



**CITY OF  
PARRAMATTA**

# PRIVACY MANAGEMENT PLAN

Privacy Management Plan		
Owner: Customer Service Centre Manager	Area: Information Access	Parent Policy: Privacy Management Policy
Date of Commencement: 09/2006	Approval Authority: CEO	Date Approved: 2/12/2022
Amendment: 4	Date of Next Review: 2/12/2024	Review: 2

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## 1. Introduction

The City of Parramatta (Council) collects and holds Personal Information and Health Information for the purpose of its functions, operations and activities. The *Privacy and Personal Information Protection Act 1998* requires all public sector agencies to prepare and implement a Privacy Management Plan.

This Plan outlines how Council manages Personal Information and Health Information in accordance with the *Privacy and Personal Information Protection Act 1998* (NSW) (PPIPA) and the *Health Records and Information Privacy Act 2002* (NSW) (HRIPA).

### 1.1 What this Plan covers

Section 33(2) of the PPIPA sets out the requirements of this Plan. This Plan must include:

- information about how Council develops policies and practices to ensure compliance with PPIPA, HRIPA and any associated regulations
- how Employees are made aware of these policies and practices;
- Council's internal review of privacy complaint procedures; and
- any other matters Council considers relevant in relation to privacy and the protection of Personal Information it holds.

### 1.2 Scope

This Plan applies to all City of Parramatta Council Employees, Councillors, and members of Council Committees.

## 2. What is Personal Information and Health Information?

### 2.1 Personal Information

Personal Information is defined in section 4 of the PPIPA as "*information or an opinion (including information or an opinion forming part of a database and whether or not recorded in a material form) about an individual whose identity is apparent or can reasonably be ascertained from the information or opinion.*"

Personal Information can include:

- a person's name and address;
- photograph, image, video or audio footage; or
- fingerprints, blood or DNA samples.

### 2.2 What is not Personal Information under the PPIPA

There are some types of information that are not Personal Information. These include:

- information about a person that is contained in a publicly available publication;

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- information or an opinion about a person's suitability for appointment or employment as a public sector official; or
- information about a person who has been deceased for more than 30 years;

Section 4(3) of the PPIPA and the *Privacy and Personal Information Protection Regulation 2019* (NSW) also lists other information that is not Personal Information, such as information about someone that is contained in:

- a document kept in a library, art gallery or museum for the purposes of reference, study or exhibition;
- State records under the control of the State Archives and Records Authority that is available for inspection in accordance with the *State Records Act 1998* (NSW); or
- public archives (within the meaning of the *Copyright Act 1968* (Cth)).

### 2.3 Health Information

Health Information is a more specific type of Personal Information and is defined in section 6 of the HRIPA. Health Information includes personal information or an opinion about a person's physical or mental health or disability, or a person's express wishes about the future provision of health services to him or her or a health service provided, or to be provided, to a person. Health Information can include, for example, a psychological report, blood test or an x-ray, results from drug and alcohol tests, and information about a person's medical appointments. It can also include Personal Information that is collected to provide a health service, such as a name and telephone number.

## 3. How Council collects and manages Personal Information and Health Information

The *Local Government Act 1993* (NSW) confers both regulatory and service functions to Council that may deal with Personal Information, some of which, may include:

- providing for development in the local area;
- providing local services and facilities that benefit ratepayers, residents and visitors;
- protecting the health, wellbeing and interests of the local community;
- representing and promoting the interests of the ratepayers and residents;
- establishing and supporting organisations and programs targeting the local community;
- protecting the environment and improve local amenity;
- attracting and providing infrastructure for commerce, tourism and industry; and
- managing, improving and developing resources available to the community.

### 3.1 Collection of Personal Information and Health Information

Council collects Personal Information and Health Information in a variety of ways in order to perform its services and functions.

Information may be collected electronically, in writing, over the telephone and in person and may be collected from:

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- members of the public;
- NSW and Commonwealth public sector agencies;
- businesses;
- non-government organisations;
- employees;
- medical professionals;
- contractors, consultants and agents of Council; and
- any other person or business dealing with Council.

Council takes active steps to make sure the information it collects is relevant, accurate, complete, up to date and not excessive. This includes collecting the information directly from the individual wherever possible, reconfirming details, and maintaining up to date databases.

Council will not collect personal information from third parties unless the individual has authorised collection from someone else or, in the case of information relating to a person under the age of 16 years, the information has been provided by a parent or guardian. For example, from a parent or guardian about a child attending a Council event or program.

Council will collect health information about an individual only from that individual, or with consent from the person concerned, unless it is unreasonable or impracticable to do so.

### 3.2 Personal Information and Health Information Held by Council

Council holds Personal Information concerning current and former Councillors, such as:

- complaints and disciplinary matters;
- entitlements to fees, expenses and facilities;
- leave and payroll data;
- pecuniary interest returns;
- personal contact information;
- work, health and safety records;
- bank account details and financial records; and
- photographs, videos and audio recordings of Councillors conducting activities related to Council (including attendance at Council meetings and events).

Council holds Personal Information concerning its customers, ratepayers, residents and suppliers, such as:

- Development applications and objections;
- applications for parking permits and use of Council facilities;
- applications for various approvals such as the removal or trimming of trees;
- images, such as photos and videos, which may be captured by Council's surveillance technology (e.g. CCTV) or at Council events and functions;
- rates records;
- property records;
- financial transaction records;
- contracts;

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- reports;
- customer requests and complaints;
- library records;
- grant and sponsorship applications;
- submissions and information collected as part of Council's community engagement and consultation activities; and
- other applications or submissions to Council.

Council holds Personal Information concerning its current and former Employees, such as:

- recruitment materials such as resume, application, referee reports;
- pre-employment checks such as police checks, working with children checks and medical checks;
- wage and salary entitlements;
- leave and payroll information;
- bank account details and financial information;
- pecuniary interest returns;
- performance management and evaluation records;
- personal contact information;
- redundancy and termination decisions;
- work, health and safety records;
- disciplinary and investigation matters; and
- Health Information such as medical assessments, immunisation records, medical certificates and Worker's Compensation claims.

### 3.3 Unsolicited Information

Unsolicited information is Personal Information or Health Information received by Council in circumstances where Council has not asked for or required the information to be provided. For example, an individual, group or committee gives Council unsolicited Personal Information or Health Information by way of petition or written opinion. Such information is not deemed to have been collected by Council but the access, storage, use and disclosure requirements in this Plan will apply to such information.

### 3.4 Privacy Protection Notice

In accordance with section 10 of the PPIPA, when Council collects Personal Information from an individual, such as their name, address, telephone number or email address, Council must take such steps as are reasonable in the circumstances to ensure that, before the information is collected or as soon as practicable after collection, the individual is made aware of:

- the fact that the information is being collected;
- the purposes for which the information is being collected;
- the intended recipients of the information;
- whether the supply of the information is required by law or is voluntary, and any consequences for the individual if the information (or any part of it) is not provided;
- the existence of any right of access to, and correction of, the information; and

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- the name and address of the agency that is collecting the information and the agency that is to hold the information (Council is a public sector 'agency' under s10 of the PPIPA).

A Privacy Protection Notice will be included on/in all relevant Council forms, documents and other records (e.g. electronic, digital) that request and/or collect Personal Information from individuals.

Appendix 1 provides an example of Council's Privacy Protection Notice.

### 3.5 Storage, Access and Accuracy of Personal and Health Information

Personal Information and Health Information are sensitive information and are stored electronically and in hard copy files. Subject to PPIPA and HRIPA, the following applies to the Personal Information and Health Information Council holds:

- only authorised Council Employees and authorised third parties can access Personal Information and Health Information;
- Employees will take reasonable steps to ensure Personal Information is accurate before using it;
- a person may access or amend Personal Information and Health Information Council holds about them; and
- Personal Information will not be kept longer than necessary and will be disposed of appropriately.

### 3.6 Use and Disclosure of Personal Information and Health Information

Council may use Personal or Health Information:

- for the purpose for which it was collected (e.g. to deliver a service or process an application);
- for a related secondary purpose (e.g. billing, processing, reporting and other administrative activities);
- if Council reasonably believes that the use is necessary to prevent or lessen a serious and imminent threat to life or health; or
- for another purpose for which the person has provided their consent.

Council may use the Personal or Health Information collected to:

- deliver services;
- provide advice;
- conduct research;
- process payments and reimbursements;
- exercise Council's functions (e.g. enforcement); and
- continually improve services offered by Council.

Council does not disclose Personal or Health Information without consent, unless:

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- the disclosure is directly related to the purpose for which the information was collected and Council has no reason to believe the individual would object to the disclosure;
- the individual is reasonably likely to have been aware, or has been made aware, that information of that kind is usually disclosed to that other person or body (may not apply to Health Information);
- the disclosure is necessary to prevent or lessen a serious and imminent threat to someone's life or health; or
- the disclosure is permitted under the relevant Act (PPIPA or HRIPA), *Privacy Code of Practice for Local Government* dated 20 December 2019 (Privacy Code) or any other legislation.

Council will:

- not disclose sensitive Personal Information and Health Information about a person's ethnic or racial origin, political opinions, religious or philosophical beliefs, trade union membership or sexual activities without consent, unless such disclosure is necessary to prevent or lessen a serious and imminent threat to life or health; and
- make reasonable enquiries to ensure accuracy of the information prior to use, having regard to the age of the information, its likelihood of change and the particular function for which the information was collected.

Council will allow people to remain anonymous where it is lawful and practicable. For example, where possible Council's online surveys and other community engagement initiatives allow for feedback to be given anonymously

#### 4. Public Registers

A Public Register is a register of Personal Information that is required by legislation to be, or is made, publicly available or open to public inspection. A register can be described as an official or formal list recording names, events or transactions.

Not every register of information held by Council will be considered a Public Register. For example, a register held by Council might not be publicly available or it might not contain Personal Information or Health Information.

Disclosure in relation to public registers must comply with Part 6 of the PPIPA. Section 57 of the PPIPA states that Council is responsible for ensuring that Personal Information on a Public Register is not disclosed, unless Council is satisfied that the information is to be used for a purpose relating to the purpose for which the register is kept. Council may require any person who applies to inspect Personal Information contained in the public register to give particulars, in the form of a statutory declaration, as to the intended use of any information obtained from the inspection.

Some of Council's Public Registers capture:

- Contributions
- Development Applications
- Pecuniary Interests (Conflicts of Interest)
- Delegations

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- Building Certificates
- Development Consents
- Construction Certificates
- Complying Development Certificates
- Subdivision Certificates
- Government Contracts
- Council Land
- Roll of Occupiers and Rate paying Lessees
- Skin Penetration Premises
- Non Residential Roll
- Pollution Control Notices
- GIPA Disclosure Log
- Returns of interests of Councillors and designated persons

A list of relevant Public Registers is published on the [Council website](#)

#### 4.1 Suppression of Personal Information

Any person whose Personal Information is recorded in a Public Register has the right to request that their Personal Information be suppressed. Council will comply with the request if it is satisfied the person's safety or wellbeing would be affected by not suppressing the information. Applications to suppress Personal Information from a public register should be made in writing to Council's Chief Executive Officer. Council may require supporting information in order to process the application.

#### 4.2 Other Registers

Council may have other registers that are not public registers. This Plan, PPIPA, HRIPA and any applicable codes apply to all Council registers or databases which contain Personal Information and Health Information.

### 5. How to Access and Amend Personal Information and Health Information

Members of the public wishing to access or amend Personal Information and Health Information Council holds about them should contact Council's [Customer Service Centre](#) in person or online through Council website. Council may require the person requesting access or amendment to provide proof of identity.

Council does not charge a fee to access and amend Personal Information and Health Information.

#### 5.1 Limits on Accessing or Amending Information

Generally, a person may not access to another person's Personal Information and Health Information. However:

- a person can give Council consent to disclose their Personal Information to someone that would not normally have access to it (section 26 of the PPIPA);
- an "authorised representative" can act on behalf of someone else (section 7 and section 8 of the HRIPA); and
- Health Information may be disclosed, such as in the event of a serious and imminent threat to the life, health and safety of the individual (e.g. to find a missing person).

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## 6. Data Breaches

Data breaches are managed in accordance with relevant provisions of PPIPA, HRIPA and in accordance with the Information and Privacy Commission NSW (IPC) [Data Breach Guidance for NSW](#).

### 6.1 What is a Data Breach?

A data breach occurs when there is a failure that has caused or has the potential to cause unauthorised access to Council data, such as:

- accidental loss or theft of data or equipment on which such data is stored (e.g. loss of paper record, laptop, tablet or mobile phone, or USB stick);
- unauthorised use, access to or modification of data or information systems to gain unauthorised access or make unauthorised changes to data or information systems (e.g. deliberate or accidental sharing of user login details);
- unauthorised disclosure of Personal Information (e.g. email sent to an incorrect recipient or document posted to an incorrect address or addressee), or Personal Information posted onto Council's website without consent;
- compromised user account (e.g. accidental disclosure of user login details through phishing);
- failed or successful attempts to gain unauthorised access to Council's information or information systems;
- equipment failure;
- malware infection; or
- disruption to or denial of IT services.

A data breach most commonly, but not exclusively, results in unauthorised access to, or the unauthorised collection, use, or disclosure of, Personal Information.

## 7. Review Rights and Complaints

Council encourages informal resolution of complaints before undertaking the review process. Complaints can be made directly to Council and will be managed in accordance with Council's Complaint Handling Policy.

### 7.1 Internal review of privacy complaint

Individuals have the right to seek an internal review under Part 5 of the PPIPA if they believe that Council has breached the PPIPA or HRIPA relating to their own Personal Information or Health Information. Individuals cannot seek an internal review for a breach of someone else's privacy, unless they are an authorised representative of the other person.

An internal review is an internal investigation that Council conducts into a complaint. Council will assess whether it has complied with its privacy obligations, and then tell the applicant of its findings and if it will take any further action.

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## 7.2 Internal review process

Applications for an internal review must:

- be in writing;
- be addressed to Council's Information Access team;
- specify a postal or email address in Australia to which Council may send its review response; and
- be made within six (6) months from first becoming aware of the conduct that is the subject of the application.

Council recommends that applicants use the Information and Privacy Commission's [Privacy Complaint: Internal Review Application Form](#) when submitting a written request for a review with Council.

Council will appoint a relevant reviewing officer to conduct the internal review. The reviewing officer must, as far as is practicable, not be substantially involved in any matter relating to the complaint. The reviewing officer must be an employee and suitably qualified. The receipt of the complaint must be acknowledged within five (5) working days.

The reviewing officer will refer to the Privacy Commissioner and consider any material submitted. The reviewing officer will consider the IPC's [Checklist: Internal review](#) when carrying out an internal review.

The review is to be completed within sixty calendar (60) days of the lodgement of the complaint.

Once the review is completed, Council may take no further action, or it may do one or more of the following:

- make a formal apology;
- take remedial action;
- provide undertakings that the conduct will not occur again; or
- implement administrative measures to reduce the likelihood of the conduct occurring again.

Council must notify the complainant of the outcome of the review within fourteen (14) days of its determination.

## 7.3 The Privacy Commissioner's role in Internal Reviews

The Privacy Commissioner has an oversight role in how agencies handle privacy complaints and is entitled to make submissions to Council regarding internal reviews.

If Council receives an internal review application, it must:

- notify the Privacy Commissioner of the internal review application as soon as

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- practicable;
- keep the Privacy Commissioner informed of the progress of the internal review; and
- inform the Privacy Commissioner of the outcome of the internal review and the action proposed to be undertaken by Council in relation to the matter.

An individual can also make a complaint directly to the [Privacy Commissioner](#) about an alleged breach of their privacy.

#### 7.4 External Review by the NSW Civil and Administrative Tribunal

The NSW Civil and Administrative Tribunal's (NCAT) role is to assess whether Council complied with its privacy obligations.

If a person who has made an application for internal review is not satisfied with the findings of the review or the action taken by Council in relation to the application, the person may apply to NCAT for an administrative review within 28 days from the date of the internal review decision.

### 8. Promoting Privacy

Council promotes awareness of PPIPA by:

- endorsing the Plan and making it publicly available on Council's website;
- providing a copy of this Plan to relevant oversight bodies such as the Audit, Risk and Improvement Committee;
- reporting on internal reviews to the Privacy Commissioner; and
- identifying privacy issues when implementing new systems, services and processes.

#### 8.1 Employee Awareness

Council ensures that Employees are aware of and understand this Plan and how it applies to the work they do so that they understand what their privacy obligations are, how to manage Personal Information and Health Information in their work and what to do if they are unsure.

Council promotes awareness of privacy obligations among Employees by:

- communicating regularly with Employees about privacy;
- ensuring Council policies and procedures comply with PPIPA and HRIPA;
- highlighting and promoting the Plan at least annually, during Privacy Awareness Week;
- actively providing updates and refresher courses to Employees about privacy management;
- providing targeted advice to Employees and business units; and
- publishing the Plan and information about privacy on Council's intranet and website.

When Employees have questions about how to manage Personal Information and Health Information under the Plan, they may consult with their manager.

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## 8.2 Public Awareness

Council provides information to members of the public about how Council manages Personal Information and Health Information. This Plan is publicly available as open access information under the *Government Information (Public Access) Act 2009 (NSW) (GIPA Act)*.

Council promotes public awareness of this Plan by:

- providing hard copies of the Plan free of charge on request;
- publishing the Plan on Council's [website](#);
- referring to the Plan in its privacy notices; and
- informing people about the Plan when responding to enquiries about Personal Information and Health Information.

## 9. Managing Personal Information and Health Information under Legislation

### 9.1 The Privacy and Personal Information Protection Act – Information Protection Principles

Part 2, Division 1 of PPIPA contains [12 Information Protection Principles \(IPPs\)](#) that Council must comply with when managing Personal Information. The IPP's are provided for reference in Appendix 2 of this Plan.

#### 9.1.1 Exemptions and the Privacy Code

##### Exemptions to the Information Protection Principles

Part 2, Division 3 of PPIPA contains exemptions that may permit Council to not comply with IPPs in certain situations. These include the following:

- Council is not required to comply with IPPs 2-3, 6-8, or 10-12 if lawfully authorised or required not to do so; and
- Council is not required to comply with IPP 2 if the information concerned is collected in relation to court or tribunal proceedings.

Section 23(3) of the PPIPA provides that Council is not required to comply with collection requirements if the information concerned is collected for law enforcement purposes such as the issue of a penalty infringement notice.

##### Privacy Code of Practice for Local Government (NSW) (Privacy Code)

Council must comply with the Privacy Code. The effect of the Privacy Code is to modify the application of certain IPPs and dealings with the public register.

Under the Privacy Code, where it is reasonably necessary, Council may indirectly collect and use Personal Information to confer an award, prize, or similar form of personal

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recognition on the person about whom the information relates.

The Privacy Code also permits Council to use Personal Information for a purpose other than the purpose for which it was collected where the use is in pursuance of Council's lawful and proper functions and Council is satisfied that the Personal Information is reasonably necessary for the exercise of those functions.

For example, the Rates Record that Council holds under section 602 of the *Local Government Act 1993* (NSW) may be used to:

- notify neighbours of a proposed development;
- evaluate a road opening; or
- evaluate a tree preservation order.

In addition, Council may use Personal Information for other specific purposes where Council is satisfied that the information is reasonably necessary for another function such as:

- understanding community and customer needs to improve Council's services;
- letting customers know about services or other information available (e.g. newsletters); or
- sharing Personal Information within other divisions of Council and authorised service providers to expedite services to customers.

## 9.2 The Health Records and Information Privacy Act - Health Privacy Principles

Schedule 1 of the HRIPA contains [16 Health Privacy Principles \(HPP's\)](#) that Council must comply with when managing Health Information. The HPP's are provided for reference in Appendix 3 of this Plan.

### 9.2.1 Exemptions to the Health Privacy Principles

Exemptions are located mainly in Schedule 1 to the HRIPA and may permit Council not to comply with HPPs in certain situations. For example, Council is not required to comply with HPPs 4-8 and 10 if lawfully authorised or required not to do so.

### 9.2.2 [Health Records and Information Privacy Code of Practice 2005](#)

The Health Records and Information Privacy Code of Practice 2005 applies to Council. It permits, in certain limited circumstances, the collection, use and disclosure of Health Information between human services agencies without the consent of the person to whom the Health Information relates. A human services agency is a public sector agency that provides welfare services, health services, mental health services, disability services, drug and alcohol treatment services, housing and support services and/or education services.

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### 9.3 [Government Information \(Public Access\) Act 2009](#) (GIPA Act) and [Government Information \(Public Access\) Regulation 2018](#)

Under the GIPA Act and Regulation, members of the public can apply to Council for access to information held by Council. This information may include Personal Information or Health Information. A request for Council records may be made through Council's [website](#).

Schedule 4 of the GIPA Act also provides that information about a Council Employee, including their name and non-personal contact details (such as position title and their public functions at Council) is not Personal Information for the purposes of the GIPA Act.

### 9.4 [Independent Commission Against Corruption Act 1988](#)

Under the *Independent Commission Against Corruption Act 1988* (NSW), Council must provide information to the Independent Commission Against Corruption about allegations of fraud and corruption that may contain Personal Information and/or Health Information.

### 9.5 [Public Interest Disclosures Act 1994](#) (PIDA)

Under the PIDA, any public official can make a public interest disclosure to Council. The PIDA requires that information that might identify or tend to identify a person who has made a public interest disclosure should be protected.

### 9.6 [State Records Act 1998](#) (NSW) and [State Records Regulation 2015](#) (NSW)

The *State Records Act 1988* (NSW) and *State Records Regulation 2015* (NSW) authorise the State Archives and Records Authority to establish policies, standards and codes to ensure that NSW public sector agencies manage their records and documentation appropriately.

### 9.7 Referrals to external agencies under other relevant legislation

Under the *Ombudsman Act 1974* (NSW), the *Independent Commission Against Corruption Act 1988* (NSW), and the *Crimes Act 1900* (NSW), Council can provide information, including Personal Information and Health Information, to the:

- NSW Ombudsman;
- Independent Commission Against Corruption;
- NSW Police; and
- other lawful agencies.

### 9.8 Offences

Offences can be found in sections 62-68 of the PPIPA and sections 68-70 of the HRIPA. It is an offence for Council to:

- intentionally disclose or use Personal Information or Health Information for an unauthorised purpose;

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- offer to supply Personal Information or Health Information that has been disclosed unlawfully; and
- hinder the Privacy Commissioner or their employees from doing their job.

## 10. Contact details

For more information about this Plan and the Personal Information and Health Information Council holds, please contact Council's Information Access team.

### City of Parramatta Information Access team

Email: [council@cityofparramatta.nsw.gov.au](mailto:council@cityofparramatta.nsw.gov.au)  
 Telephone: 02 9806 5050  
 Address: 126 Church Street, Parramatta NSW 2150  
 Postal: PO Box 32, Parramatta NSW 2124  
 Website: [www.cityofparramatta.nsw.gov.au](http://www.cityofparramatta.nsw.gov.au)

### Information and Privacy Commission NSW

Email: [ipcinfo@ipc.nsw.gov.au](mailto:ipcinfo@ipc.nsw.gov.au)  
 Telephone: 1800 472 679  
 Address: Level 15, McKell Building, 2-24 Rawson Place, Haymarket NSW 2000  
 Postal: GPO Box 7011, Sydney NSW 2001  
 Website: <https://www.ipc.nsw.gov.au>

### NSW Civil and Administrative Tribunal

Email: [aeod@ncat.nsw.gov.au](mailto:aeod@ncat.nsw.gov.au)  
 Telephone: 1300 006 228  
 Address: Level 10, John Maddison Tower, 86-90 Goulburn Street, Sydney NSW 2000  
 Postal: PO Box K1026, Haymarket NSW 1240  
 Website: <https://www.ncat.nsw.gov.au>

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<b>REFERENCES</b>	<i>Copyright Act 1968 (Cth)</i> <i>Crimes Act 1900 (NSW)</i> <i>Data Breach Guidance for NSW</i> <i>Government Information (Public Access) Act 2009 (NSW)</i> <i>Government Information (Public Access) Regulation 2018 (NSW)</i> <i>Health Records and Information Privacy Act 2002 (NSW)</i> <i>Health Records and Information Privacy Code of Practice 2005 (NSW)</i> <i>Independent Commission Against Corruption Act 1988 (NSW)</i> <i>Local Government Act 1993 (NSW)</i> <i>Ombudsman Act 1974 (NSW)</i> <i>Privacy and Personal Information Protection Act 1998 (NSW)</i> <i>Privacy and Personal Information Protection Regulation 2019 (NSW)</i> <i>Privacy Code of Practice for Local Government revised 20 December 2019 (NSW)</i> <i>State Records Act 1998 (NSW)</i> <i>State Records Regulation 2015 (NSW)</i>
<b>ASSOCIATED POLICIES</b>	Agency Information Guide Code of Conduct Complaints Handling Policy Councillor and Staff Interactions Policy Privacy Management Policy
<b>ATTACHMENTS</b>	Nil

<b>Privacy Management Plan</b>		
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## Appendix 1: Sample Privacy Protection Notice

### PRIVACY PROTECTION NOTICE

**Purpose of collection:** This information is being collected for the purpose of (specify the purpose(s)).

**Intended recipients:** The intended recipients of this information are officers within Council. (specify other recipients e.g. and may include contractors or other government agencies and other recipients as deemed by the Council)

**Supply:** The supply of this information is (specify either voluntary or required by law or statutory requirements). If you do not provide this information, Council may be unable to provide access to its services.

**Access/Correction/Amend:** The information collected can be accessed by you and may also be available to third parties in accordance with Council's Privacy Management Policy and Privacy Management Plan. You may make an application for access or amendment to personal information held by Council. Council will consider any such application in accordance with the *Privacy and Personal Information Protection Act 1998* (NSW).

**Storage:** Council is the agency that holds the information and will store it securely.

**Other uses:** Council will use your personal information for the purpose for which it was collected and may use it as is necessary for the exercise of other functions.

*[Note: Health information cannot be used for a secondary purpose unless the individual has consented to this other use or it is directly related to the primary purpose. Delete Other uses paragraph if collecting health information.]*

**Contact:** Council can be contacted on 1300 617 058 or 9806 5050, at 126 Church Street, Parramatta NSW 2150 or [council@cityofparramatta.nsw.gov.au](mailto:council@cityofparramatta.nsw.gov.au).

For further details on how Council manages personal information, please refer to our Privacy Management Plan.

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## Appendix 2: The Privacy and Personal Information Protection Act – Information Protection Principles

Part 2, Division 1 of PPIPA contains [12 Information Protection Principles \(IPP's\)](#) that Council must comply with when managing Personal Information:

### Collection

1. Lawful – Council must only collect Personal Information for a lawful purpose that is directly related to Council's functions or activities and necessary for that purpose.
2. Direct – Council must collect Personal Information directly from the person concerned unless the person has authorised collection from someone else, or if the person is under the age of 16 and the information has been provided by a parent or guardian.
3. Open – Council must inform the person that their Personal Information is being collected, why Council is collecting it, what Council will do with it and who will have access to the information. Council must also inform the person how they can view and correct the information, if the information is required by law or voluntary and any consequences that may apply if they decide not to provide the information.
4. Relevant – Council must ensure that Personal Information is relevant, accurate, complete, up-to-date and not excessive and the collection does not unreasonably intrude into the personal affairs of the person.

### Storage

5. Secure – Council must store Personal Information securely, keep it no longer than necessary and disposed of it appropriately in accordance with Council's obligations under the *State Records Act 1998* (NSW) and as required by the General Retention and Disposal Authority for Local Government issued by the NSW State Archives & Records. It should be protected from unauthorised access, use, modification or disclosure.

### Access and Accuracy

6. Transparent – Council must take such steps as are, in the circumstances, reasonable to be transparent about the Personal Information it holds, why it is used and the right to access it.
7. Accessible – Council must allow people to access to their Personal Information without excessive delay or expense.
8. Correct – Council must allow people to update, correct or amend their Personal Information to ensure the information is accurate, relevant, up to date, complete and not misleading, where appropriate.
9. Accurate – Council must ensure that Personal Information is relevant, accurate, up to

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date, complete and not misleading before using it.

### Use

10. Limited - Council must only use Personal Information for the purpose for which it was collected, for a directly related purpose, or for a purpose for which the individual has given consent. It may also be used without consent to prevent or lessen a serious and imminent threat to any person's life or health.

### Disclosure

11. Restricted - Council must not disclose Personal Information unless:
- the disclosure is directly related to the purpose for which the information was collected and where Council has no reason to believe the person concerned would object to the disclosure;
  - the individual concerned is reasonably likely to have been aware, or has been made aware that information of that kind is usually disclosed; or
  - Council believes on reasonable grounds that the disclosure is necessary to prevent or lessen a serious and imminent threat to any person's life or health.
12. Safeguarded - Council must not disclose an individual's sensitive Personal Information without their consent (e.g. ethnicity or racial origin, political opinions, religious or philosophical beliefs, trade union membership or sexual activities) unless the disclosure is necessary to prevent a serious and imminent threat to any person's life or health.

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### Appendix 3: The Health Records and Information Privacy Act - Health Privacy Principles

Schedule 1 of the HRIPA contains [16 Health Privacy Principles](#) (HPP's) that Council must comply with when managing Health Information:

#### Collection

1. Lawful – Council must only collect Health Information for a lawful purpose that is directly related to Council's functions or activities and necessary for that purpose.
2. Relevant – Council must collect Health Information that is relevant, accurate, complete and up to date. The collection should not unreasonably intrude into the individual's personal affairs.
3. Direct – Council must collect Health Information directly from the person concerned unless it is unreasonable or impracticable to do so.
4. Open – Council must inform the person why Health Information is being collected, what Council will do with it and who will have access to the information. Council will also inform the person how they can view and correct their Health Information and any consequences that will occur if they do not provide their information. If Health Information is collected about a person from a third party, Council must take reasonable steps to notify the person that this has occurred.

#### Storage

5. Secure – Council must store Health Information securely, keep it no longer than necessary and disposed of it appropriate in accordance with Council's obligations under the *State Records Act 1998* (NSW) and as required by the General Retention and Disposal Authority for Local Government issued by the NSW State Archives & Records. It should be protected from unauthorised access, use, modification or disclosure.

#### Access and Accuracy

6. Transparent - Council must take such steps as are, in the circumstances, reasonable to be transparent about the Health Information it holds, why it is used and the right to access it.
7. Accessible - Council must allow people to access to their Health Information without excessive delay or expense.
8. Correct - Council must allow people to update, correct or amend their Health Information to ensure the information is accurate, relevant, up to date, complete and not misleading, where appropriate.
9. Accurate - Council must ensure that Health Information is relevant, accurate, up to date, complete and not misleading before using it.

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## Use

10. Limited – Council must only use Health Information for the purpose for which it was collected, for a directly related purpose, or for a purpose for which the individual has given consent. It may also be used without consent to assist in a stage of an emergency, to prevent or lessen a serious and imminent threat to any person's life, health or safety, or to public health or public safety.

## Disclosure

11. Limited – Council must not disclose Health Information unless:
- the person concerned has consented to the disclosure of the information;
  - the disclosure is directly related to the purpose for which the information was collected and the person concerned would reasonably expect Council to disclose the information;
  - the disclosure is reasonably necessary to assist in a stage of an emergency;
  - Council believes on reasonable grounds that the disclosure is necessary to prevent or lessen a serious and imminent threat to any person's life, health or safety, or to public health or public safety; or
  - the disclosure is otherwise permitted under HRIPA or other legislation.

## Identifiers and Anonymity

12. Not identified – Council may only assign unique identifiers for Health Information if it is reasonably necessary to enable Council to carry out its functions efficiently.
13. Anonymous – Council must provide individuals with the opportunity to remain anonymous, where it is lawful and practicable.

## Transferrals and Linkage

14. Controlled – Council must not transfer Health Information outside NSW unless:
- Council reasonably believes that the recipient is subject to laws or obligations substantially similar to those imposed by the HRIPA;
  - the individual consents to the transfer;
  - the transfer is necessary for the performance of the contract between Council and the individual;
  - the transfer will benefit the individual;
  - Council reasonably believes the transfer is necessary to lessen or prevent a serious and imminent threat to a person's life, health or safety, or to public health or public safety;
  - reasonable steps have been taken to ensure that the information will not be handled inconsistently with the HRIPA; or
  - the transfer is permitted or required under any other law.

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15. Authorised – Council must not include Health Information in a health records linkage system unless the individual has expressly given consent.
16. Emergencies – If Health Information is used or disclosed in a stage of emergency, Council must not hold the information for longer than 18 months, unless extenuating circumstances apply or consent has been obtained.

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