



# **Attachment 1 to Item 10.4.4.**

---

## **Draft Privacy Management Plan**

Date of meeting: 26 November 2024  
Location: Council Chambers  
Time: 6:30pm





# Privacy Management Plan

---

**DRAFT COUNCIL POLICY**

<b>Division:</b>	Corporate Services	<b>Policy Number:</b>	Enter No
<b>Branch:</b>	Governance and Risk	<b>Adopted Date:</b>	Enter Date
<b>Responsible Officer:</b>	Manager Governance and Ris	<b>Next Review Date:</b>	Enter Date
<b>Director:</b>	Director Corporate Services	<b>Version:</b>	4



**Table of Contents**

**1. TITLE ..... 3**

**2. PURPOSE ..... 3**

**3. SCOPE ..... 3**

**4. BACKGROUND..... 3**

**5. ABOUT COUNCIL..... 4**

    Council’s responsibilities ..... 4

    Policy and procedure development..... 4

    Review Period ..... 4

    Promoting the Privacy Management Plan..... 5

    Contacting Council ..... 5

**6. COLLECTING INFORMATION ..... 5**

    Information collection principles ..... 5

    Personal information ..... 6

    Health information ..... 6

    Types of information collected ..... 7

    Notification of collection of personal information ..... 8

    Indirect collection of personal information ..... 8

    Unsolicited information..... 9

    Role of the Privacy Contact Officer when collecting information ..... 9

**7. MANAGING INFORMATION ..... 9**

    Information management principles..... 9

    Use of information ..... 10

    Disclosure of information ..... 10

    Offences under the PPIP Act ..... 10

    Storage and security of information ..... 11

**8. ACCESSING AND AMENDING INFORMATION ..... 11**

    Information access and amendment principles ..... 11

    Accessing your personal information ..... 12

    Informal application ..... 12

    Formal application..... 12

    Amending your personal information ..... 12

    Accessing or amending other people’s information ..... 13

**9. PUBLIC REGISTERS..... 13**

    Public registers of Council ..... 13

    Suppression of information in public registers ..... 14

    Public Registers and the GIPA Act ..... 14

**10. EXEMPTIONS ..... 14**

**11. YOUR RIGHTS ..... 16**



---

Internal review .....	16
Reporting .....	17
External review .....	17
Privacy Commissioner .....	17
Informal resolution .....	17
Public interest disclosures .....	18
<b>12. TRAINING AND EDUCATION .....</b>	<b>18</b>
<b>13. ROLES AND RESPONSIBILITIES .....</b>	<b>19</b>
<b>14. DEFINITIONS .....</b>	<b>20</b>
<b>15. RELATED DOCUMENTS .....</b>	<b>20</b>
Legislation .....	20
Related policies .....	20
Procedures .....	20
Fact Sheet .....	20
<b>16. ATTACHMENTS .....</b>	<b>20</b>
Statutory Declaration for access to a Public Register held by Hawkesbury City Council .....	21
Privacy Notification Form .....	22
Personal Information Enquiry .....	24
Identifying privacy issues .....	25

DRAFT



**1. TITLE**

Privacy Management Plan.

**2. PURPOSE**

2.1 This Privacy Management Plan (Plan) outlines how Council manages the personal information it holds in accordance with the Privacy and Personal Information Protection Act 1998 (PPIP Act) and the health information it holds in accordance with the Health Records and Information Privacy Act 2002 (HRIP Act).

2.2 The object of this Plan is to:

- a) Inform the community and Council Officials how their personal and health information is used, stored, accessed and managed after it is collected by Council
- b) Inform Council staff of their obligations in relation to handling personal and health information and the circumstances where they can and cannot disclose, use or collect it
- c) Provide details on who should be contacted with questions about how personal and health information is collected and managed by Council, how the information can be accessed and amended, and steps to take if Council has breached the PPIP or HRIP Acts.

**3. SCOPE**

3.1 This Plan applies to all Council officials, including Councillors, Council staff members, administrators, Council Committee members, delegates of Council, contractors and volunteers.

3.2 This Plan applies only to the information held by Council that is identified as personal information under the PPIP Act and health information under the HRIP Act, defined in Clauses 6.2 and 6.4 respectively.

3.3 Nothing in this Plan is to:

- a) Affect any matter of interpretation of the Codes or the Information Protection Principles (IPP) and the Health Privacy Principles (HPP) as they apply to Council
- b) Affect any obligation at law cast upon Council by way of representation or holding out in any manner whatsoever
- c) Create, extend or lessen any obligation at law which Council may have.

**4. BACKGROUND**

4.1 This Plan has been prepared in accordance with Section 33 of the PPIP Act, which says that the Plan should include:

- a) The devising of policies and practices to ensure compliance by Council with the requirements of the PPIP Act and the HRIP Act
- b) How the policies and practices will be disseminated to persons within Council
- c) The procedures that Council proposes for internal review of privacy complaints
- d) Other matters considered relevant by the Council in relation to privacy and the protection of personal and health information held by it.



## 5. ABOUT COUNCIL

### Council's responsibilities

5.1 Council is responsible for complying with NSW legislation including:

- a) Access to information legislation:
  - i) Government Information (Public Access) Act 2009 (GIPA Act)
  - ii) Government Information (Public Access) Regulation 2018 (GIPA Regulation)
- b) Privacy legislation:
  - i) Privacy and Personal Information Protection Act 1998
  - ii) Privacy and Personal Information Protection Regulation 2019
  - iii) Health Records and Information Privacy Act 2002
  - iv) Health Records and Information Privacy Regulation 2022
  - v) Privacy Code of Practice for Local Government.

5.2 Council's privacy responsibilities extend to:

- a) Developing and following privacy-related policies, such as this Privacy Management Plan, Access to Information Policy, Data Breach Policy, Code of Conduct, Public Interest Disclosure Policy and the Councillor and Staff Interaction Policy
- b) Following the processes and procedures in Council's Data Breach Policy and Data Breach Response Plan for managing a data breach under the Mandatory Notification Data Breach Scheme, including the considerations around notifying those persons whose privacy may be affected by the breach
- c) Providing information, advice, assistance and training to Council employees, Councillor, Hawkesbury residents and customers regarding Council's privacy requirements
- d) Following the IPPs in the PPIP Act and the HPPs in the HRIP Act when collecting, storing, accessing, using and disclosing personal information
- e) Conducting internal reviews of privacy complaints and reporting the number of privacy reviews Council receives and their outcome in Council's Annual Reports.

5.3 To embed privacy considerations throughout Council's functions, Council officers will need to complete a privacy checklist (see Attachment – Identifying privacy issues checklist) prior to significant works or projects being undertaken that involve the collection and management of personal information. If any significant privacy concerns are raised during this process, the Governance and Risk team will conduct a Privacy Impact Assessment to mitigate and resolve this.

### Policy and procedure development

5.4 When Council develops policies and procedures it must ensure that it is compliant with the requirements of privacy legislation. This is done by:

- a) Examining changes in legislation for their impacts on Council's privacy-related documents
- b) Conducting regular reviews of Council's privacy-related documents
- c) Ensuring that new policies or procedures are compliant with the PPIP Act and HRIP Act.

### Review Period

5.5 This Plan will be reviewed every two years, unless privacy legislation or other external factors would necessitate a review more regularly.





Promoting the Privacy Management Plan

- 5.6 The Plan is promoted internally in Council by:
- a) Being endorsed by Council's Executive Leadership Team
  - b) Making the Plan available on Council's intranet
  - c) Ensuring all Council employees read and acknowledge the Plan
  - d) Including information about the PPIP Act and the Plan in induction packages
  - e) Promoting the Plan in internal communications during Privacy Awareness Week.

- 5.7 The Plan is promoted externally by Council by:
- a) Making the Plan publicly available on Council's website
  - b) Promoting the Plan on Council's website and social media sites during Privacy Awareness Week every year
  - c) Providing hard copies of the Plan free of charge upon request.

Contacting Council

5.8 For further information about this Plan, the personal and health information that Council holds, what personal information Council holds about you and why we hold it, how to access your personal information, or any other privacy concerns, please direct your correspondence to Council's Privacy Contact Officer at:

- Email: [council@hawkesbury.nsw.gov.au](mailto:council@hawkesbury.nsw.gov.au)
- Phone: 4560 4444
- Mail: PO Box 146, Windsor NSW 2756
- Visit: 366 George Street, Windsor NSW 2756.

**6. COLLECTING INFORMATION**

Information collection principles

6.1 When Council is collecting information it must consider the following IPPs and HPPs:

<b>LAWFUL</b>	Council only collects information for a lawful purpose that is directly related to Council's activities, and it is necessary for that purpose.
<b>DIRECT</b>	Council only collects information directly from the person concerned unless it is unreasonable or impractical to do so.  If it is unreasonable or impracticable, Council may collect health information from someone else.



<b>OPEN</b>	<p>Council informs the person as to why it is collecting their information, what Council will do with it and who else may see it. Council should tell the person how they can view and correct their information, and any consequences that may apply if they decide not to provide their information to you.</p> <p>If Council collects health information about a person from a third party, Council must take reasonable steps to notify the persons that this has occurred.</p>
<b>RELEVANT</b>	<p>Council ensures that the information is relevant, accurate, up-to-date, and not excessive and that the collection does not unreasonably intrude into the personal affairs of the individual.</p>

Personal information

6.2 Personal information is defined in Section 4 of the PPIP Act 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.”*

6.3 Under the PPIP Act, personal information does not include:

- a) Information about an individual who has been dead for more than 30 years
- b) Information about an individual that is contained in a publicly available publication, for example:
  - i) an advertisement containing personal information in a local, city or national newspaper
  - ii) personal information on the internet
  - iii) books or magazines that are printed and distributed broadly to the general public
  - iv) Council business papers that are available to the general public
  - v) Personal information that is part of a public display on view to the general public.
- c) Information about an individual that is contained in a public interest disclosure, or that has been collected in the course of an investigation arising out of a public interest disclosure
- d) Information or an opinion about an individual’s suitability for appointment or employment as a public sector official.

Health information

6.4 Health information is defined in Section 6 of the HRIP Act as:

- “(a) personal information that is information or an opinion about—*
  - (i) the physical or mental health or disability (at any time) of an individual, or*
  - (ii) an individual’s express wishes about the future provision of health services to him or her, or*
  - (iii) a health service provided, or to be provided, to an individual, or*
- (b) other personal information collected to provide, or in providing, a health service”.*

**Note: References to ‘information’ in this Plan include both personal and health information. If a section of this Plan relates specifically to personal information or to health information, it will be identified.**



Types of information collected

- 6.5 Council will only collect personal information for a lawful purpose as part of its proper functions under the Local Government Act 1993 and its functions under other legislation, including, but not limited to:
- Companion Animals Act 1998
  - Conveyancing Act 1919
  - Environmental Planning and Assessment Act 1979
  - Food Act 1989
  - Impounding Act 1993
  - Library Act 1939
  - Protection of the Environment Operations Act 1997
  - Public Health Act 1991
  - Recreation Vehicles Act 1983
  - Roads Act 1993
  - Rural Fires Act 1997
  - Swimming Pools Act 1992
  - Public Health Act 1991.
- 6.6 Council may collect information concerning Councillors, such as:
- a) Personal contact information
  - b) Complaints and disciplinary matters
  - c) Pecuniary interest returns
  - d) Entitlements to fees, expenses and facilities.
- 6.7 Council may collect information concerning its customers, ratepayers and residents, such as:
- a) Rates records, e.g., Notice of Sale/Transfer report from NSW Land Registry Services
  - b) Personal contact information provided in forms submitted to Council or when enquiries are made, including names, home and postal addresses, phone numbers, email addresses and signatures
  - c) Development applications and objections to development applications
  - d) Community engagement communications, e.g., Your Hawkesbury Your Say, surveys, Facebook communications
  - e) Health information, including, but not limited to:
    - i) tree pruning/removal application where residents approach Council for an assessment of a tree pruning/removal application on medical grounds
    - ii) issuing of clean up orders which may include recording information about a resident's health, GP professional contact details or involvement with mental health services
    - iii) meals on wheels programs where residents may be asked for medical or dietary requirements, e.g., allergies for catering purposes
    - iv) seniors bus outings where information may be collected on special medical needs
    - v) information on families for the purposes of children's services, e.g., history of illness, allergies, asthma, diabetes, epilepsy etc.
    - vi) physical exercise classes
    - vii) information may be collected through a healthy community program
    - viii) children's immunisation records
    - ix) family counsellor/youth support workers records.



- 6.8 Council may collect information concerning its employees, such as:
- a) Recruitment material
  - b) Leave and payroll data
  - c) Personal contact information
  - d) Performance management plans
  - e) Disciplinary matters
  - f) Pecuniary interest returns
  - g) Wage and salary entitlements
  - h) Health information, such as medical certificates or workers compensation claims.
- 6.9 Anyone engaged by Council as a private contractor or consultant that involves the collection of personal information must agree to be bound to this Plan and not collect personal information by any unlawful means. If they decide to collect personal information, they will be required to:
- a) Obtain written authorisation and consent to that collection, and
  - b) Notify the affected persons as to the intended recipients and use of the personal information.

Notification of collection of personal information

- 6.10 Upon collecting personal information, Council endeavours to convey how and why a person's information is being collected, for example:
- a) It is standard practice for Council's forms to include a standard privacy notice
  - b) If someone is making an enquiry, complaint or report over the phone, general contact information would be collected by the officer in order for a response to be made to the customer
  - c) In Council's notifications of development proposals, we identify that personal information may be collected and published on Council's website in accordance with relevant legislation
- 6.11 Council officers are to use and register the Privacy Notification Form (see Attachment – Privacy Notification Form) either before or after personal information has been collected by Council.

Indirect collection of personal information

- 6.12 Where Council cannot collect personal information directly from the individual, it will ensure one of the following:
- a) Council has obtained authority from the person to collect their information from another person or body
  - b) The collection of personal information from a third party is permitted under an Act or law e.g., the indirect collection of personal information from the NSW Land Registry Services
  - c) The collection of personal information from a parent or guardian is permitted provided the person is less than 16 years of age
  - d) The collection of personal information indirectly where one of the exemptions under the PPIP Act or Privacy Code of Practice applies.



Unsolicited information

- 6.13 Under Section 4(5) of the PPIP Act and Section 10 of the HRIP Act, Council is not considered to have collected personal information of persons if the receipt of the information by Council is unsolicited.
- 6.14 Unsolicited information provided to Council will still be treated in accordance with this Plan and the PPIP and HRIP Acts.

Role of the Privacy Contact Officer when collecting information

- 6.15 To ensure compliance with the collection IPP, Council contact forms, application forms and any written requests that involve the collection of personal information by Council will be referred to the Privacy Contact Officer prior to their use. The Privacy Contact Officer will provide advice as to:
  - a) Whether the personal information is collected for a lawful purpose
  - b) If that lawful purpose is directly related to a function of Council
  - c) Whether or not the collection of that personal information is reasonably necessary for the specified purpose.

**7. MANAGING INFORMATION**

Information management principles

7.1 When Council is managing information it must consider the following IPPs and HPPs:

<b>SECURE</b>	Council stores information securely, keeps it no longer than necessary and disposes of it appropriately. It should be protected from unauthorised access, use or disclosure.
<b>ACCURATE</b>	Council makes sure the information is relevant and accurate before using it.
<b>LIMITED</b>	<p>Council only uses personal information for the purpose it was collected unless the person has given their consent, or the purpose of use is directly related to the purpose for which it was collected, or to prevent or lessen a serious or imminent threat to any person’s health or safety.</p> <p>Council only use health information for the purpose which it was collected or for a directly related purpose, which a person would expect. Otherwise, Council would generally need their consent to use the health information for a secondary purpose.</p> <p>Council only discloses health information for the purpose for which it was collected, or for a directly related purpose that a person would expect. Otherwise, Council would generally need their consent.</p>
<b>RESTRICTED</b>	Council only discloses personal information with a person’s consent or if the person was told at the time that it would be disclosed. Council will only use the personal information for the purpose for which it was collected. The personal information can be used without a person’s consent in order to deal with a serious and imminent threat to any person’s health or safety.
<b>SAFEGUARDED</b>	Council cannot disclose sensitive personal information without a person’s consent. It can only disclose sensitive personal information without consent in order to deal with a serious and imminent threat to any person’s health or safety.



<b>NOT IDENTIFIED</b>	When managing health information, Council only use unique identifiers if it is reasonably necessary to carry out its functions efficiently
<b>ANONYMOUS</b>	When managing health information, give the person the option of receiving services from Council anonymously, where this is lawful and practicable.
<b>CONTROLLED</b>	Council only transfers health information outside New South Wales in accordance with HPP 14.

Use of information

- 7.2 Council will seek to ensure that information collected for one purpose will be used for that same purpose, e.g., when a form is submitted by a customer, a name and email address will generally be used to respond and provide the requested information. If the information needs to be used for a different purpose, Council will first gain the consent of the individual concerned. Exemptions apply (see Clause 10).
- 7.3 Council ensures that the information provided is accurate and current before using it, e.g., contacting the individual, or comparing an individual’s personal information against records provided to Council by the individual.

Disclosure of information

- 7.4 Council will not disclose personal information to another person or body, unless:
  - a) The disclosure is directly related to the purpose for which the information was collected, and we believe that the individual concerned would object to the disclosure
  - b) The individual is reasonably likely to have been aware, or we make them aware, that this type of information is usually disclosed to that other person or body
  - c) Consent has been provided by the individual, for example, through a request for information under the GIPA Act.
- 7.5 Council will not disclose personal information relating to an individual’s ethnic or racial origin, political opinions, religious or philosophical beliefs, trade union membership, health or sexual activities unless the disclosure is necessary to prevent a serious or imminent threat to the life or health of an individual concerned or another person.

Offences under the PPIP Act

- 7.6 It is a criminal offence for:
  - a) A Councillor or Council employee to intentionally disclose or use any personal information about another person outside of the lawful exercise of their official functions or in accordance with the Public Interest Disclosures Act 2022
  - b) A person to induce or attempt to induce a Councillor or Council employee (by way of a bribe or other similar corrupt conduct) to disclose any personal information about another person
  - c) A person to offer to supply, or holds themselves as being able to supply, personal information that has been disclosed unlawfully.
- 7.7 To minimise the risk of Councillors and Council employees of committing an offence, this Plan will be provided during induction to all Councillors and employees, and Council will provide targeted education and training.



Storage and security of information

- 7.8 Information collected by Council is stored in various systems, including:
  - a) ECM – Council’s records management system
  - b) Property and Rating – Council’s property management system
  - c) IntraMaps – Council’s mapping system
  - d) Pulse – Council’s business process management system
  - e) Locked storage for physical records
  - f) Offsite storage at the Government Records Repository.
- 7.9 Electronic information collected by Council is kept secure by:
  - a) Password security for users
  - b) Classification systems in ECM to protect confidential information
  - c) Access limitations
  - d) Daily backups of all information.
- 7.10 Physical information collected by Council is kept secure by:
  - a) Locked storage areas, and access key card secure areas
  - b) Destroying records following appropriate retention and disposal authorities.
- 7.11 To ensure your personal information is stored correctly and securely, Council will comply with:
  - a) Any records management policies and procedures
  - b) The general retention and disposal authority for local government records and other records management standards released by the State Archives Records Authority NSW
  - c) Any internet security policies and procedures
  - d) Council’s Data Breach Policy in instances where security protocols have failed or been overridden.

**8. ACCESSING AND AMENDING INFORMATION**

Information access and amendment principles

8.1 When Council is managing the access and amendment of information it must consider the following IPPs and HPPs:

<b>TRANSPARENT</b>	Council explains to the person what information about them is being stored, why it is being stored, why it is being used and any rights they have to access it.
<b>ACCESSIBLE</b>	Council allows people to access their information without unreasonable delay or expense.
<b>CORRECT</b>	Council allows people to update, correct or amend their personal information where necessary.





---

Accessing your personal information

- 8.2 Council will take reasonable steps to enable a person to determine whether we hold personal information about them. If Council holds any information about a person, upon request we will advise them the nature of that information, the main purposes for which it is held, and that person's entitlement to access it under the PPIP Act or GIPA Act (see Attachment – Personal Information Enquiry).
- 8.3 Council's response could be subject to any applicable conditions or limitations contained in the GIPA Act.

Informal application

- 8.4 Individuals who wish to access or amend their personal and/or health information should contact Council with their request. We generally ask that you put your request in writing for recordkeeping purposes. Informal requests could include updating your contact details, such as your mailing address or phone number, or requesting to be removed from a Council mailing list.
- 8.5 Members of staff wishing to exercise their right of access to their personal information should direct their enquiry to the Manager People and Development, who will deal with their request.

Formal application

- 8.6 You can make a formal application to access or amend your personal or health information at any time without first making an informal request. If you have made an informal request, Council may ask that you complete a formal request instead due to the complexity of your request or the amount of information that falls within the scope of your request.
- 8.7 Address your formal application to the Privacy Contact Officer (see clause 5.8) using the form in Attachment – Personal Information Enquiry, and either post or email your application to Council.
- 8.8 Council has the responsibility of providing the requested information without excessive delay or expense, so will ordinarily provide a response to applications of this kind within 20 business days of receiving the application. You will be notified in writing if a response is expected to take longer than this.
- 8.9 You have the right to make a formal application to access information under the GIPA Act. For more information, please refer to Council's Access to Information Policy available on our website.

Amending your personal information

- 8.10 If your personal information is amended, Council will notify you of the amendments made. If your information was received by other people or entities, if you request it and if it is reasonably practicable to, Council will notify the recipients of your information that amendments were made.
- 8.11 Council will only make appropriate corrections, deletions or additions to your personal information to ensure that the information:
- a) Is accurate, and
  - b) Is relevant, up to date, complete and not misleading.
- 8.12 If Council is not prepared to amend your personal information, Council will notify you in writing with the reasons for the refusal. Additionally, Council may attach to the information in such a manner as is capable of being read with the information, any statement provided by you.





Accessing or amending other people's information

- 8.13 The PPIP and HRIP Acts give people the right to access their own information, but do not generally give people the right to access someone else's information, unless:
- a) Under section 26 of the PPIP Act, a person can consent to Council disclosing their personal information to someone else
  - b) Under sections 7 and 8 of the HRIP Act, an 'authorised person' can act on behalf of someone else
  - c) 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, to help find a missing person, or for compassionate reasons.
- 8.14 If none of the above scenarios are relevant, a third party can make an application for access to government information (that could include personal information) under the GIPA Act.

**9. PUBLIC REGISTERS**

Public registers of Council

- 9.1 The PPIP Act says a public register is a register of personal information that is required by law to be, or is made, publicly available or open to public inspection.
- 9.2 Council will not disclose any personal information contained in a public register unless it is satisfied that the information is to be used for a purpose relating to the purpose of the register or the Act under which the register is kept.
- 9.3 To ensure that the information being disclosed is going to be used for a purpose relating to the purpose of the register, Council may require any person who applies to inspect personal information contained in a public register to provide a statutory declaration as to the proposed use of the information (see Attachment – Statutory Declaration for access to a Public Register).
- 9.4 Council's public registers are available on Council's website, or by request or inspection. Council controls the following public registers:
- a) Land register (S53 of the Local Government Act 1993)
  - b) Record of approvals (S113 of the Local Government Act 1993, Schedule 1 of the Government Information (Public Access) Regulation 2018)
  - c) [Record of returns of interests](#) (Schedule 1 of the Government Information (Public Access) Regulation 2018)
  - d) Record of orders made (Schedule 1 of the Government Information (Public Access) Regulation 2018)
  - e) Record of rates and charges (S602 of the Local Government Act 1993)
  - f) [Register of planning decisions](#) (S375A of the Local Government Act 1993)
  - g) Non-residential roll and roll of occupiers and ratepaying lessees (S302 of the Local Government Act 1993)
  - h) Register of consents and certificates (Clause 4.58 of the Environmental Planning and Assessment Act 1979)
  - i) Record of building certificates (Clause 6.26 of the Environmental Planning and Assessment Act 1979)



- j) Register of licences held (S308 of the Protection of the Environment Operations Act 1997)
- k) Record of property taken possession of (S33 of the Public Spaces (Unattended Property) Act 2021).

Suppression of information in public registers

- 9.5 Under Section 58 of the PPIP Act, a person can make an application in writing to the General Manager to suppress personal information in a public register. Suppression can involve the removal of personal information, a request to not have the personal information placed in the public register, and a request to not have the information disclosed to the public.
- 9.6 If Council is satisfied that the safety or wellbeing of any person would be affected by not suppressing the personal information as requested, Council will suppress the information in accordance with the request unless Council is of the opinion that the public interest in maintaining public access to the information outweighs any individual interest in suppressing the information. When in doubt, Council will err in favour of suppression.
- 9.7 For any other material available for public inspection that is not in a public register, a person can make an application to the General Manager to suppress certain information under Section 739 of the Local Government Act 1993. The application can be made in circumstances where the material discloses or would disclose the person's place of residence and the person considers that the disclosure would place their personal safety or their family's safety at risk.

Public Registers and the GIPA Act

- 9.8 Section 57 of the PPIP Act prevails over clause 1(3) of Schedule 1 of the GIPA Regulation to the extent of any inconsistency. Therefore:
  - a) If a register is listed in Schedule 1 of the GIPA Regulation, access must not be given except in accordance with Section 57(1) of the PPIP Act.
  - b) If a register is not listed in Schedule of the GIPA Regulation, access must not be given except:
    - i) if it is allowed under Section 57(1) of the PPIP Act; and
    - ii) there is no overriding public interest disclosure of the information under Section 6 of the GIPA Act.

**10. EXEMPTIONS**

- 10.1 The IPPs are modified by the IPC's Privacy Code of Practice for Local Government (the Code), which was developed to enable Local Government to fulfil its statutory duties and functions under the Local Government Act 1993 while remaining compliant with the PPIP Act.
- 10.2 Exemptions to the IPPs exist under PPIP Act and the Code, including, but not limited to:

<b>COLLECTION</b>	<p>Council can indirectly collect personal information if it is collected in connection with proceedings before any court or tribunal.</p> <p>Council can indirectly collect personal information, or not inform the person why we are collecting their information and what will be done with it if Council is:</p> <ul style="list-style-type: none"> <li>• investigating or otherwise handling a complaint or other matter that could be referred to, or has been referred from or made by, an investigative agency, and</li> <li>• if compliance might detrimentally affect (or prevent the exercise of) the Council's complaint handling or investigative functions.</li> </ul>
-------------------	--



	<p>Council can indirectly collect personal information if it is reasonably necessary when an award, prize, benefit or similar form of personal recognition is intended to be, or may be, conferred upon the person whom the information relates.</p>
<p><b>USE</b></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 functions and Council is reasonably 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> <li>• where the use of the information for another purpose is reasonably necessary for law enforcement purposes or for the protection of public revenue</li> <li>• where Council is investigating or handling a complaint or matter that could be referred to (or has been referred from) an investigative agency</li> <li>• where it is reasonably necessary in order to enable Council to exercise its complaint handling or investigative functions.</li> </ul>
<p><b>DISCLOSURE</b></p>	<p>Council may disclose personal information to public sector agencies or utility providers on the condition that:</p> <ul style="list-style-type: none"> <li>• the agency or utility provider has approached Council in writing</li> <li>• Council is satisfied that the information is to be used by that agency or utility provider for the proper and lawful functions of that agency or utility provider, and</li> <li>• Council is satisfied that the personal information is reasonably necessary for the exercise of that agency or utility provider's functions.</li> </ul> <p>Council may disclose personal information where personal information about an individual collected or held by Council is to be disclosed for the purpose of conferring upon that person, an award, prize, benefit or similar form of personal recognition.</p> <p>Council may disclose personal information where it is requested by a potential employer to verify:</p> <ul style="list-style-type: none"> <li>• that a current or former employee works or has worked for Council</li> <li>• the duration of their employment, and</li> <li>• the position occupied during their employment.</li> </ul> <p>Council can disclose personal information where the disclosure is necessary to investigate an offence or where there are reasonable grounds to believe an offence has been or may be committed.</p> <p>Council can disclose personal information for law enforcement purposes, including:</p> <ul style="list-style-type: none"> <li>• where the disclosure is made to a law enforcement agency in connection with proceedings for an offence</li> <li>• where the disclosure is made to a law enforcement agency for the purpose of ascertaining the whereabouts of a person reported to be missing</li> <li>• where the disclosure is authorised by subpoena, search warrant or other statutory instrument.</li> </ul>



<b>PUBLIC REGISTERS</b>	Council may allow any person to inspect a publicly available copy of a public register in Council premises and copy a single entry or a page of register without requiring the person to provide a reason for accessing the register and without determining that the proposed use of the register is consistent with the purpose of the register or the Act under which the register is kept.
<b>PUBLIC INTEREST DIRECTIONS</b>	Under Section 41 of the PPIP Act, the Privacy Commissioner can make Public Interest Directions to waive or make changes to the requirements for a public sector agency to comply with an IPP. There are no Public Interest Directions that currently apply to Council.

## 11. YOUR RIGHTS

### Internal review

11.1 Under the PPIP Act and HRIP Act a person who is aggrieved by the conduct of Council in regard to the management of their personal information is entitled to a review of that conduct.

11.2 The process for applying for an internal review at Council is:

- a) An application for an internal review must be made within six months of when the person first became aware of the conduct.
- b) The application is to be in writing and addressed to Council's Privacy Contact Officer (see clause 5.8).
- c) The Privacy Contact Officer will conduct the privacy review unless they are substantially involved in any matter relating to the application or the complaint involves the Privacy Contact Officer. If so, the General Manager will appoint a Reviewing Officer to conduct the internal review. The Reviewing Officer must not be substantially involved in any matter relating to the application, they must be an employee at Council, and they have to be suitably qualified.
- d) The internal review must be completed as soon as is reasonably practicable in the circumstances. If the review is not completed within 60 days of the lodgement, the applicant is entitled to seek an external review.
- e) Council must notify the Privacy Commissioner of an application for internal review as soon as practicable after its receipt, keep the Commissioner informed of the progress of the application and inform the Commissioner of the findings of the review, including the actions it proposes to take in relation to the application.
- f) The Privacy Commissioner is entitled to make submissions in relation to an internal review and Council is required to consider any relevant material submitted by the Commissioner. Council must provide the Commissioner with a draft of Council's internal review report to enable the Commissioner to make a submission.
- g) Council may provide a copy of any submission made by the Privacy Commissioner to the applicant.
- h) Council must notify the applicant of the outcome of the internal review within fourteen days of its determination. A copy of the final review should be provided to the Privacy Commissioner where it departs from the draft review.



### Reporting

11.3 Under Section 54 of the PPIP Act, Council must:

- a) Report privacy internal reviews to the Privacy Commissioner as soon as practicable after receiving the application
- b) Inform the Privacy Commissioner of the progress of the internal review
- c) Inform the Privacy Commissioner of the findings of the review and the proposed actions.

### External review

11.4 If the complainant is not satisfied with the findings of the review or the action taken by Council in relation to their application, they may appeal to the NSW Civil and Administrative Tribunal (NCAT) for an administrative review.

11.5 You have 28 calendar days from the date of the internal review decision to seek an external review.

11.6 The NCAT can impose their own decision and can make a range of orders including, but not limited to:

- a) An award of damages for a breach of an IPP or HPP
- b) Ordering Council to take specified steps to remedy any loss or damage suffered by the applicant
- c) Ordering Council to correct disclosed personal information
- d) Ordering Council to refrain from any conduct or action in contravention of an IPP.

11.7 To apply for an external review or to obtain more information about seeking an external review, please contact the NCAT at:

- Website: <https://www.ncat.nsw.gov.au/>
- Phone: 1300 006 228
- Mail: PO Box K1026, Haymarket NSW 1240

### Privacy Commissioner

11.8 You can make a complaint to the Privacy Commissioner about an alleged breach of your privacy under the following conditions:

- a) It can be in writing or verbal, but a verbal complaint may be required to be put in writing
- b) The complaint must be made within 6 months from the time the complainant first became aware of the conduct.

### Informal resolution

11.9 Prior to, or instead of, requesting an internal review, Council invites you to discuss any privacy concerns you may have to provide us with the opportunity to informally resolve them. You can do this by:

- a) Raising your concerns directly with the Privacy Contact Officer
- b) Making a complaint following Council's Customer Feedback Policy.



11.10 Note that you have six months from when you first become aware of the potential breach to seek an internal review, so consider this time frame when deciding whether to make a request for internal review or to proceed with an informal resolution.

#### Public interest disclosures

11.11 You are entitled to make a voluntary public interest disclosure to the Information Commissioner if you think there has been a government information contravention, or to the Privacy Commissioner if you think there has been a privacy contravention. You can contact the IPC at:

- Email: [ipcinfo@ipc.nsw.gov.au](mailto:ipcinfo@ipc.nsw.gov.au)
- Phone: 1800 472 679
- Mail: GPO Box 7011, Sydney NSW 2001
- Visit: Level 15, McKell Building, 2-24 Rawson Place, Haymarket NSW 2000

## **12. TRAINING AND EDUCATION**

12.1 Council's Privacy Contact Officer is available to provide staff with advice if they have questions about privacy matters.

12.2 This Plan will be available on Council's intranet and website. It will be provided to staff and contractors during induction and provided to Councillors in their Councillor Handbook upon becoming a Councillor. Committee members may also be provided with copies upon commencement. When reviewed and updated, all staff and Councillors will be notified and/or provided with a copy of the amended Plan.

12.3 Councillors, all staff of the Council including staff of council businesses, and members of Council Committees should be acquainted with the general provisions of the PPIP Act, the HRIP Act and in particular, the twelve Information Protection Principles, the fifteen Health Privacy Principles, the Public Register provisions, the Privacy Code of Practice for Local Government, this Plan and any other applicable Code of Practice.

12.4 Appropriate training and/or briefings will be provided to staff and Councillors on privacy matters. If required, staff and Councillors will be sent to external courses to provide additional information about the PPIP Act and recent decisions relating to GIPA and Privacy issues.

12.5 Council will promote privacy across the organisation when appropriate, for example: Privacy Awareness Week which occurs in May every year and is a global privacy initiative, or notifying staff when privacy legislation is amended and impacts the functions of Council.



**13. ROLES AND RESPONSIBILITIES**

Position	Roles and Responsibilities
Director Corporate Services	As Council's Public Officer, the position is responsible for dealing with requests from the public concerning the Council's affairs and has the responsibility of assisting people to gain access to public documents of the Council.
Manager Governance and Risk	<p>As Council's Privacy Contact Officer the position is responsible for:</p> <ul style="list-style-type: none"> <li>• Ensuring that all internal reviews and complaints about privacy are dealt with in the proper manner</li> <li>• Receiving advice and updated information from the IPC about the PPIP Act and HRIP Act and ensuring relevant actions are taken by Council in response</li> <li>• Acting as a first point of contact with the IPC for all matters related to privacy and personal information</li> <li>• Acting as Council's internal privacy expert by:                             <ul style="list-style-type: none"> <li>- Coordinating the implementation of the privacy legislation in Council, including developing and reviewing the Privacy Management Plan</li> <li>- Providing advice or assistance in relation to any of Council's functions or projects that have privacy implications</li> </ul> </li> <li>• Ensuring adequate and relevant privacy education and training is available for staff.</li> </ul>
All Council officers and Councillors	<ul style="list-style-type: none"> <li>• Ensuring the security of all Council records</li> <li>• Refusing to directly provide ad-hoc information that contains personal information to any person without forwarding it to the Governance and Risk Branch for processing, unless the document is already publicly available, for example, on Council's website</li> <li>• Being mindful of personal details being discussed in the public domain. A person's personal details should not be divulged to other persons.</li> </ul>





#### 14. DEFINITIONS

<b>Council Official</b>	Councillors, members of the staff of Council, Committee members, contractors, consultants and volunteers representing Council in an official capacity
<b>GIPA Act</b>	the Government Information (Public Access Act) 2009
<b>health information</b>	see Clause 6.4 of this Plan
<b>HPP</b>	means Health Privacy Principles under the Health Records and Information Privacy Act 2002
<b>HRIP Act</b>	the Health Records and Information Privacy Act 2002
<b>information</b>	means both personal and health information, unless otherwise specified. It includes documents held in paper records, electronic records, video recordings, photographs, and genetic characteristics such as fingerprints
<b>IPP</b>	means Information Protection Principles within the Privacy and Personal Information Protection Act 1998
<b>personal information</b>	see Clause 6.2 of this Plan
<b>PPIP Act</b>	the Privacy and Personal Information Protection Act 1998
<b>public register</b>	see Clause 9 of this Plan

#### 15. RELATED DOCUMENTS

##### 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](#)
- [Privacy Code of Practice for Local Government](#)
- [Public Interest Disclosures Act 2022](#)

##### Related policies

- Council's Code of Conduct
- Access to Information Policy
- Customer Feedback Policy
- Public Interest Disclosures Policy
- Data Breach Policy
- Councillor and Staff Interaction Policy

##### Procedures

- Records Management OMS
- Data Breach Response Plan

##### Fact Sheet

- [IPC's Fact Sheet: Information Protection Principles \(IPPs\) for agencies](#)
- [IPC's Fact Sheet: Health Privacy Principles \(HPPs\) for agencies](#)

#### 16. ATTACHMENTS



# Statutory Declaration for access to a Public Register held by Hawkesbury City Council

**Statutory Declaration**  
**Oaths Act 1900, Ninth Schedule**

I, the undersigned <sup>(1)</sup> ..... (1) insert full name

of <sup>(2)</sup> ..... (2) insert address

In the State of New South Wales, do solemnly and sincerely declare that:

I am <sup>(3)</sup> ..... (3) insert relationship, if any, to person inquired about

I seek to know whether <sup>(4)</sup> ..... (4) insert name

is on the public register of <sup>(5)</sup> ..... (5) applicant to describe the relevant public register

The purpose for which I seek this information is <sup>(6)</sup> ..... (6) insert purpose for seeking information

The purpose for which the information is required is to <sup>(7)</sup> ..... (7) insert purpose

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

**Signature of Applicant** .....

Declared at: .....

in the said State  
this ..... day of ..... 20 .....

in the presence of .....

**Name of Justice of the Peace/Solicitor**

Who certifies that:

1. \*I saw the face of the declarant/deponent OR  
\*I did not see the face of the declarant/deponent because he/she was wearing a face covering, but I am satisfied that he/she had a special justification for not removing it, and
2. \*I have known the person for at least 12 months OR  
\*I have confirmed the person's identity with

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

.....  
**Signature of Justice of the Peace/Solicitor to be printed**

# Privacy Notification Form

## PERSONAL INFORMATION

### What is personal information?

Personal information is information or an opinion about an individual whose identity can reasonably be ascertained from that information or opinion. It can include, but is not limited to, information such as your name, date of birth, contact details, education or employment history.

Any personal information held by Hawkesbury City Council is protected by law, specifically the Privacy and Personal Information Protection Act 1998.

### Why is your personal information collected and used?

Your personal information is collected for a lawful purpose that is directly related to Council's activities, and the information is necessary for that purpose. Any personal information collected for one purpose should be used by Council for that same purpose, for other lawful and proper functions of Council, or if another exemption applies.

### Disclosure of your personal information

Hawkesbury City Council will not disclose your personal information to another person or body unless required and only if one of the following exemptions apply:

- The disclosure is directly related to the purpose for which the information was collected, and we reasonably believe that you would not object
- You are made aware that this type of information is usually disclosed
- You have provided consent to disclose it
- It is being disclosed to another public sector agency or utility provider for the proper and lawful functions of that agency or provider
- It is necessary to investigate an offence
- It is for law enforcement purposes, such as to a law enforcement agency or for a subpoena.

### Further information

Further information about Hawkesbury City Council's collection, management and use of your personal information can be found in Council's Privacy Management Plan, available through Council's Policy Register on our website [here](#).

## USE OF YOUR PERSONAL INFORMATION

<b>Council Officer Name</b>		<b>Branch</b>	
<b>Purpose for collection</b>			
<b>Relevant legislation</b>			
<b>Use of information</b>			



## CONSENT FOR COLLECTION OF YOUR PERSONAL INFORMATION

### Type of Collection

**Pre-Collection**

- To be used if Hawkesbury City Council is seeking your consent to collect, manage and use your personal information prior to its collection.

**Post-Collection**

- To be used if Hawkesbury City Council is seeking your consent to manage and use your personal information after it has been collected.

### Declaration

#### Participant Declaration

By signing below, I confirm that I have read and understood this document, and where required consent to the collection of my personal information in accordance with this document.

Participant Name	Signature	Date

#### Legal Guardian Declaration (where applicable)

I am the appointed legal guardian of the participant and am authorised to agree to provide consent for, and on behalf of, the participant.

Tick box if applicable -

Legal Guardian Name	Signature	Date

#### Privacy Notice

Council is bound by the provisions of the Privacy and Personal Information Protection Act 1998, in the collection, storage and utilisation of personal information provided in this form. Accordingly, the personal information will only be utilised for the purposes for which it has been obtained and may be available for public access and/or disclosure under various NSW Government legislation.

# Personal Information Enquiry

## Applicant Details

NAME

ADDRESS

EMAIL

PHONE

## Type of Application

OPTION 1

Application to determine whether Council holds personal information about me

OPTION 2

Application for access to my personal information held by Council

OPTION 3

Application to alter my personal information held by Council

### If Option 1 (choose one)

- I want to know all personal information that Council holds about me
- I want to know if Council holds the following specific personal information about me:


### If Option 2 (choose one)

- I want access to all of my personal information that Council holds
- I want access to the following specific personal information about me that Council holds/may hold:


### If Option 3

I propose the following changes:


The reason/s for these changes are as follows:


The evidence for these changes is shown in the following attached documents:


Date

Signature

#### Privacy Notice

Council is bound by the provisions of the Privacy and Personal Information Protection Act 1998, in the collection, storage and utilisation of personal information provided in this form. Accordingly, the personal information will only be utilised for the purposes for which it has been obtained and may be available for public access and/or disclosure under various NSW Government legislation.



## Checklist

Updated July 2019

# Identifying privacy issues

During preparation of any proposal, a positive answer to any of the following questions will suggest early consultation with the Privacy Contact Officer in your agency, or with the NSW Privacy Commissioner, who has an advisory role under the [Privacy and Personal Information Protection Act 1998](#) and the [Health Records and Information Privacy Act 2002](#).

	Assessment questions	Status	Comments
1	Will the proposal involve collection of personal/health information, compulsorily or otherwise?	<input type="checkbox"/> YES <input type="checkbox"/> NO	
2	Does the proposal envisage a new use for personal/health information that is already held?	<input type="checkbox"/> YES <input type="checkbox"/> NO	
3	Will the proposal restrict access by individuals to their own personal/health information?	<input type="checkbox"/> YES <input type="checkbox"/> NO	
4	Will the proposal establish or amend a public register?	<input type="checkbox"/> YES <input type="checkbox"/> NO	
5	Does the proposal change or create any confidentiality provisions or secrecy provisions relating to personal/health information?	<input type="checkbox"/> YES <input type="checkbox"/> NO	
6	Are any proposed powers of entry, search or seizure involved?	<input type="checkbox"/> YES <input type="checkbox"/> NO	
7	Is any surveillance proposed?	<input type="checkbox"/> YES <input type="checkbox"/> NO	
8	Are any new or amended offences proposed relating to the misuse of personal/health information?	<input type="checkbox"/> YES <input type="checkbox"/> NO	
9	Am I disclosing personal or health information for the primary purpose for which the personal information was collected in the first place?	<input type="checkbox"/> YES <input type="checkbox"/> NO	

	Assessment questions	Status	Comments
10	Will the proposal create an identification system, eg using a name, a number, or biometric signature like a finger scan? Will it require existing ID, such as a driver's licence?	<input type="checkbox"/> YES <input type="checkbox"/> NO	
11	Is it proposed to link or match personal/health information across or within agencies?	<input type="checkbox"/> YES <input type="checkbox"/> NO	
12	Does the proposal involve exchange or transfer of personal/health information outside NSW, whether with another government or otherwise?	<input type="checkbox"/> YES <input type="checkbox"/> NO	
13	Does the proposal relate to handling personal/health information for research or statistics, de - identified or otherwise?	<input type="checkbox"/> YES <input type="checkbox"/> NO	
15	Does the proposal contain any other measures that may affect privacy?	<input type="checkbox"/> YES <input type="checkbox"/> NO	

*\*This checklist is based on the Office of the Victorian Privacy Commissioner model. Reproduced with alterations with kind permission from Privacy Victoria.*

### For more information

Contact the Information and Privacy Commission NSW:

**freecall:** 1800 472 679  
**email:** [ipcinfo@ipc.nsw.gov.au](mailto:ipcinfo@ipc.nsw.gov.au)  
**website:** [www.ipc.nsw.gov.au](http://www.ipc.nsw.gov.au)