPIP Act allows a person to give consent to Council to disclose their personal information to someone else that would not normally have access to it.
- 4.16 Further, under sections 7 and 8 of the HRIP Act, an 'authorised person' can act on behalf of someone else. The Health Privacy Principles also contain information regarding other reasons that Council may be authorised to disclose health information, such as in the event of a serious and imminent threat to the life, health and safety of the individual, in order to help find a missing person or for compassionate reasons.
- 4.17 If none of the above scenarios are relevant, a third party can consider making an application for access to government information under the GIPA Act.

### Accuracy

- 4.18 Council must take all reasonable steps to ensure that personal and health information collected from individuals is accurate. If an individual provides Council with written information, such as in a change of details form or in an email, Council staff will assume the information about the individual is accurate. If an individual is providing information over the phone, staff may ask for clarification to ensure accuracy, eg to check spelling of a name or locality.

## 5 Your Rights

### Request an internal review

- 5.1 You have the right to seek an internal review under the PPIP Act if you believe Council has breached the PPIP Act or the HRIP Act in relation to your personal and/or health information. You cannot seek an internal review for a breach of someone else's privacy unless you are the authorised representative of the other person.
- 5.2 Applications for an internal review must be made in writing and within 6 months of when you first became aware of the breach. However, depending on the circumstances, Council may consider a late application for internal review.

### Internal review process

- 5.3 You can request an internal review by completing the internal review form available on Council's website on the Access to Information page and send it, along with any other relevant information, to:
- email [info@warrumbungle.nsw.gov.au](mailto:info@warrumbungle.nsw.gov.au);
  - post Warrumbungle Shire Council, PO Box 191, Coonabarabran, NSW, 2357; or
  - in person to the administration offices at Coolah or Coonabarabran
- 5.4 The Privacy Contact Officer reserves the discretion to conduct the internal review or delegate this function to someone else unless the review is about the conduct of the Privacy Contact Officer. In that case, the General Manager will appoint someone else within Council who is suitably qualified to deal with the matters raised to conduct the review.
- 5.5 Council aims to acknowledge receipt of an internal review within 2 working days and complete an internal review within 60 calendar days. The Privacy Contact Officer will inform you of the progress of the internal review and if it is likely to take longer than expected. In accordance with section 53(8) of the PPIP Act, the Privacy Contact Officer will respond in writing within 14 calendar days of determining the outcome of the internal review.
- 5.6 In accordance with section 54 of the PPIP Act, Council must notify the Privacy Commissioner an internal review is being conducted and inform the Privacy Commissioner of the findings of the review and of the action proposed to be taken by Council in relation to the matter.

- 5.7 The Privacy Commissioner is entitled to make submissions to Council with their view on the matter.
- 5.8 If you disagree with the outcome of the internal review or are not notified of an outcome within 60 calendar days, you have the right to seek an external review.

### Request an external review

- 5.9 You have 28 calendar days from the date of the internal review decision to seek an external review by the NSW Civil and Administrative Tribunal (NCAT) in accordance with section 53 of the *Administrative Decisions Review Act 1997* (NSW).
- 5.10 To apply for an external review or obtain more information about seeking an external review, including current forms and fees, you can contact the NCAT:

**Website:** [www.ncat.nsw.gov.au](http://www.ncat.nsw.gov.au)  
**Phone:** 1300 006 228  
**Visit/Post:** Level 9, 86-90 Goulburn Street, Sydney, NSW, 2000

### Other ways to resolve privacy concerns

- 5.11 Council welcomes the opportunity to discuss any privacy issues or concerns you may have. You are encouraged to try and resolve any privacy issues with Council before lodging an internal review.
- 5.12 You can raise your concerns with Council by:
- Contacting Council's Privacy Contact Officer on 02 6849 2000;
  - Making a complaint directly to the Privacy Commissioner; or
  - Using Council's complaint handling process.

- 5.13 You can contact the Privacy Commissioner by:

**Website:** [www.ipc.nsw.gov.au](http://www.ipc.nsw.gov.au)  
**Phone:** 1800 472 679  
**Visit/Post:** Level 15, 2-24 Rawson Place, Haymarket, NSW, 2000

- 5.14 Please keep in mind that you have 6 months from when you first become aware of the potential breach to seek an internal review. The 6-month timeframe continues to apply even if attempts are being made to resolve privacy concerns informally. It is important you consider this timeframe when deciding to make a formal request for an internal review or continue with informal resolution.

### Exemptions

- 5.15 There may be instances where exemptions apply to how Council deals with personal or health information, eg referring information to other agencies such as the rural fire service or police. Exemptions do not apply to requests for personal information from an individual or private sector company to whom the personal information does not relate.

### 6 Offences

6.1 Both the PPIP Act and the HRIP Act, as well as other State Acts, contain offence provisions applicable to staff, agents and contractors who use or disclose personal or health information without authority. The below table summarises these offences:

Offence	Maximum Penalty	Legislative Provision
It is a criminal offence for a public sector official to intentionally disclose or use personal or health information about another person to which the staff member has access in doing their job, for any other purpose than that which is authorised.	Fine of up to 100 penalty units (\$11,000); or imprisonment for 2 years; or both.	Section 62 of the PPIP Act. Section 68 of the HRIP Act.
It is a criminal offence for a public sector official to offer to supply personal or health information that has been disclosed unlawfully.	Fine of up to 100 penalty units (\$11,000); or imprisonment for 2 years; or both.	Section 63 of the PPIP Act. Section 69 of the HRIP Act.
It is a criminal offence for a person to wilfully: <ul style="list-style-type: none"> <li>Obstruct, hinder or resist; or</li> <li>Fail or refuse to comply with any lawful requirement; or</li> <li>Make any false statement to attempt to or mislead (or attempt to mislead) the Privacy Commissioner (or a member of their staff) in the exercise of their functions under the PPIP Act or any other Act.</li> </ul>	Fine of up to 10 penalty units (\$1,100)	Section 68(1) of the PPIP Act.
A person must not (by threat, intimidation, or misrepresentation) persuade or attempt to persuade an individual to: <ul style="list-style-type: none"> <li>Refrain from making or pursuing a request for access to health information, a complaint to the Privacy Commission or NCAT or an application for an internal review; or</li> <li>Withdraw such a request, complaint or application.</li> </ul>	Fine of up to 100 penalty units (\$11,000)	Section 70(1) of the HRIP Act.
A person must not (by threat, intimidation, or false representation) require another person to give consent under the HRIP Act or to do (without consent) an act for which consent is required.	Fine of up to 100 penalty units (\$11,000)	Section 70(2) of the HRIP Act.
It is a criminal offence to access or modify restricted data held in a computer where authorisation has not been provided.	Imprisonment for 2 years.	Section 308H of the <i>Crimes Act 1900</i> (NSW).

### 7 Collection of Personal and Health Information by Council Personal and health information provided to Council

- 7.1 Individuals may provide Council with personal and health information when they make an application for employment, make enquiries with Council and when Council delivers services to them. Examples of information that may be provided includes names, contact details, opinions, housing or tenancy information, work and education details or health conditions. Individuals may also provide Council with personal information about other people.
- 7.2 Council must ensure that all personal and health information collected is relevant, not excessive and is not an unreasonable intrusion. If someone makes an enquiry with or writes to Council, a full copy of whatever is sent is saved by Council in its electronic document management system or in a hard copy file. However, if someone calls over the phone and gives a lot of background information, Council may decide not to record all the personal information if it is irrelevant to the enquiry. For example, a Council staff member might make a general note, such as 'concerned about employer disclosing details of an illness' without recording details about the illness.
- 7.3 The provision of personal or health information to Council is generally voluntary and, in that respect, personal information may be provided that is unsolicited. Council recognises that some individuals may wish to remain anonymous. Council will provide those individuals with that opportunity where it is unlawful and practicable to do so; however, Council must provide clear information regarding the consequences of remaining anonymous. For example, anonymous complaints may not be investigated if there is not enough information to identify an issue and/or location and it will be up to the person who contacted Council to decide whether they want to continue with the complaint or not.
- 7.4 Council's telephones will display the number of the person who has called, except for private and/or silent numbers. Telephone numbers that are displayed and stored can be extracted for reporting purposes.
- 7.5 If someone has an enquiry that cannot be answered straight away by a staff member, that staff member may offer to take the customer's name and contact number so someone else in the office can contact the customer and respond to their request.
- 7.6 Contractors acting on behalf of Council may also collect personal or health information. Council includes a set of standard conditions and clauses in its contracts that require contractors to comply with the relevant and/or appropriate privacy obligations.

#### How Council collects personal and health information

- 7.7 Council collects and receives people's personal and health information in a variety of ways to carry out its functions and deliver services. Council must collect any personal or health information in accordance with the PPIP Act, the HRIP Act and the Privacy Code. The table below summarises these requirements:

	<b>PPIP Act</b>	<b>Privacy Code</b>	<b>HRIP Act</b>
<b>IPP1 and HPP1</b>	<b>Lawful</b> (section 8) Personal information must be collected for a lawful purpose that is directly related to Council's functions or activities and necessary for that purpose.	NA	<b>Lawful</b> (section 1 of Schedule 1) Health information must be collected for a lawful purpose directly related to Council's functions or activities and necessary for that purpose.
<b>IPP2 and HPP2</b>	<b>Direct</b> (section 9) Personal information must be collected directly from the individual concerned unless that individual has authorised collection of the information from someone else or from a parent or guardian if that person is under the age of 16 years.	Personal information can be collected by Council if: <ul style="list-style-type: none"> <li>• It is reasonably necessary when an award, prize or similar form of recognition is intended to be conferred upon the person to whom the information relates;</li> <li>• Any statutory exemptions; or</li> <li>• Unsolicited information is provided.</li> </ul>	<b>Relevant</b> (section 2 of Schedule 1) Health information collected must be relevant, not excessive, accurate, up to date, and complete. Collection of the information must not unreasonably intrude on the individual's personal affairs.
<b>IPP3 and HPP3</b>	<b>Open</b> (section 10) An individual must be informed or made aware as to why their personal information is being collected, what Council will do with it and who may have access to it, whether the supply of the information is required by law or is voluntary and if there is any right of access to, and correction of, the information. If someone else is collecting the information on behalf of Council, the individual to whom	Personal information can be collected by Council if: <ul style="list-style-type: none"> <li>• It is reasonably necessary when an award, prize or similar form of recognition is intended to be conferred upon the person to whom the information relates;</li> <li>• Any statutory exemptions; or</li> <li>• Unsolicited information is provided.</li> </ul>	<b>Direct</b> (section 3 of Schedule 1) Health information must be collected directly from the individual concerned (unless it is unreasonable or impracticable to do so) and in accordance with any guidelines issued by the Privacy Commissioner relevant to this principle.

	the information relates needs to be informed of the name and address of the agency collecting and holding the information.		
<b>IPP4 and HPP4</b>	<b>Relevant</b> (section 11) Personal information collected must be relevant, not excessive, accurate, up to date, and complete. Collection of the personal information must not unreasonably intrude on the individual's personal affairs.	NA	<b>Awareness</b> (section 4 of Schedule 1) An individual must be informed as to why their health information is being collected, what Council will do with it and who may have access to it. If health information is collected about an individual from someone else, reasonable steps must be taken to ensure that the individual has been notified of the above unless making the individual aware would pose a serious threat to the health or life of any individual or the collection of their health information was in accordance with the guidelines issued by the Privacy Commissioner.
<b>Exemptions</b>	Council does not have to comply with the Privacy Principles concerning collection of personal information as outlined in: <ul style="list-style-type: none"> <li>• s 23(2), (3) and (6A)</li> <li>• s 25</li> <li>• s 26(1)</li> <li>• ss 27A, B, D</li> </ul>		Council does not have to comply with the Health Privacy Principles in relation to collection of information as outlined in section 4(4) of Schedule 1.

7.8 Council has a range of functions that require or involve the collection of an individual's personal or health information. These include (but may not be limited to):



- Levying and collecting rates;
- Providing services (eg libraries and waste collection);
- Providing services relating to children and community (eg long day care, preschool, out of school hours care, community care);
- Consultation with the community, visitors, businesses and other stakeholders;
- Assessing development and other major project applications;
- Recording, investigating and managing complaints and allegations;
- Site inspections and audits;
- Incident management;
- Enforcing regulations and legislation;
- Issuing approvals, consents, licences and permits;
- Providing funding grants;
- Maintaining the non-residential register of electoral information;
- Employment; and
- Fitness for work.

7.9 Council may collect personal or health information in any of the following ways:

- Incident reports;
- Photographs;
- Written correspondence;
- File notes;
- Medical assessment reports;
- Financial transaction records;
- Submissions;
- Contracts;
- Application forms;
- Telephone enquiries;
- CCTV footage;
- Counter enquiries;
- Public registers; and
- Online services.

7.10 When Council collects personal information from an individual (eg their name, address, telephone number or email address), in accordance with the Privacy Principles, Council must make them aware of:

- The purposes for which the information is being collected;
- The intended recipients of the information;
- Whether the supply of the information by the individual is required by law or is voluntary;
- Any consequences for the individual if the information (or any part of it) is not provided;
- Any right to access or correct the information; and
- The name and address of the Council business unit that is collecting the information and will hold the information.

7.11 Council's Privacy Statement is included as Appendix 2 to this Plan.

### Council staff and recruitment

- 7.12 Council collects personal and health information from its staff members, including volunteers, work experience personnel and work placement students as part of the recruitment process. Council will never ask for more personal information than is required for that purpose.
- 7.13 During the recruitment process and throughout an individual's employment with Council, information including personal and/or health information is collected for various reasons including leave management, workplace health and safety and to help Council operate with transparency and integrity.
- 7.14 In the exercise of its functions, Council collects and manages personal information about its staff including, but not necessarily limited to:
- Medical conditions and illnesses;
  - Next of kin and contact details;
  - Education;
  - Performance and development information;
  - Family and care arrangements;
  - Secondary employment;
  - Conflicts of interest;
  - Financial information for payroll purposes; and
  - Employment history.
- 7.15 Information collected by Council is retained to the extent necessary and managed securely.
- 7.16 Candidates that are applying for jobs at Council send personal information, including their name, contact details, qualifications and work history. Council gives this information to the convener of the interview panel for that position in electronic or hard copy files.
- 7.17 The convener of the panel does not use this personal information except for the purposes of the recruitment process. This may include sharing the information within Council's Human Resources team, relevant direct reports and members of the interview panel. Interview panels may include people not employed by Council. Conveners of the interview panel store this information securely.
- 7.18 After recruitment is finalised, conveners give all personal information to the Human Resources team and they retain information relating to successful applicants and eligibility lists in accordance with Local Government retention requirements and the *State Records Act 1998* (NSW).
- 7.19 Successful candidates are invited to fill out various forms to commence employment/engagement with Council. These forms require further personal and health information, such as the candidate's bank account details, tax file number, superannuation, emergency contacts and any disabilities that may impact their work.

- 7.20 These forms also encourage candidates to provide sensitive personal information, such as cultural information, to collect data about the wider NSW public sector; however, disclosure of this information is voluntary.
- 7.21 These forms are sent to the Human Resources team to be used for employment/engagement purposes, eg payroll and setting up personnel files and keeping copies of this information in secure storage areas.

### Visitors and members of the public

- 7.22 When a member of the public attends a meeting at Council's administration buildings, their attendance is registered to record the names of people who enter the office beyond the public area. It is the responsibility of the relevant business unit hosting that visitor to ensure this information is collected. Council collects this information for workplace health and safety purposes.

### Enquiries to Council

- 7.23 Council handles enquiries from customers, residents and stakeholders about the functions that it performs. These enquiries are made by people and organisations and in the following formats:
- Over the phone;
  - In writing (email, forms, post);
  - In person (at the administration buildings, other Council facilities and events such as community consultation).
- 7.24 Council decides what level of information is appropriate to be collected for each enquiry on a case-by-case basis, with the understanding that the details collected must contain enough information to be an accurate record of the issue and assistance given but should not contain unnecessary personal or health information.

### Feedback, determinations, assessments, policies and reports

- 7.25 Individuals may give feedback to Council on the functions it performs and certain directives it administers. Although not requested, they may decide to disclose their personal information such as contact details, personal opinions, stories, experiences and backgrounds. An individual may also disclose personal information about other people. Council may also ask for further personal information to clarify the issue being raised.
- 7.26 Council stores this information on its computer network, in an electronic document system, and/or in hard copy files. Generally, Council does not disclose personal information obtained through feedback except by consent or as outlined by law.
- 7.27 Council also publishes policies and documents to seek feedback on aspects concerning the functions it performs, such as infrastructure and development matters, corporate and community issues and planning and environment matters. Council does not ask for more information than what is helpful to its functions. Council may promote its consultation through various organisations, not-for-profit organisations,

other agencies, the media, Council's website and social media channels; however, participation in these consultations is voluntary.

- 7.28 When new policies, procedures and guidelines are developed, Council is required to refer to this Plan to ensure compliance with the PPIP Act and the HRIP Act. Staff can contact the Manager Corporate Services for assistance and advice.
- 7.29 Council also provides guidance and advice to the public, other agencies and organisations in the form of sending back or publishing documents to achieve such outcomes. Council seeks consent from individuals if any of their personal information is contained in such documents prior to sending or publication. If an individual does not consent to their personal information being published, Council may publish the documents with the individual's personal information deidentified or redacted.
- 7.30 When writing reports and making findings or submissions publicly available (such as Council meeting agendas and minutes), Council does not identify people unless it relates to the purpose for which the information was collected or Council has already sought the consent of the relevant individuals or notified them in advance of how Council would disclose the information provided.
- 7.31 Council relies on people to give accurate information and to contact Council to amend the information if necessary.

### Reviews, assessments, complaints and investigations

- 7.32 Council performs a number of activities concerning compliance and enforcement management, including but not necessarily limited to:
- processing requests from people seeking a review or making a complaint to Council concerning functions it performs, eg in accordance with Council's Complaint Handling Policy, Code of Conduct, Public Interest Disclosures Policy and in accordance with any other compliance and enforcement legislations, practices and policies;
  - notification of reviews, complaints or investigations from other public agencies conducting them;
  - people sending their review applications or requests to pass along to other public agencies, organisations or individuals;
  - people giving Council personal and/or health information about other people;
  - responding to Council requests for people to send further personal information and/or information relating to a review, complaint or investigation;
  - making file notes containing personal and/or health information;
  - accessing information under the GIPA Act from public sector agencies and other organisations as it relates to Council's functions;
  - Council entering the premises of public sector agencies, other organisations and individuals and accessing their information; and
  - Handling information received and collected by Council for legal proceedings, either at the proceedings or from submissions received by the parties.

### Subscriber, mailing and contact lists

- 7.33 Council facilitates subscriber, mailing and contact lists that contain personal information from people who have asked to be included on these lists.
- 7.34 Depending on the nature of the communication and stakeholder engagement, Council may use a third-party organisation (service provider) to collect, store and handle the information collected. In such instances, people are notified of this and are led to the service provider's privacy policy and practices for their consideration. Council does not accept responsibility for the privacy policies or practices of third parties/service providers linked to/from Council's website.
- 7.35 The information generally collected includes names, email addresses, and in some cases agency type. Council relies on people to provide accurate personal information and Council staff takes care to enter this information correctly.
- 7.36 The main lists that collect and hold personal information are:
- Newsletter subscriber list – to email Council's e-news to those who have requested a subscription.
  - Community stakeholder lists – to contact non-government organisations and other members of the community directly about Council's operations and services, such as economic development, community engagement, booking or cancelling events, Council news etc.
- 7.37 Business units of Council may develop and manage their own contact lists.
- 7.38 All lists are kept separate from each other and each is solely used for the purpose intended. Council does not disclose individual email addresses when sending out bulk emails.
- 7.39 Anyone can subscribe and unsubscribe from the newsletter lists or can contact Council to change their details. Council does not destroy these lists; they are kept as long as they remain current. Individual entries are deleted upon request or if an error is received, or in response to a Council communication.

### Community outreach

- 7.40 Council occasionally holds community events or participates in events held by other agencies or organisations. During these events, Council may collect general information such as the number of visitors to a stall, questions visitors asked, what resources were provided and general demographic information such as broad age groups or gender.
- 7.41 Depending on the event, Council may intentionally or unintentionally collect health information or sensitive personal information about someone. For example, if Council participates in a session designed for people with disabilities or a particular cultural background, it could be deduced that someone has or is likely to have a disability or has a particular culture background.

- 7.42 Council sometimes seeks voluntary completion of surveys to help it identify current issues. These surveys may collect different types of demographic data. Council ensures that any proposed survey or other kind of collection complies with the PPIP and HRIP Acts.
- 7.43 Council may also seek feedback from customers accessing Council's operations and services on their experience.

### Website publishing, photography, filming and media

- 7.44 Council owns and maintains its main website at [www.warrumbungle.nsw.gov.au](http://www.warrumbungle.nsw.gov.au) as well as its Warrumbungle Region website at [www.warrumbungle.nsw.gov.au/tourism](http://www.warrumbungle.nsw.gov.au/tourism).
- 7.45 These websites are used to promote Council's operations and services, the functions it performs and publish resources and information to help our customers and stakeholders understand the same.
- 7.46 Council's main website facilitates access to this Plan.
- 7.47 Neither Council-owned website publishes personal or health information without permission.
- 7.48 Website data is stored on secure servers.
- 7.49 Council may take photos of or film events that it holds or participates in and use the images for promotional purposes. Council will seek permission from people before taking photos or filming events and advise how Council will manage the images and what they will be used for. Those who agree will be asked to sign a consent form. Council respects the wishes of those who do not wish to be photographed or filmed.
- 7.50 Council stores photos and footage electronically on its secure computer network.

### Unsolicited information

- 7.51 Where Council receives unsolicited personal or health information, the information will be treated in accordance with this Plan and the applicable IPP and/or HPP in relation to the storage, access, use and disclosure of that information.
- 7.52 The IPP and HPP related to the collection of information do not apply to unsolicited information.

## 8 How Information is Managed by Council

### Use of personal information

- 8.1 Council must use personal and health information in accordance with the PPIP Act, the HRIP Act and the Privacy Code. The below table summarises these requirements:

	<b>PIIP Act</b>	<b>Privacy Code</b>	<b>HRIP Act</b>
<b>IPP10 and HPP10</b>	<p><b>Limited</b> (section 17) Council may only use personal information for the purpose for which it was collected for a directly related purpose or if the individual has consented to the use of the information for another purpose.</p>	<p>Council may use personal information for a purpose other than the purpose for which it was collected in the following circumstances:</p> <ul style="list-style-type: none"> <li>• 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 functions;</li> <li>• 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.</li> </ul>	<p><b>Limited</b> (section 10 of Schedule 1) Council may only use health information for the purpose for which it was collected (<b>primary purpose</b>) unless the individual in question has consented to the health information being used for another purpose (<b>secondary purpose</b>), ie the secondary purpose is directly related to the primary purpose and the individual in question would expect for Council to use the information for that secondary purpose, or the secondary purpose is:</p> <ul style="list-style-type: none"> <li>• to lessen or prevent a serious and imminent threat to life, health or safety of the individual or another person, or to lessen or prevent a serious threat to public health or public safety (whether the health information is genetic or otherwise); or</li> <li>• for the funding, management, planning or evaluation of health services; or</li> <li>• for training of Council staff;</li> <li>• research, or the compilation of analysis or</li> </ul>

			<p>statistics, in the public interest;</p> <ul style="list-style-type: none"> <li>• for Council to ascertain the whereabouts of an individual who has been reported as a missing person;</li> <li>• for Council to provide the information to an immediate family member of the individual for compassionate reasons;</li> <li>• for Council to conduct its investigation into suspected unlawful activity, unsatisfactory unprofessional conduct or breach of discipline;</li> <li>• for Council to use it in the exercise of complaint handling functions or investigative functions by investigative agencies; or</li> <li>• for other prescribed circumstances.</li> </ul> <p>In addition to the limitations above, there are further exemptions where Council may use health information for a secondary purpose. Otherwise, Council must seek consent from an individual to use their health information for a secondary purpose.</p>
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<b>Exemptions</b>	Council does not have to comply with the Privacy Principles concerning the use of personal information as outlined in: <ul style="list-style-type: none"> <li>• s 23(4) and (6A)</li> <li>• s 24(2)</li> <li>• s 25</li> <li>• ss 27A, B, D</li> <li>• s 28(3)</li> </ul>		Council does not have to comply with the Health Privacy Principles in relation to the use of health information as outlined in section 10(2) of Schedule 1.
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- 8.2 Council uses the information it collects to:
- perform its functions, conduct its operations, and provide services to the community;
  - conduct or undertake reviews, assessments, investigations, or process complaints and referring these to the relevant authorities if/when required;
  - request advice, when required, from oversight bodies and third-party service providers such as Council's legal representatives;
  - advise Council officials and stakeholders on recurring trends and issues; and
  - educate our stakeholders and the community about particular issues through published documents and reports.
- 8.3 Council makes sure personal information is accurate before using it. For example, Council will check contact details directly with a person to make sure the information is correct and will ask people to spell their names when necessary. This is to make sure that information and correspondence is sent to the right person.
- 8.4 Personal information of Council staff is used by management, or via relevant reporting lines, specific to the staff member. The information may also be forwarded and disclosed to the Human Resources team or other people management service providers supporting Council. Unless otherwise stated, the personal information collected by Council about its staff is used only for workforce management.

### Disclosure of personal information

- 8.5 Council must disclose personal and health information in accordance with the PPIP Act, the HRIP Act and the Privacy Code. The below table summarises these requirements:

	<b>PPIP Act</b>	<b>Privacy Code</b>	<b>HRIP Act</b>
<b>IPP11 and HPP11</b>	<b>Restricted</b> (section 18) Council may only disclose personal information to another body or person:	Council may disclose personal information for a purpose other than the purpose for which it was collected in the following circumstances:	<b>Limited</b> (section 11 of Schedule 1) Council may only disclose health information for the purpose for which it was collected ( <b>primary</b>

	<ul style="list-style-type: none"> <li>• with the individual's consent;</li> <li>• if the individual is likely to have been aware, or was made aware during collection, that information of that kind is usually disclosed to another body or person;</li> <li>• if the use is for a directly related purpose and Council considers that the individual would not object to the disclosure; or</li> <li>• disclosure is necessary to prevent or lessen a serious and imminent threat to the life or health of a person.</li> </ul>	<ul style="list-style-type: none"> <li>• 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 functions;</li> <li>• 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.</li> </ul>	<p><b>purpose</b>) unless the individual in question has consented to the health information being used for another purpose (<b>secondary purpose</b>), ie the secondary purpose is directly related to the primary purpose and the individual in question would expect for Council to use the information for that secondary purpose, or the secondary purpose of the information Council can use it for is:</p> <ul style="list-style-type: none"> <li>• to lessen or prevent a serious and imminent threat to life, health or safety of the individual or another person, or to lessen or prevent a serious threat to public health or public safety (whether the health information is genetic or otherwise); or</li> <li>• for the funding, management, planning or evaluation of health services; or</li> <li>• for training of Council staff;</li> <li>• research, or the compilation of analysis or statistics, in the public interest;</li> <li>• for Council to ascertain the whereabouts of an individual who has been reported as a missing person;</li> </ul>
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			<ul style="list-style-type: none"> <li>• for Council to provide the information to an immediate family member of the individual for compassionate reasons;</li> <li>• for Council to conduct its investigation into suspected unlawful activity, unsatisfactory unprofessional conduct or breach of discipline;</li> <li>• for Council to use it in the exercise of complaint handling functions or investigative agencies; or</li> <li>• for other prescribed circumstances.</li> </ul> <p>In addition to the limitations above, there are further exemptions where Council may use health information for a secondary purpose. Otherwise, Council must seek consent from an individual to use their health information for a secondary purpose.</p>
<p><b>IPP12</b></p>	<p><b>Safeguarded</b> (section 19) Council cannot disclose an individual's sensitive personal information (ethnicity or racial origin, political opinions, religious or philosophical beliefs, health matters, sexual or gender orientation or trade</p>	<p>Where Council is requested by a potential employer outside of New South Wales, Council can verify that:</p> <ul style="list-style-type: none"> <li>• a current or former employee works or has worked for Council;</li> <li>• the duration of their employment; and</li> </ul>	<p>NA</p>

	<p>union membership) without their consent, unless:</p> <ul style="list-style-type: none"> <li>• Council believes and has ensured that the recipient of the information would receive and handle the information in accordance with the principles for fair handling similar to the Privacy Principles under the PPIP Act;</li> <li>• the individual expressly consents to the disclosure;</li> <li>• the disclosure is necessary for the performance of a contractor and as per request by the individual;</li> <li>• the disclosure is for the benefit of the individual if they were to consent to it;</li> <li>• Council believes disclosure of the information would prevent a serious and imminent threat to life, health or safety;</li> <li>• the disclosure is permitted or required by any legislation.</li> </ul>	<ul style="list-style-type: none"> <li>• the position occupied during their employment.</li> </ul> <p>This exception does 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 they have applied).</p>	
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<b>Exemptions</b>	<p>Council does not have to comply with the Privacy Principles concerning the disclosure of personal information as outlined in:</p> <ul style="list-style-type: none"> <li>• ss 23(5), (6A) and (7)</li> <li>• s 23A(2)</li> <li>• ss 24(4) and (6)</li> <li>• s 25</li> <li>• s 26(2)</li> <li>• s 27A, B, D</li> <li>• s 28(3)</li> </ul>		<p>Council does not have to comply with the Health Privacy Principles in relation to the use of health information as outlined in section 11(2) of Schedule 1.</p>
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### Enquiries

- 8.6 Personal information is used by Council only when dealing with enquiries related to that person. If Council receives more enquiries, a complaint or review request from that person, it may look at past enquiries to get background information.
- 8.7 Council does not disclose information about a particular enquiry to anyone outside of Council without the consent of the enquirer.

### Complaints, review, assessments and investigations

- 8.8 Council may discuss personal information with the relevant agency, organisation or individuals when processing a complaint, or conducting a review, assessment or investigation. To undertake its functions, Council may disclose the name of review applicants but only to an agency legally involved in such affairs and for which Council can do so under the PPIP and HRIP Acts.
- 8.9 Council includes relevant personal information in the reports it writes as a result of processing a complaint or conducting a review, assessment or investigation. If Council decides to share these reports, Council will generally send these reports to the parties associated with the matter or oversight bodies, provided there are no overriding presumptions against such disclosure.
- 8.10 When Council is involved in proceedings, it may disclose personal information relevant to that particular case. It may also refer issues to other oversight bodies.
- 8.11 Apart from the above, Council does not disclose personal information to anyone not directly involved in a complaint, investigation or review case unless authorised or required to do so by law.
- 8.12 Council is particularly careful when dealing with sensitive personal information, such as racial origin, health information or sexuality.

### Referrals to other oversight bodies

8.13 In accordance with a number of Acts, Regulations and other directives, Council can disclose information to:

- Agency heads;
- Government Ministers;
- NSW Planning Panels;
- the NSW Environment Protection Authority;
- the Office of Local Government;
- the Information and Privacy Commission;
- the NSW Ombudsman;
- the Independent Commission Against Corruption;
- NSW Parliament and NSW Parliamentary Committees; and
- other NSW Government agencies.

### Requests for personal information from other agencies

8.14 When Council receives requests from other agencies such as NSW Police, the NSW Environment Protection Authority and others, Council will ask that the request is made in writing with enough information to identify the agency, the legislation they rely on for the provision of the sought information and the purpose for which they intend to use the information.

8.15 Most of these requests are forwarded to the Manager Corporate Services to check their validity and action as appropriate. Any staff involved in the release of personal information in response to requests from other agencies have the relevant delegations and satisfactory training to do so.

### GIPA Act

8.16 The GIPA Act restricts Council from disclosing any information to an individual or organisation with respect to Council's operations and services, processing complaints or undertaking a review, assessment or investigation where Council has determined there is an overriding public interest against disclosure and has decided not to release the information. This often includes personal information.

## 9 Storage and Security of Information

9.1 Council must store personal and health information in accordance with the PPIP Act, the HRIP Act and the Privacy Code. The below table summarises these requirements:

	<b>PPIP Act</b>	<b>Privacy Code</b>	<b>HRIP Act</b>
<b>IPP5 and HPP5</b>	<p><b>Secure</b> (section 12) Personal information must be stored securely, not kept any longer than is required by the General Retention and Disposal Authority for Local Government Records (issued by the State Records Authority of NSW) and disposed of appropriately. Council must take reasonable steps to protect the information from loss, unauthorised access, use, modification or disclosure.</p>	NA	<p><b>Secure</b> (section 5 of Schedule 1) Health information must be stored securely, not kept any longer than as required by the General Retention and Disposal Authority for Local Government Records (issued by the State Records Authority of NSW) and disposed of appropriately. Council must take reasonable steps to protect the information from loss, unauthorised access, use, modification or disclosure.</p>
<b>Exemptions</b>	NA	NA	Council does not have to comply with Privacy Storages in relation to storage of health information as outlined in section 5(2) of Schedule 1.

9.2 Council stores personal information electronically and in hard copy files. Council mostly practices a ‘clean desk’ approach where possible, which means hardy copy files are secured at the end of the day or when not in use where practicable.

9.3 Sometimes Council officials take files off-site to attend to their duties, such as conducting inspections. Council officials do not leave sensitive files unattended and do not let anyone else access them.

**Systems, databases and information management**

9.4 All of Council’s electronic information and information collected in the performance of Council’s functions is stored securely on Council’s information management systems and servers in the Council administration buildings.

9.5 Council implements the following measures to ensure the integrity and confidentiality of the information it holds:

- Council servers and data are backed up as part of scheduled back up and retention procedures; and
- Council networks are secure and require individual logins.

9.6 Council also contributes personal information to several online databases/tools or external organisations for compliance and reporting purposes. These include, but are not necessarily limited to:

- the GIPA Tool managed by the IPC;

- the Public Interest Disclosure online reporting managed by the NSW Ombudsman;
- the Companion Animals Register managed by the OLG; and
- Revenue NSW in relation to the issuing of fines.

### Physical security

- 9.7 Hard copy files are located on Council premises. Only Council staff have access to these premises. Visitors cannot enter without permission. Council's administration buildings are locked outside of business hours.
- 9.8 When not being used, hard copy files and sensitive files are securely stored. Secure printing is used by Council by having staff use individual numerical codes to access and use the printers.
- 9.9 Council staff members have unique user accounts and passwords to access its computer systems in accordance with Council's IT and Cyber Security and Usage Policy.

### Private sector companies, government agencies and contractors

- 9.10 Council may use private sector companies, contractors or other government agencies for services. If these organisations or individuals have or are likely to have access to personal information, Council ensures that personal and health information is managed in line with the PPIP and HRIP Acts and information security policies.
- 9.11 Council may do this by:
- asking for evidence of their information handling processes; and/or
  - inserting a privacy clause into our contracts.
- 9.12 Council will also consider how a private sector company, government agency or contractor will manage personal or health information they may have access to before engaging with them.
- 9.13 An external entity that may manage or collect personal information on behalf of Council includes but it not limited to:
- the service providers contracted by Council to provide information technology and systems and support;
  - a records disposal company;
  - a marketing or survey company that manages Council's newsletter;
  - doctors and other practitioners who are engaged to provide employee-related services; and
  - agency and labour hire firms who provide temporary staff.

## 10 Other Requirements

### Identifiers, anonymity and transfer

- 10.1 Council must comply with the HRIP Act in relation to certain aspects of health information. The below table summarises these requirements:



	PPIP Act	Privacy Code	HRIP Act
<b>HPP12</b>	NA	NA	<b>Identifiers</b> (section 12 of Schedule 1) Council should only assign identifiers to individuals if it is reasonably necessary to enable the organisation to carry out any of its functions efficiently.
<b>HPP13</b>	NA	NA	<b>Anonymity</b> (section 13 of Schedule 1) Council must give individuals the opportunity not to identify themselves when receiving services from Council where it is lawful and practicable.
<b>HPP14</b>	NA	NA	<b>Controlled</b> (section 14 of Schedule 1) Council must not transfer health information about an individual to any person or body in a jurisdiction outside of NSW or a Commonwealth agency unless: <ul style="list-style-type: none"> <li>• Council believes that the recipient of the information would receive and handle the information in accordance with the principles for fair handling similar to the Privacy Principles under the HRIP Act;</li> <li>• the individual expressly consents to the disclosure;</li> <li>• the disclosure is necessary for the performance of a contractor and as per request by the individual;</li> <li>• the disclosure is for the benefit of the individual if they were to consent to it;</li> <li>• Council believes disclosure of the information would prevent a serious and imminent threat to life, health or safety;</li> <li>• Council has ensured the information will not be handled by the recipient inconsistently with the Privacy Principles under the HRIP Act; or</li> <li>• the disclosure is permitted or required by any legislation.</li> </ul>
<b>HPP15</b>	NA	NA	<b>Authorised</b> (section 15 of Schedule 1) Council should only use health records linkage systems if the individual has provided or expressed their consent.
<b>HPP16</b>	NA	NA	<b>Storage</b> (section 16 of Schedule 1) Where Council has used or disclosed health information in an emergency, Council must not hold that information longer than 18 months unless extenuating circumstances apply or consent has been obtained.

## 11 Public Registers

11.1 Part 6 of the PPIP Act governs how Council should manage personal information contained in public registers.

- 11.2 A public register is a register of personal information that is required by law to be made, or is made, publicly available or open to public inspection.
- 11.3 Before disclosing personal information contained in a public register, except for the written returns register, Council must be satisfied that the individual requesting access to the personal information intends to use the information for a purpose directly related to the purpose of the public register or the Act under which the register is kept.
- 11.4 An individual may request access to personal information contained in a public register, except for the written returns register, by:
- contacting the relevant area of Council; and
  - completing a statutory declaration stating the intended use of the information is consistent with the purpose for which Council holds that register. An example statutory declaration is provided in Appendix 1.
- 11.5 Council can determine whether to provide a copy of the whole or part of the register depending on whether such a disclosure fits with the purpose for which it was collected.
- 11.6 If access is requested to personal information which is not contained in a public register, Council will generally process such requests on an informal basis provided it is appropriate to do so. If not, individuals will be encouraged and assisted where possible to complete a formal access application which will be processed in accordance with the GIPA Act.
- 11.7 Council's public registers include:

<b>Act/ Regulation/ Directive</b>	<b>Section/ Clause</b>	<b>Name of Register</b>	<b>Purpose</b>	<b>Access and Contact</b>
<i>Local Government Act 1993 (NSW)</i>	s 53	Land Register	Identify all land vested in or under Council's control	Access to Information (Manager Corporate Services)
	s 113	Record of approvals	Identify approvals granted under the LG Act	Planning and Regulation
	s 328A	Political donations disclosures	Identify donations to councillors	Register can be accessed on Council's website OR Contact EA to the GM

	s 375A	Recording of voting on planning matters	Identify the names of councillors who voted for or against a planning decision	Records are available on Council's website OR contact EA to the General Manager
	s 377-378	Register of delegations	Identify functions delegated by the General Manager to Council officers	Register can be accessed by request under the GIPA Act
	s 602	Rates records	Identify the value and rate liability of a parcel of land and its owner or lessee	Register can be accessed by request under the GIPA Act
Code of Conduct	cl 4.1-5.14	Disclosures in written returns	Identify pecuniary and non-pecuniary interests of the GM, designated persons and councillors	Returns can be accessed on Council's website OR contact EA to the GM or the Manager Corporate Services
<i>Environmental, Planning and Assessment Act 1979 (NSW)</i>	s 4.58	Register of consents and approvals	Identify approvals and applications, consents and related appeals under the Act	Planning and Regulation
	s 6.26	Record of building certificates	Identify building information certificates	Planning and Regulation
<i>Protection of the Environment Operations Act 1997 (NSW)</i>	s 308	Public register of licences and notices	Identify licences and notices granted and issued under the Act	Environment and Development Services
<i>Impounding Act 1993 (NSW)</i>	s 30-31	Records of impounding	Identify impounding actions taken by Council	Planning and Regulation

Government Information (Public Access) Act 2009 (NSW)	s 6(5)	Records of open access information	Identify government information Council holds that has been determined as 'open access information'	Records can be accessed on Council's website OR contact Manager Corporate Services
	s 25	Disclosure log of access applications	Identify access applications where there is a public interest in favour of disclosure and Council has determined to provide access to the information	Register can be accessed on Council's website OR contact Manager Corporate Services
	s 27	Register of government contracts	Identify Council contracts that have, or are likely to have, a value of \$150,000 or more	Register can be accessed on Council's website OR contact Manager Corporate Services

### How can personal information held in registers be suppressed?

11.8 Any person whose personal information is recorded in a public register has the right to request that their personal details be suppressed. Council will comply with that request if it is satisfied that the person's safety or wellbeing would be affected by not suppressing the information.

11.9 Applications to suppress personal information from a public register must be made in writing and addressed to the General Manager pursuant to section 739 of the LG Act.

### 12 Closed Circuit Television (CCTV)

12.1 Council installs and maintains CCTV cameras on Council premises and facilities for a number of purposes, including but not necessarily limited to:

- to ensure the safety and security of staff, students and visitors whilst on Council premises or facilities;
- to protect assets and property of Council and others;
- to assist in crime prevention and aid in the investigation of criminal activity or other suspected misconduct and/or wrongdoing; and
- to assist Council to manage its premises and facilities, such as its car parks, playgrounds, libraries, parks, etc.

- 12.2 Prominent signage notifies all Council staff, contractors, volunteers and members of the public of CCTV and that they may be under surveillance and the cameras are clearly visible.
- 12.3 The installation, use and monitoring of CCTV including the storage, retention, use and disclosure of footage is governed by appropriate Council policies developed and amended from time to time.

### 13 Data Breaches

- 13.1 A data breach occurs when there is a failure that has caused or has the potential to cause unauthorised access to Council's data. Examples include malware, hacking and data theft, accidental loss of a paper record, laptop or USB stick and emails sent to the wrong recipients if they contain classified or personal information.
- 13.2 Under section 6A of the PPIP Act, Council must notify the Privacy Commissioner and affected individuals of data breaches involving personal or health information likely to result in serious harm.
- 13.3 Separate from this Plan, Council has a Data Breach Policy and procedures that set out Council's guidelines and processes for managing a data breach, including the considerations around notifying those persons whose privacy may be affected by the breach.

### 14 Review

#### Compliance, monitoring and review


- 14.1 Suspected breaches or misuse of this policy are to be reported to the General Manager. Alleged breaches of this policy shall be dealt with by the processes outlined for breaches of the Code of Conduct, as detailed in the Code of Conduct and in the Procedures for the Administration of the Code of Conduct.
- 14.2 This Plan will be reviewed at a minimum every two years.

#### Records management

- 14.3 Staff must maintain all records relevant to administering this Plan in a recognised Council recordkeeping system.

### 15 Definitions

Term	Definition
Council official	Has the same meaning it has in Council's Code of Conduct (Includes councillors, members of staff of a council, administrators, council committee members, delegates of council and council advisers).
GIPA Act	The <i>Government Information (Public Access) Act 2009 (NSW)</i>
GM	The General Manager of Warrumbungle Shire Council
HPP	The Health Privacy Principles as outlined in Schedule 1 of the <i>Health Records and Information Privacy Act 2002 (NSW)</i>
HRIP Act	The <i>Health Records and Information Privacy Act 2022 (NSW)</i>

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IPP	The Information Protection Principles as outlined in the <i>Privacy and Personal Information Protection Act 1998 (NSW)</i>
LG Act	The <i>Local Government Act 1993 (NSW)</i>
PPIP Act	The <i>Privacy and Personal Information Protection Act 1998 (NSW)</i>

**16 Related Resources**

16.1 Legislation:

- *Government Information (Public Access) Act 2009*
- *Health Records and Information Privacy Act 2002*
- *Local Government Act 1993*
- *Privacy and Personal Information Protection Act 1998*
- *State Records Act 1998*

16.2 Associated/internal documents:

- Privacy Code of Practice for Local Government
- Warrumbungle Shire Council:
  - Code of Conduct
  - Complaint Handling Policy
  - Complaint Handling Procedure

Council policies are available on the website at [Policies - Warrumbungle Shire Council \(nsw.gov.au\)](http://Policies - Warrumbungle Shire Council (nsw.gov.au)). Staff can access procedures via the intranet.

**17 Getting Help**

The staff members who can assist with enquiries about this Policy are:

Position/s: Manager Corporate Services

Department: Corporate and Community Services

**18 Version Control**

Review Date: By November 2025

Staff Member responsible for Review: Manager Corporate Services

Policy Name	Version	Resolution No.	Date
Privacy Management Plan	1	164 of 19 November 2009	19 November 2009
Privacy Management Plan	2	276/1213	21 March 2013
Privacy Management Plan	3	149/1718	19 October 2017
Privacy Management Plan 4	Draft		



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### APPENDICES

#### Appendix 1: Statutory Declaration for Access Under Section 57 of the Privacy and Personal Information Protection Act 1998 to a Public Register Held by Council

#### STATUTORY DECLARATION

OATHS ACT 1900, NSW, EIGHTH SCHEDULE

I, ..... for .....  
*[name of declarant]* *[name of company/firm, if applicable]*

of .....  
*[full address]*

Phone: ..... Email: .....

In the State of ..... Do solemnly and sincerely declare that:

I am acting on behalf of .....  
*[full name of client, if applicable]*

I seek to know whether the person/property below is on the rates/zoning/development and/or building register of Warrumbungle Shire Council.

*NOTE: You MUST indicate name or property*

**NAME:** .....

**PROPERTY:** .....

**Information sought:**

Title Information (Lot/DP) .....

Owner Details .....

Present Zoning .....

Area of Property .....

Other Information .....

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

And I make this solemn declaration conscientiously believing the same to be true, and by virtue of the provisions of the *Oaths Act 1900*.

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



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.....  
*[signature of declarant]*

In the presence of an authorised witness, who states:

I ..... a .....  
*[name of authorised witness]* *[qualification of authorised witness]*

Certify the following matters concerning the making of this statutory declaration by the person who made it: *[\*please cross out any text that does not apply]*

1. \*I saw the face of the person *OR*  
\*I did not see the face of the person because the person was wearing a face covering, but I am satisfied that the person had a special justification for not removing the covering, and
2. \*I have known the person for at least 12 months, *OR*  
\*I have not known the person for at least 12 months, but I have confirmed the person's identity using an identification document and the document I relied on was:

.....  
*[describe the identification document relied on]*

.....  
*[signature of authorised witness]*

.....  
*[date]*

**DISCLAIMER: THIS FORM IS NOT A CERTIFICATE FROM COUNCIL. COUNCIL DOES NOT ACCEPT RESPONSIBILITY FOR ANY ERROR, OMISSION OR INACCURACY IN THE PROVISION OF THIS INFORMATION. THE INFORMATION IS PROVIDED FOR THE SOLE USE OF THE APPLICANT FOR THE PURPOSES DESCRIBED ABOVE.**

Information provided: .....

Signature of Council Officer: .....

Name of Council Officer: ..... Date: .....





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#### **Appendix 2: Privacy Statement**

In this privacy statement the term 'personal information' means any information from which your identity is apparent or can be reasonably ascertained.

Warrumbungle Shire Council (Council) collects personal information directly from you in order to conduct business and meet statutory and regulatory obligations.

You can ask us to correct any errors or make amendments to personal information we have about you (subject to you providing evidence of identity).

We do not collect personal information about individuals who are browsing the Council website.

DRAFT