

Privacy Management Plan

1 INFORMATION ABOUT THIS PROCEDURE

PROCEDURE INFORMATION

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FURTHER DOCUMENT INFORMATION AND RELATIONSHIPS

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| Related Legislation | Privacy and Personal Information Protection Act 1998 Crimes Act 1900 Government Information (Public Access) Act 2009 (GIPA Act) and Government Information (Public Access) Regulation 2009 Government Information (Information Commissioner) Act 2009 (GIIC Act) Independent Commission Against Corruption Act 1988 Public Interest Disclosures Act 1994 (PID Act) State Records Act 1998 and State Records Regulation 2015 Health Records and Information Privacy Act 2002 |
| Related Policies | TBC – Privacy Policy PP027 – Records and Information Management Policy IP-ICT-105 Information Access and Use IP-ICT-111 Data Breach IP-ICT-111.01 – Data Breach Response Plan PP020 Complaints Management Policy |

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| Related Procedures, Protocols, Statements and Documents | P042 – Records and Information Management Strategy Privacy Statement Customer Service Charter PP031 – Code of Conduct |
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3 PURPOSE

The purpose of this Privacy Management Plan (PMP) is to explain how Goldenfields Water County Council (Goldenfields Water) manages personal and health information of our customers, Board members, staff, contractors and all who come in contact with Goldenfields Water in accordance with NSW privacy laws. This includes the *Privacy and Personal Information Protection Act 1998* (PPIP Act) and the *Health Records and Information Privacy Act 2002* (HRIP Act).

The PMP also explains:

- who you should contact with questions about the information collected and retained by Goldenfields Water,
- how to access and amend your stored information and;
- what to do if you believe Goldenfields Water may have breached the PPIP or HRIP Acts.

Additionally, the PMP is used to support Goldenfields Water's staff about how to deal with personal information. This helps to ensure that Goldenfields Water complies with the PPIP Act, the HRIP Act and the *Government Information (Public Access) Act 2009* (GIPA).

3.1 Data Breach Plan

In addition to this PMP, Goldenfields Water has a Data Breach Response Plan that sets out Goldenfields Water's procedures for managing a data breach, including the considerations around notifying those persons whose privacy may be affected by the breach.

4 SCOPE

The PPIPA, HRIPA and this Plan apply, wherever practicable, to:

- Board members.
- Goldenfields Water employees
- Consultants and contractors of Goldenfields Water
- Volunteers
- Audit, Risk & Improvement Committee members.
- Anyone working for Goldenfields Water in any capacity.

5 DEFINITIONS

| Term | Definition |
|--------------------------------------|---|
| Employee | Means, for the purposes of this Plan, any person working as a direct employee of Goldenfields Water or in the capacity of a contractor or consultant whether in a casual, temporary, or permanent capacity. |
| Staff | Any person working in a casual, temporary, or permanent capacity at Goldenfields Water, including consultants and contractors. |
| Personal Information | Personal information is defined in section 4 of the PPIP Act. It is any information or opinions about a person where that person's identity is apparent or can be reasonably ascertained. Personal information can include a person's name, address, information about a person's family life, information about a person's sexual preferences, financial information, photos, etc. |
| Health Information | Health information is a more specific type of personal information and is defined in section 6 of the HRIP Act. Health information can include, among other things, information about a person's physical or mental health such as a psychological report, a blood test or an Xray, or even information about a person's medical appointment. |
| PPIPA Act | <i>Privacy and Personal Information Protection Act 1998</i> |
| HRIP Act | <i>Health Records and Information Privacy Act 2002</i> |
| Public Register | Means a register of personal information that is required by law to be, or is made, publicly available or open to public inspection (whether or not on payment of a fee). |
| Goldenfields Council | Goldenfields Water County Council – also referred to as Council. |
| Collection (of personal information) | The way in which Goldenfields Water County Council acquires personal and/or health information, which can include a written or online form, a verbal conversation, a voice recording or a photograph. |
| Disclosure (of personal information) | |

| | |
|--|--|
| | When Goldenfields Water County Council makes known to an individual or an entity, personal or health information not previously known to them |
| Exemptions from compliance with Information Protection Principles (IPPs) | As provided under Division 2 and Division 3 of Part 2 of the PPIP Act |
| Investigative agencies | Any of the following: the NSW Ombudsman's office, the Independent Commission against Corruption (ICAC) or the ICAC inspector, the Law Enforcement Conduct Commission (LECC) or the LECC Inspector and any staff of the Inspector, the Health Care Complaints Commission, the Office of the Legal Services Commissioner, and Inspector of Custodial Services. |
| Law enforcement agencies | Any of the following: the NSW Police Force or the police force of another State or Territory, the NSW Crime Commission, the Australian Federal Police, the Australian Crime Commission, the Director of Public Prosecutions of NSW or another State or Territory or of the Commonwealth, Department of Justice, Office of the Sherriff of NSW. |
| We, Us and Our | "We", "Us" & "Our" refer to Goldenfields Water County Council (ABN 54 357 453 921) 84 Parkes Street, Temora NSW 2666. |
| Government information | Government information is any record held by an agency, a private sector entity or the State Records Authority to which the agency has an immediate right of access, or a record that is in the possession or under the control of a person in his or her capacity as an officer of the agency. A record means any document or other source of information compiled, recorded, or stored in written form or by electronic process, or in any other manner or by any other means. |

6 PERSONAL AND HEALTH INFORMATION

We collect personal information to carry on our business and provide our services to you as per your request.

6.1 Information that is not personal information

Personal information does not include information about an individual that is contained in a publicly available publication. Personal information, once it is contained in a publicly available publication, ceases to be covered by the PPIPA Act.

The following are examples of publicly available documents:

- an advertisement containing personal information in a newspaper.
- personal information published on any social media platform.
- books or magazines that are printed and distributed broadly to the general public.
- Council business papers or that part that is available to the general public.
- personal information that may be a part of a public display on view to the general public

Information published in this way ceases to be covered by the PPIPA Act.

Government Information is subject to the requirements of the *Government Information (Public Access) Act 2009*, under which Council must release information unless there is an overriding public interest against disclosure. Information about this can be found in the [Public Interest Disclosures Policy](#) on our website.

6.2 Information that Council might collect.

The following are examples of the types of personal and health information and circumstances where we may collect personal information in exercising our functions:

Board Members

Council holds personal information concerning Board members, including:

- personal contact information
- pecuniary interest returns
- any declarations of interest made at Board meetings.
- any complaints or disciplinary matters
- entitlements to fees, expenses, and facilities

Customers and Residents

Council holds personal and possible health information in its records such as:

- Property records
- Billing records
- Pensioner and concession details
- Financial records Details of circumstances relating to hardship and debt management.
- Customer requests
- Donation, grant, and sponsorship applications
- Leases, licences, and agreements
- Submissions, materials, and information collected as part Council's community engagement, educational outreach, and consultation activities.

Employees, volunteers, and contractors

Council holds personal and health information concerning its employees, volunteers, and contractors as appropriate, such as:

- Personal contact information and emergency contact details

- Recruitment material
- Pre-employment medical information
- Bank account details.
- Wage and salary entitlements
- Leave and payroll data.
- Medical certificates and medical information
- Disclosure of interest returns
- Workers' compensation records
- Performance management plans
- Disciplinary matters

Council will only collect Personal Information and Health Information of Employees, Volunteers and Contractors that is directly related to and reasonably necessary for the purpose for which it is collected.

6.3 How Council collects personal and health information

Council collects and receives people's personal and health information in a variety of ways, to perform services and functions. The collection of this information may be in writing, e-mail, inquiry from the website, through your use of our online application Goldenfields Water App ('App'), over the phone, by fax or in person.

Council will decide what level of information is appropriate to be collected for each enquiry on a case-by-case basis. This is on the understanding that the details collected must contain enough information to be an accurate record of the issue and assistance given but should not contain unnecessary personal and/or health information.

6.4 Personal Information and Health Information Use

Council uses personal and health information in the regular course of its business, including the provision of services and ongoing management of staff, volunteers, and contractors. Additionally, Council may be required to use information in circumstances outlined by relevant legislation.

Direct Marketing

Council Customers can indicate a preference for the receipt of informational and marketing materials. Customers may prefer a hard copy via the post or an electronic transmission. Where an individual has indicated a preference regarding a method of communication, we endeavour to use that method if practical to do so.

Council complies with the *Commonwealth Spam Act 2003* regarding sending of emails to customers. Prior to sending any message that could be construed to be marketing, we will first seek to confirm that permission has been granted to use a customer's email address for that purpose. Our email message will identify us as the sender and contain our contact details.

Council may confirm that permission has been granted where the permission is either express or inferred. Express permission can include:

- filling in a form
- ticking a box on a website
- over the phone
- face to face
- correspondence – via mail or email

It is inferred by Council that a person gives permission to be contacted by email or text message for marketing purposes if they are a current customer and the message that we send is related to a service they already have. An example of this may be the Customer Newsletter.

Informational Correspondence

On occasion, Council may also infer that a person gives permission to be contacted by email or text message for information purposes if they are a current customer and the message that we send is related to a service they already have. An example of this would be a notification about planned works that may affect the customer or emergency repairs.

6.5 Exemptions

Exemptions are located mainly in Schedule 1 of the HRIP Act and may allow Council to not comply with HRIP Act in certain situations. Council does not use the exemptions on a regular basis as they are not usually relevant to the work of Goldenfields Water. However, if an exemption were used, we would aim to be clear about the reasons for using it.

Examples of specific exemptions in the PPIPA Act and HRIP Act

There are exemptions from compliance with the PPIPA and HRIPA that apply directly to Council. These relate to situations where:

- information is collected in connection with proceedings (whether commenced or not) before any Court or Tribunal
- information is collected for law enforcement purposes.
- information is used for a purpose reasonably necessary for law enforcement purposes or to protect the public revenue.
- Goldenfields Water is authorised or required by a subpoena or search warrant or another statutory instrument.
- Goldenfields Water is investigating a complaint that may be referred or made to an investigative agency.
- Goldenfields Water is permitted by a law or Act not to comply.
- Compliance would prejudice the interests of the individual to whom the information relates.
- The individual to whom the information relates has given express consent to Goldenfields Water not to comply.
- Disclosure is permitted under the Privacy Code of Practice for Local Government

7 PUBLIC REGISTERS

A public register is defined in section 3 of the PPIPA as a register of personal information that is required by law to be, or is made, publicly available or open to public inspection (whether or not on payment of a fee). Disclosure in relation to public registers must comply with Part 6 of the PPIPA Act. Personal information cannot be accessed by a person about another person unless the personal information is contained in a public register. Where personal information is contained in a public register, Part 6 of the PPIPA applies to determine whether access to that information will be given.

It is considered that a secondary purpose for which all public registers are held by a council includes the provision of access to members of the public. Therefore, disclosure of specific records from public registers would normally be considered to be allowable under section 57 of the PPIPA. Personal information contained in a public register, other than where required by legislation, will only be disclosed where Goldenfields Water is satisfied that it is to be used for a purpose relating to the purpose of the register.

7.1 Application for disclosure

A person seeking a disclosure of someone else's personal information from a public register must satisfy Goldenfields Water that the intended use of the information is for a purpose directly relating to the purpose of the register or the Act under which the register is kept. Persons or organisations who apply to Goldenfields Water to have access to the information contained in any public register for a purpose not related to the purpose of the register, may be given access at the discretion of Goldenfields Water but only in accordance with the Code.

7.2 Suppression of information in relation to a public register

A person about whom personal information is contained (or proposed to be contained) in a public register, may request the General Manager under section 58 of the PPIPA to have the information removed from, or not placed on the register, and not disclosed to the public.

If the General Manager is satisfied that the safety or well-being of any person would be affected by not suppressing the personal information as requested, the information will be suppressed in accordance with the request. The General Manager may, however, form the opinion that the public interest in maintaining public access to the information outweighs any individual interest in suppressing the information. When in doubt, Goldenfields Water will err in favour of suppression.

An application for suppression should be made in writing to the General Manager and must outline the reasons for the request. Supporting documentation may be required as appropriate. Any information that is removed from, or not placed on, a public register under this section may be kept on the register for other purposes.

7.3 Purposes of the public registers

TABLE OF PUBLIC REGISTERS

7.4 Other Registers

Council may keep other registers that are not public registers. The Information Protection Principles, this Plan, the Code and PPIPA apply to the use and disclosure of information in those registers.

8 INFORMATION PROTECTION PRINCIPLES

Below is an overview of the principles as they apply to Goldenfields Water:

IPP 1 & HPP1 Lawful collection

Council collects personal information only for a lawful purpose that is directly related to its functions and activities. we will not collect any more information than is reasonably necessary to fulfil our proper functions.

Personal and health information may include information detailed at XX.

Anyone engaged by Goldenfields Water as a private contractor or consultant that involves the collection of personal and health information must agree not to collect personal information by any unlawful means.

IPP 2 & HPP 2 Direct collection

Personal information will be collected directly from the individual unless that person consents otherwise.

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

Health information will be collected directly from the person concerned unless it is unreasonable or impractical to do so. Goldenfields Water may collect personal information from other public sector agencies in respect of specific statutory obligations where it is authorised by law to do so. (e.g. State Cover).

PIPP Act permits non-compliance with this principle if Goldenfields Water is exercising complaint handling, investigative function or is authorised or required not to comply with the principle under any Act or law.

Goldenfields Water informs people why their personal information is being collected, what it will be used for, and to whom it will be disclosed. We will tell people how they can access and amend their

personal information and any possible consequences if they decide not to give their personal information to us.

IPP 3 & HPP 3 Requirements when collecting

We inform people why their personal and health information is being collected, what it will be used for and to whom it will be disclosed. We will tell people how they can access and amend their personal and health information and any possible consequences if they decide not to give their health information to us. If the personal or health information is collected about a person from someone else, reasonable steps will be taken to ensure that the persons has been notified.

Information about the collection and use of personal information is also located in Council's Privacy Polciy and Privacy Statement. These are accessible on our website.

IPP4 & HPP 4 Relevance of information collected

Council will ensure that personal information collected is relevant, accurate, is not excessive and does not unreasonably intrude into the personal affairs of people. We will, in normal circumstances, rely on the individual to supply accurate, complete information, although in special circumstances some verification processes may be necessary.

IPP 5 & HPP5 Secure storage

Goldenfields Water has relevant policies and procedures in place to ensure that we store personal and health information securely, keep it no longer than necessary and destroy it appropriately. These are outlined in our Records Management Policy and ICT Data Security Policy located on our website.

IPP 6 & HPP 6 Transparent access

Goldenfields Water stores information for the purpose of carrying out its services and functions and to comply with relevant records keeping legislation. Individuals have a right to request access to their own information to determine what, if any, information is stored, how long it will be stored and where it is stored.

Goldenfields Water will have a privacy statement on its web page and in its annual report concerning the nature of the personal information we regularly collect, the purpose for which the personal information is used and an individual's right to access their own information.

IPP 7 & HPP 7 Access to own information

Goldenfields Water will ensure individuals are allowed to access their own personal and health information without unreasonable delay or expense. It should be understood, however, that compliance with this principle does not allow disclosure of information about other people. If access to information that relates to someone else is sought, an application must be made under the GIPA Act.

IPP 8 & HPP 8 Right to request to alter own information.

To access and/or update any personal information customers may contact us. Goldenfields Water will, at the request of the person involved, allow them to make appropriate amendments (that is, correction, deletion, or amendments) to their own personal and health information so as to ensure the information is accurate, relevant to the purpose for which it was collected, up to date and not misleading. Changes of name, address and other amendments to personal information require appropriate supporting documentation.

IPP 9 & HPP 9 Accurate use of information collected

Goldenfields Water will take all reasonable steps to ensure personal and health information is accurate, relevant, and up to date before using it. This will include considering the age of the information, its significance, the likelihood of change and the particular function for which the information is collected.

IPP 10 & HPP 10 Limits to use of information collected

Goldenfields Water only uses personal information for the purpose it was collected for, or a directly related purpose or for a purpose for which a person gives consent.

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

- Where the use is in pursuance of Goldenfields Water's lawful and proper function/s and we are satisfied that the personal information is reasonably necessary for the exercise of such function/s
- 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.

IPP 11 & HPP 11 Restricted and limited disclosure of personal and health information

Goldenfields Water will only disclose personal and health information with the individual's consent or if the individual was told at the time of collection that it would do so. PPIPA permits non-compliance with this principle if the disclosure is in relation to a complaint that is made to or referred from an investigative agency. PIPPA permits non-compliance where a disclosure is to be made to a public sector agency under the administration of the Office of Local Government.

IPP 12 Special limits on disclosure

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

- Ethnic or racial origin
- Political opinions, religious or philosophical beliefs
- Trade union membership
- Health or sexual activities

Goldenfields Water will not disclose sensitive or health information to any person or body who is in a jurisdiction outside of NSW unless:

- The disclosure is permitted under a Privacy Code of Practice
- Goldenfields Water is asked for information by a potential employer outside NSW. We may verify that a current or former employee works or has worked with us, the duration of that work, and the position occupied at that time. This exemption will not permit Goldenfields Water to give an opinion as to that person's suitability for a particular position with a particular employer, unless Goldenfields Water is satisfied that the person has provided their consent for Riverina Water to provide a reference or to be a referee, which may include an opinion as to that person's suitability for the position for which they have applied.

8.1 Specific Health Information Privacy Principles

Health information includes information or an opinion about the physical or mental health or a disability of an individual and includes personal information about a health service provided, or to be provided, to an individual.

Health information is given a higher level of protection regarding use and disclosure than is other personal information. In addition to the principles above, the following four additional principles apply specifically to health information.

HPP12 Unique identifiers

Goldenfields Water does not use unique identifiers for health information, as they are not needed to carry out our functions.

HPP 13 - Anonymity

Goldenfields Water allows people to stay anonymous where it is lawful and practical.

HPP 14 Trans-border data flow

Goldenfields Water does not usually transfer health information outside of NSW unless we have a request from a GP or specialist or legal writ.

HPP 15 Cross-organisational linkages

Goldenfields Water does not currently use a health records linkage system and does not anticipate using one in the future. However, if one were to be used, Goldenfields Water would not use one without people's consent.

8.2 Goldenfields Water staff responsibilities

Employees will be made aware of this Plan as part of induction, and it will be made available on Goldenfields Water's intranet and website. Additionally, there will be reminders provided to staff on the general provisions of the PPIPA and HRIPA, and this Privacy Management Plan.

Staff and Employees are all subject to the Code of Conduct and other relevant policies which outline expectations about the collection, use and disposal of personal and health information.

8.3 Promoting the Plan to the community

Goldenfields Water promotes public awareness of how we manage personal and health information by:

- making the Privacy Management Plan publicly available from our website or office
- writing the Plan in plain English
- letting people know about the Plan and our procedures if they enquire about personal and health information
- including privacy statements on application forms and invitations for submissions and
- community engagement

9 PRIVACY CONCERNS

Goldenfields Water encourages individuals to try to resolve any privacy concerns they may have with us informally before going through a formal review process. Please contact us by phone or email in the first instance for advice. If the issue isn't resolved to your satisfaction, you will be referred to our Privacy Contact Officer.

9.1 Internal Review

If an issue hasn't been resolved after discussions with Goldenfields Water's Privacy Contact Officer, or if you think that Goldenfields Water has breached the PPIPA or HRIPA relating to your own personal or health information you may seek an internal review. You cannot seek an internal review for a breach of someone else's privacy unless you are an authorised representative of that person.

In line with Councils Complaints Management Policy, it is the aim of Council to finalise all reviews in a timely manner. Council will appoint a suitably qualified Reviewing Officer to conduct the review. The review is to be completed within 60 days of receipt of the application. The applicant will be notified of the outcome within 14 days of the determination.

An application for internal review is to be made in writing to the Privacy Contact Officer within 6 months of when you first became aware of the conduct or decision that is the subject of the review.

9.2 External Review

If an applicant disagrees with the outcome of an internal review or is not notified of an outcome within 60 days, they have the right to seek an external review. An application for external review can only be made after an internal review has been completed and must be made within 28 days from the date of the internal review decision. If the applicant remains unsatisfied with the outcome of the external review, they may appeal to the NSW Civil and Administrative Tribunal (NCAT) for a review of Goldenfields Water's conduct of the initial review.

9.3 Alternative to lodging an application for internal review

If a person does not want to lodge an application for an internal review with Goldenfields Water, they may contact the Privacy Commissioner directly. The complaint does not need to be reviewed internally before being reviewed by the Privacy Commissioner. The role of the Privacy Commissioner includes promoting the adoption of and compliance with the information protection principles, investigating complaints, initiating privacy codes of practice, and assisting agencies manage personal information.

9.4 NSW Civil and Administrative Tribunal (NCAT)

NCAT was established on 1 January 2014. NCAT consolidates the work previously dealt with by 22 separate tribunals. Goldenfields Water's previous Privacy Management Plan was covered under the Administrative Decisions Tribunal (ADT). NCAT's broad and diverse jurisdiction and matter types are dealt with in four specialist Divisions. The division that is relevant to this Plan is the Administrative and Equal Opportunity Division. This Division reviews administrative decisions made by NSW government agencies and resolves discrimination matters.

10 OTHER APPLICABLE LAWS

This section contains information about the other laws that affect how Goldenfields Water complies with the IPPs and HPPs.

Crimes Act 1900

Under this law, Goldenfields Water must not access or interfere with data in computers or other electronic devices unless it is authorised to do so.

Government Information (Public Access) Act 2009 (GIPA Act) and Government Information (Public Access) Regulation 2009

The GIPA Act provides a mechanism to access your personal information or other information. An application can be made to Goldenfields Water to access information that Goldenfields Water holds.

Sometimes, this information may include personal and/or health information. If a person has applied for access to someone else's information, Goldenfields Water will take steps to consult with people who might have concerns regarding disclosure of their personal information.

Goldenfields Water will provide notice of the decision to ensure that people who might want to object to the release of information have time to apply for a review of the decision to release information.

Government Information (Information Commissioner) Act 2009 (GIIC Act)

Under this law, the Information Commissioner has the power to access government information held by other NSW public sector agencies for the purpose of conducting a review or investigation or dealing with a complaint under the GIPA Act and GIIC Act.

The Information Commissioner also has the right to enter and inspect any premises of an NSW public sector agency and inspect any record. This Act also allows the Information Commissioner to provide information to the NSW Ombudsman, the Director of Public Prosecutions, the Independent Commission Against Corruption, or the Police Integrity Commission.

Independent Commission Against Corruption Act 1988

Under this law, Goldenfields Water staff cannot misuse information obtained while doing their jobs.

Public Interest Disclosures Act 1994 (PID Act)

The PID Act sets in place a system to encourage public officials to report wrongdoings. The NSW Information Commissioner is responsible for receiving complaints made as public interest disclosures about government information contraventions, as provided for under the PID Act.

The definition of personal information under the PPIP Act excludes information contained in a public interest disclosure. This means that 'personal information' received or collected under the PID Act is not subject to the IPPs or HPPs. The PID Act requires Goldenfields Water to not disclose information that might identify or tend to identify a person who has made a public interest disclosure.

State Records Act 1998 and State Records Regulation 2015

This law sets out when Goldenfields Water can destroy its records. It also authorises the State Records Authority to establish policies, standards, and codes to ensure that NSW public sector agencies manage their records appropriately.

11 RELEVANT CONTACTS

For assistance in understanding the processes under the PPIP Act and HRIP Act, please contact Goldenfields Water's Privacy Contact Officer or the Information and Privacy Commission.

Goldenfields Water

The Privacy Contact Officer
84 Parkes Street Temora NSW 2666
Telephone: 02 6977 3200
Fax: 02 6977 3299
Email: office@gwcc.nsw.gov.au

Information & Privacy Commission

GPO Box 7011 SYDNEY NSW 2001
Phone 1800 472679

Email: ipcinfo@ipc.nsw.gov.au

NSW Civil and Administrative Tribunal (NCAT)

Level 10, John Maddison Tower 86-90 Goulburn Street SYDNEY NSW 2000
Phone 02 93775859 Or 1300 006228