

**Goldenfields  
WATER**



**County Council**

# Privacy Management Plan

Adopted by Council Minute 13/053 - June 2013

## **PREFACE**

The *Privacy and Personal Information Protection Act 1998* requires all councils to prepare a Privacy Management Plan outlining their policies and practices to ensure compliance with the requirements of that Act and the *Health Records and Information Privacy Act 2002* (the HRIPA), if applicable.

Goldenfields Water County Council does not hold, nor has it the foreseeable opportunity or requirement to hold personal health records of customers during its normal course of business. Therefore, it is considered that the requirements under the HRIPA Act are not applicable in Council's situation.

## **INTRODUCTION**

The object of this plan is to inform:

- The community about how their personal information will be used, stored and accessed after it is collected by the Council; and
- Council staff of their obligations in relation to handling personal information and when they can and cannot disclose, use or collect it.

The Privacy and Personal Information Protection Act (PPIPA) provides for the protection of personal information and for the protection of the privacy of individuals. Section 33 PPIPA requires all councils to prepare a Privacy Management Plan.

PPIPA provides for the protection of personal information by means of 12 Information Protection Principles. This plan addresses each of the protection principles.

## **PERSONAL INFORMATION**

### What is personal information?

Personal information is defined in s.4 PPIPA to mean information or an opinion about an individual whose identity is apparent or can reasonably be ascertained from the information or opinion. This information can be on a database and does not necessarily have to be recorded in a material form.

It includes a person's name, address, and phone number and can also include such things as vehicle registration (if personalised) and email address. It also includes information relating to an individual's ethnic or racial origin, political opinions, religious or philosophical beliefs, trade union membership, health or sexual orientation.

Health information is personal information that is information or an opinion about:

- (a) the physical or mental health or a disability (at any time) of an individual,
- (b) an individual's express wishes about the future provision of health services to him or her, or
- (c) a health service provided, or to be provided to an individual.

### What is NOT personal information?

Personal information does not include information that is contained in a publicly available publication. Accordingly, any personal information that is publicly available is not considered personal information for the purposes of PPIPA – this includes personal information

- (a) in newspapers, magazines, books,
- (b) on the internet,
- (c) that has been included in Council's business papers or attachments,
- (d) in the phone book
- (e) on the Electoral Roll

### **APPLICATION OF THIS PLAN**

PPIPA and this Plan apply wherever practicable to:

Councillors  
Council employees  
Consultants and contractors of Council  
Members of Council committees

### **PUBLIC REGISTERS**

Public registers maintained by Council contain personal information. Although their name suggests that they should be available to the public, Part 6 of PPIPA restricts public access to them. Public registers are defined in s.3 PPIPA as registers of personal information that are required by law to be, or are made, publicly available or open to public inspection (whether or not on payment of a fee).

Section 57 PPIPA sets out very stringent controls over the disclosure of personal information contained in a public register. It provides that where Council is responsible for keeping a public register, it will not disclose any personal information kept in that 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.

This needs to be weighed against the general emphasis on government processes and information being open and accountable. This suggests that a secondary purpose of all public registers is the provision of access to the public.

Accordingly, Council will permit public access to one entry or one page of a public register without requiring the applicant to state his or her purpose for access. However, more extensive access will not be granted unless the applicant furnishes Council with a statutory declaration as to the proposed use of the information to be obtained from the register and that use conforms with the purpose for which the register is kept.

Council will not disclose personal information kept in a Public Register unless the information is to be used for a purpose relating to the purpose of the Register, or an Act under which the Register is kept.

Council requires that any person who applies for information from a public register completes a statutory declaration describing the intended use of any information obtained from the inspection.

- 1. Information that is publicly available (s12, Local Government Act) -** List of information that is available to the public free of charge.
- 2. Register & Tabling of Pecuniary Interest Returns (s450A, Local Government Act) -** Information is available to the public free of charge.
- 3. Charging Record (s602, Local Government Act) -** Council will not release the names and addresses of owners to any commercial valuation enquiries.

#### Suppression of information on a public register

Should Council receive an application for suppression of personal information contained on a public register, it will deal with the application under s58 PPIPA rather than s739 LGA.

If Council is satisfied that the safety or well-being of a person would be affected by not suppressing their personal information as requested, Council will suppress the information unless it is of the opinion that the public interest in maintaining public access to the information outweighs any individual interest in suppressing it (s58(2) PPIPA) When in doubt, Council will err in favour of suppression.

Any suppressed information may still be used by Council for its own purposes.

#### **INFORMATION PROTECTION PRINCIPLES (Part 2, Div 1, s8 to s19, PPIPA)**

##### **1. The Council will not collect personal information unless:**

- Information is collected for a lawful purpose that is directly related to a function or activity of Council.
- The collection of the information is reasonably necessary for that purpose.
- Council will not collect personal information by any unlawful means.

##### **2. When collecting personal information, Council will collect information only from the individual to whom the information relates, unless:**

- The individual has authorised collection from someone else.
- The information has been provided by a parent or guardian of a person under the age of 16.

##### **3. When Council collects personal information about an individual, that person will be notified of:**

- The fact that the information is being collected.
- The purposes for which the information is 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.
- Council's name and address - details of where the information will be stored.

**4. Council will take reasonable steps to ensure:**

- That information collected is relevant to a purpose, is not excessive, and is accurate, up to-date and complete.
- The collection of the information does not intrude to an unreasonable extent on the personal affairs of the individual to whom the information relates.

**5. With regard to the retention and security of personal information, Council will ensure:**

- That information is used for a lawful purpose and is kept for no longer than is necessary
- That the information will be disposed of securely
- That the information is protected against loss, unauthorised access, use, modification or disclosure and against all other misuse (as are reasonable in the circumstances)
- That if it is necessary to release the information to a person in connection with the provision of a service to Council, everything reasonable is done to prevent unauthorised use or disclosure of the information.

**6. If Council holds personal information about any individual, it must take the necessary steps to enable any person to ascertain:**

- Whether the Council holds personal information relating to that person.
- If Council holds personal information relating to that person:
  - the nature of that information.
  - the main purposes that the information is being used.
  - that person's entitlement to gain access to that information.

**7. Any person will be able to ascertain whether Council holds their personal information by completing a Document Access Request Form.**

**8. Any person who is unhappy with the accuracy or acceptable use of their personal information kept by Council, may request amendments be made to that information by writing to the General Manager.**

**9. Council will take reasonable steps to ensure the accuracy of personal information prior to use, having regard to the purpose it was collected, its proposed use, its relevance, accuracy, whether it is up to-date, complete and not misleading.**

**10. Council will not use personal information for a purpose other than for which it was collected, unless:**

- The individual to whom the information relates has consented to use the information for that other purpose.
- The other purpose for which the information is used is directly related to the purpose for which it was collected.
- The use of the information for that other purpose is necessary to prevent or lessen a serious and imminent threat to the life or health of the individual to whom that information relates or of another person.

**11. Council will take reasonable care not to disclose personal information unless:**

- The disclosure is directly related to the purpose for which it was collected and there is no reason to believe the individual concerned would object.
- The individual has been made aware that this kind of information is usually released.
- Disclosure is necessary to prevent or lessen a serious or imminent threat to the life of the individual concerned or another person.

**12. Council will take reasonable care not to disclose personal information:**

- That relates to an individual's ethnic or racial origin, political opinions, religion 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 the individual concerned or another person.
- Relates to any enquiry from anyone outside the state of NSW, unless:
  - A relevant privacy law applies to personal information in force in that jurisdiction.
  - The disclosure is permitted under a Privacy Code of Practice (a law determined by the Privacy Commissioner and published in the Government Gazette).

## **INTERNAL REVIEW**

**Where a person, who has requested information, is aggrieved by the conduct of Council in the following circumstances:**

- Contravention of a privacy principle that applies to Council
- Contravention of a Code of Practice that applies to Council
- Disclosure of personal information kept on a Public Register

**then that person (applicant) is entitled to apply for an Internal Review.**

The application for review must be in writing and addressed to:

General Manager  
Goldenfields Water County Council  
PO Box 220  
TEMORA NSW 2666

The application must be lodged six (6) months from the time the applicant first became aware of the conduct (the subject of the application).

**The application will be dealt with by the Public Officer (Manager Finance & Administration), who will consider any relevant material submitted by either the applicant or the Privacy Commissioner.**

The review will be completed as soon as reasonably practicable within 60 days from the receipt of the application for review.

Following completion of the review, Council may do one or more of the following:

- take no further action on the matter.
- make a formal apology to the applicant.
- take appropriate remedial action.
- provide undertakings that the conduct will not occur again.
- implement administrative measures to ensure that the conduct will not occur again.

**As soon as practicable within 14 days of the completion of the review, Council will notify the applicant in writing of:**

- the findings and the reasons for those findings
- any proposed actions to be undertaken

the right of the applicant to have those findings, and the Council's proposed action, reviewed by the Administrative Appeals Tribunal.

## **TRAINING & EDUCATION**

During induction, employees should be made aware of the Privacy Management Plan.

Councillors, all staff of the Council and members of Council Committees should be acquainted with the general provisions of the PPIPA, and in particular, the 12 Information Protection Principles, the Public Register provisions, the Privacy Code of Practice for Local Government, this Plan and any other applicable Code of Practice.

**Appendix 1: Statutory Declaration for access under Section 57 of  
the Privacy and Personal Information Protection Act 1998 to a  
Public Register held by Council**

**Statutory Declaration**  
**Oaths Act, 1900, 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  
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 1994.**

\_\_\_\_\_  
**Signature of Applicant**

Declared at:

in the said State this \_\_\_\_\_ day of \_\_\_\_\_ 20 \_\_\_\_\_

before me.

\_\_\_\_\_  
**Signature of Justice of the Peace/Solicitor**

\_\_\_\_\_  
**Name of Justice of the Peace/Solicitor to be printed**



**Appendix 2: Privacy Notification Form - Section 10 (Pre – Collection)**

*(Addressed to the person from whom information is about to be collected or has been collected.)*

The personal information that Council is collecting from you is personal information for the purposes of the Privacy and Personal Information Protection Act 1998 (PPIPA).

The intended recipients of the personal information are:

- officers within the Council;
- data service providers engaged by the Council from time to time;
- any other agent of the Council; and
- \_\_\_\_\_ (INSERT NAME OF OTHER INTENDED RECIPIENTS)

The supply of information by you is:        Voluntary        Not voluntary

If you cannot provide, or do not wish to provide, the information sought, the Council

- maybe unable to process your application.
- will be unable to process your application.

Council is collecting this personal information from you in order to:

\_\_\_\_\_  
You may make application for access or amendment to information held by Council.

You may also make a request that Council suppress your personal information from a public register. Council will consider any such application in accordance with the PPIPA.

Council is to be regarded as the agency that holds the information. However, if it **is not** Council who holds or controls the information, please state below who does:

\_\_\_\_\_  
(INSERT NAME OF AGENCY WHO HOLDS OR CONTROLS THE INFORMATION)

Enquiries concerning this matter can be addressed to: \_\_\_\_\_

Signature \_\_\_\_\_

Name to be printed \_\_\_\_\_

Date signed                                /          /



**Appendix 4: Application under Section 13 of the Privacy and Personal Information Protection Act 1998: To determine whether Council holds personal information about a person.**

**Personal information held by the Council**

I, <sup>(1)</sup> \_\_\_\_\_

(1) insert full name

of <sup>(2)</sup> \_\_\_\_\_

(2) insert address

Hereby request the General Manager of <sup>(3)</sup> \_\_\_\_\_

(3) insert name of Council

provide the following:

• Does the Council hold personal information about me?  Yes  No

• If so, what is the nature of that information? \_\_\_\_\_

• What is the main purpose for holding the information? \_\_\_\_\_

• Am I entitled to access the information?  Yes  No

My address for response to this application is:

\_\_\_\_\_ State: \_\_\_\_\_ Post Code: \_\_\_\_\_

**Note to applicants**

Council **will not** record your address or any other contact details that you provide for any other purpose other than to respond to your application.

As an applicant, you have a right of access to personal information concerning yourself that is held by the Council under section 14 of the Privacy and Personal Information Protection Act 1998 (PPIPA). There is a separate application form to gain access.

The Council may refuse to process this application in part or in whole if:

- there is an exemption to section 13 of the PPIPA; or
- a Code of Practice may restrict the operation of section 14.

Enquiries concerning this matter can be addressed to:

\_\_\_\_\_

**Appendix 5: Application under section 14 of the Privacy And  
Personal Information Protection Act 1998: For access to Applicant's  
Personal Information**

**Personal information held by the Council**

I, <sup>(1)</sup> \_\_\_\_\_

(1) insert full name

of <sup>(2)</sup> \_\_\_\_\_

(2) insert address

Hereby request that the <sup>(3)</sup> \_\_\_\_\_

(3) insert name of Council

Provide me with:

- (a) access to all personal information held concerning myself; or
- (b) access to the following personal information only (LIST INFORMATION REQUIRED BELOW):

My address for response to this application is:

\_\_\_\_\_ State: \_\_\_\_\_ Post Code: \_\_\_\_\_

**Note to applicants**

As an applicant, you have a right of access to personal information concerning yourself that is held by the Council under section 14 of the Privacy and Personal Information Protection Act 1998 (PPIPA).

You are entitled to have access without excessive delay or cost.

Council may refuse to process your application in part, or in whole, if:

- the correct amount of fees has not been paid;
- there is an exemption to section 14 of the PPIPA; or
- a Code of Practice may restrict disclosure.

Enquiries concerning this matter can be addressed to:

\_\_\_\_\_  
\_\_\_\_\_

**Appendix 6: Application under section 15 of the Privacy and Personal Information Protection Act 1998: For alteration of Applicant's Personal Information**

**Personal information held by the Council**

I, <sup>(1)</sup> \_\_\_\_\_

(1) insert full name

of <sup>(2)</sup> \_\_\_\_\_

(2) insert address

Hereby request that the <sup>(3)</sup> \_\_\_\_\_

(3) insert name of Council

alter personal information regarding myself in the following manner:

- I propose the following changes: \_\_\_\_\_  
\_\_\_\_\_
- The reasons for the changes are as follows: \_\_\_\_\_  
\_\_\_\_\_
- The documentary bases for those changes is as shown on the attached documents  
\_\_\_\_\_

**Note to Applicants :**

You have a right to request appropriate amendments are made (whether by way of corrections, deletions or additions) to ensure that the personal information held by the Council:

- (a) is accurate, and
- (b) having regard to the purpose for which the information was collected (or is to be used) and to any purpose that is directly related to that purpose, is relevant, up-to-date, complete and not misleading.

If Council is not prepared to amend the personal information in accordance with a request by you, Council must take such steps as are reasonable to attach to the information in such a manner as is capable of being read with the information, any statement provided by you.

If your personal information is amended, you are entitled under the Privacy and Personal Information Protection Act 1998 (PPIPA), if it is reasonably practicable, to have recipients of that information notified of the amendments made by Council.

Council may refuse to process your application in part, or in whole, if:

- there is an exemption to section 15 of the PPIPA; or
- a Code of Practice may restrict alteration.

Enquiries concerning this matter can be addressed to: \_\_\_\_\_