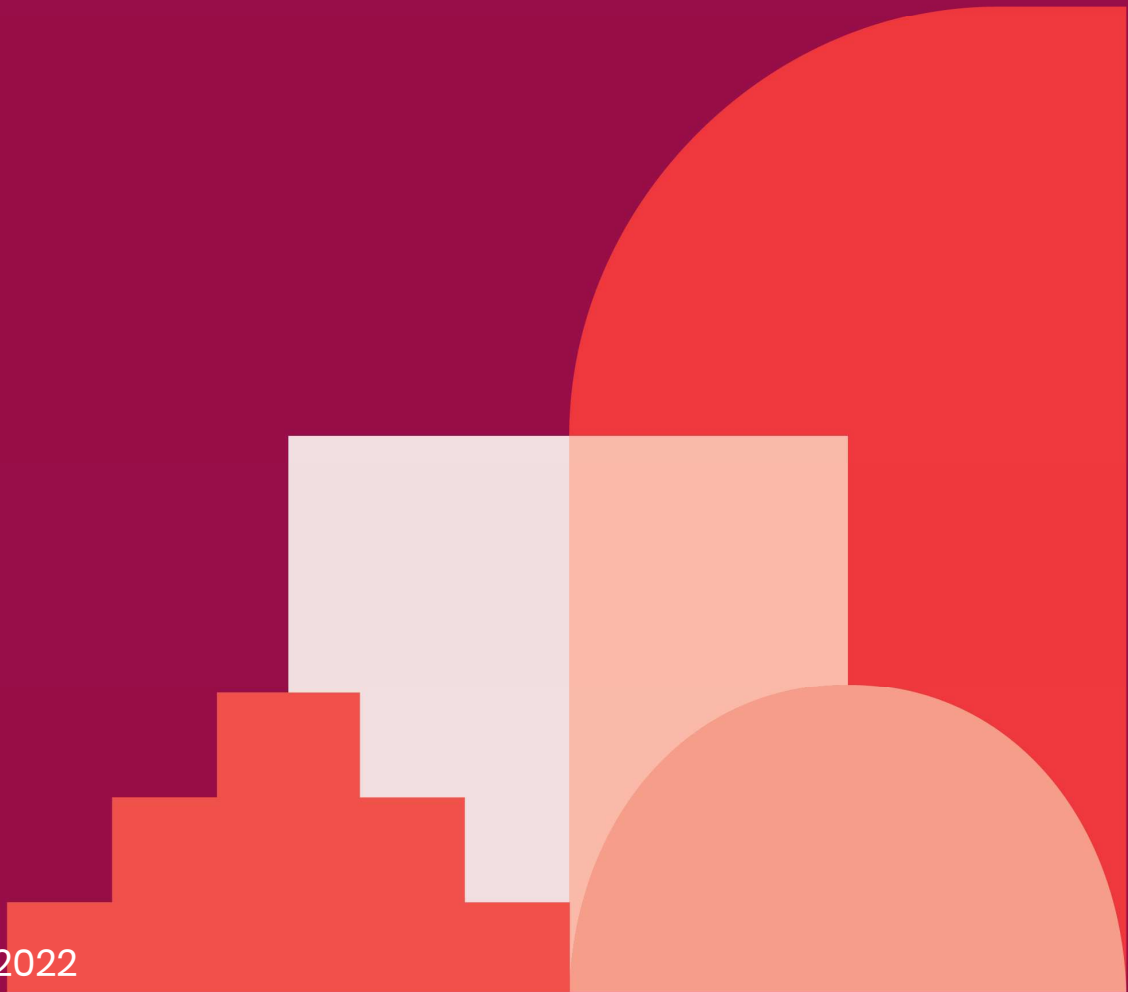




Inner West Council Privacy Management Plan



V002/2022

Title	Privacy Management Plan
Summary	The Privacy Management Plan outlines how Inner West Council complies with relevant privacy laws.
Document Type	Plan
Relevant Strategic Plan Objective	Strategic Direction 5: Progressive responsive and effective civic leadership.
Legislative Reference (NSW unless otherwise specialised)	<ul style="list-style-type: none"> • Privacy and Personal Information Protection Act 1998 (PPIP Act) • Health Records & Information Privacy Act 2002 (HRIP Act) • Government Information (Public Access) Act 2009 • Environmental Planning and Assessment Act 1979 • State Records Act 1998 • Local Government Act 1993 • Protection of the Environment Operations Act 1997 • Impounding Act 1993 • Companion Animals Act 1998 • Copyright Act 1968 (Cth)
Related Council Documents	<ul style="list-style-type: none"> • Information Management Standard • Information Management Protocol • Record Naming Standard • ICT Acceptable Use Protocol • ICT Supported Technology Standards • Data Breach Protocol • Inner West Council Social Media Policy • Code of Conduct • Public Access to Information Policy • Agency Information Guide
Version Control	See last page

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1. Definitions

Council	Inner West Council
PPIP Act	Privacy and Personal Information Protection Act 1998 (NSW)
HRIP Act	Health Records and Information Privacy Act 2002 (NSW)
GIPA Act	Government Information (Public Access) Act 2009 (NSW)
EPA Act	Environmental Planning and Assessment Act 1979 (NSW)
LG Act	Local Government Act 1993 (NSW)
IPC	Information and Privacy Commission
IPP	Information Protection Principles
IPC	Information and Privacy Commission
HPP	Health Privacy Principles

2. Introduction and Background

We are committed to protecting the privacy of all people and organisations from whom we collect personal information. We manage the personal and health information we collect and hold in accordance with relevant NSW privacy laws and guidelines issued by the NSW Information and Privacy Commission. The Information and Health Protection Principles are designed to protect the confidentiality of information and the privacy of individuals by regulating the way personal information is collected, used, disclosed, and managed.

2.01 About the Privacy Management Plan

The Inner West Council's Privacy Management Plan (Plan) has been developed in accordance with Section 33 of the PPIP Act, which requires all government agencies to prepare a privacy management plan, and also with Part 2 of the PPIP Act which outlines the Information Protection Principles.

This Plan:

- defines what constitutes personal and health information;
- outlines the way we will comply with relevant NSW privacy laws, in relation to how we manage the personal and health information we collect and hold;
- outlines staff obligations in relation to handling personal information, including collection, access, storage, and disclosure procedures, together with the way we will ensure our staff are aware of Council's privacy management standards and practices;
- outlines our procedures for dealing with the rights of people and with respect to the way we collect, store, use and share the personal information. This includes the rights of people to seek modification of their personal information and to seek an internal review or to make a complaint about a privacy issue; and
- provides other relevant information to increase staff awareness about the importance of good privacy management governance, including information security and the risk of privacy breaches.



2.2 Application of the Plan

This Plan applies, wherever practicable, to Councillors, Council employees, consultants, and contractors of Council, Council owned businesses, and Council committees (including community members of those committees which may be established under section 355 of the Local Government Act 1993). Council will ensure that all such parties are made aware that they must comply with this Plan, applicable law and applicable Council policy.

2.03 Review of the Plan

This Plan will be reviewed annually.

3. Definitions of Personal and Health Information

3.01 What is personal information?

Personal information is defined in section 4 of the PPIP Act as information or an opinion about a person where that person's identity is apparent or can reasonably be ascertained. This information can be on a database and does not necessarily have to be recorded in a material form.

3.02 What is not personal information?

There are some kinds of information that are not personal information. These are outlined in section 4 and section 4A of the PPIP Act, and section 5 of the HRIP Act. The most relevant to Council include:

- information about someone who has been dead for more than 30 years;
- information about someone that is contained in a publicly available publication (please see below);
- information or an opinion about a person's suitability for employment as a public sector official; and
- "health information", as defined by section 6 of the HRIP Act. However, "health information" is included in the PPIP Act's consideration of public registers.

3.03 What are publicly available publications?

Council considers the following to be publicly available publications:



- an advertisement containing personal information in a local, city or national newspaper;
- personal information available to the general public on the Internet;
- 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; and
- personal information that may be a part of a public display on view to the general public.

3.04 What is health information?

Health information is information or an opinion about a person's physical or mental health or disability, or information relating to the provision of health services to a person. It is defined in section 6 of the HRIP Act. Health information can include psychological report, blood tests or an x-ray, results from drug and alcohol tests, information about a person's medical appointments, and information regarding vaccination status. It can also include some personal information that is collected to provide a health service, such as a name and telephone number.

4. Personal and Health Information Collected and Held by Council

4.01 What do we collect personal and health information for?

Section 8 of the PPIP Act and schedule 1 section 1 of the HRIP Act stipulate that a public sector agency must not collect personal or health information unless the information is collected for a lawful purpose that is directly related to a function or activity of the agency, and the collection of the information is reasonably necessary for that purpose.

Council provides a wide range of functions for the community. In order to implement these functions Council must collect personal and health information in order to communicate with and cater to the needs of stakeholders. This may be pension information collected for the purposes of granting rates rebates, contact information provided by customers requesting a service, or health care information provided to ensure the safety and wellbeing of children and staff in our childcare centres.

Examples of functions that involve the collection of personal and health information include:



- the employment of staff and the provision of associated services, such as training, health and fitness assessments, workplace adjustments, employee assistance programs, etc;
- the provision of community services and facilities, such as waste collection, events, childcare centres, youth services, seniors' services, business support services, community groups, libraries, sports and recreation, parks, roads and other infrastructure, etc;
- regulation, such as development assessment and compliance, building certification, health and fire safety, parking, companion animals, etc;
- notification and community engagement, including notification of development applications and public works, email lists for newsletters and community services, etc;
- public participation in Council meetings;
- collection of rates;
- grants and grant applications;
- citizenship ceremonies;
- awards and prizes;
- reports, submissions, complaints, and feedback regarding any of the above.

4.02 What kinds of personal and health information do we collect?

- Personal and health information that we hold can include:
- customer contact details (e.g. addresses, emails, phone numbers, emergency contacts);
- financial (e.g. rates information, bank account, tax file number, pension status);
- employee information (e.g. personal contact information, payroll data, performance management plans, vaccination status, medical certificates);
- registers (e.g. pecuniary interest returns, related party disclosures, land);
- primary personal information (e.g. signature, photographs, CCTV, identification documents, date of birth, full name, ATSI status, sexual orientation);
- customer health information (e.g. special needs, age, disability, allergies, vaccination status);



- family information (e.g. carer arrangements, emergency contact, Power of Attorney, guardianship, parenting plans);
- personal beliefs (e.g. political, philosophical, religious);
- lifestyle (e.g. fitness & leisure, pets, shopping habits);
- opinions about Council proposals and recommendations (both solicited through public engagement and unsolicited at Council meetings where members of the public are permitted to address Council); and
- customer reports about third parties and their behaviour (both solicited and unsolicited).

We will only collect as much of your personal information or health information as is relevant and necessary to fulfil the function for which it was collected, and we will take steps to ensure that the information collected is not excessive, is up to date and complete, and does not intrude to an unreasonable extent on the personal affairs of the person to whom the information relates, as is required by [section 11](#) of the PPIP Act and [schedule 1 section 2](#) of the HRIP Act. [Section 6](#) of this document provides further information regarding the strategies and practices utilised by Council to comply with this requirement.

Some of the information we collect may be 'sensitive information'. This includes, but is not limited to, information or an opinion about an individual's health, racial or ethnicity, political opinions, membership of a political association, sexual orientation, religious beliefs or affiliations, philosophical beliefs, membership of a professional or trade association or membership of a trade union that is also personal information. Sensitive information is subject to additional protection under [section 19](#) of the PPIP Act.

We may use and disclose your sensitive information for the primary purpose of collection, or for reasonably expected, secondary purposes, which are directly related to the primary purpose, or for purposes to which you have consented and in other circumstances authorised by the PPIP Act (e.g. where required or authorised by law to be disclosed, or where disclosure is necessary to prevent a threat to life, health or safety).

4.03 Information specifically given to us

We may ask you to provide us with certain types of personal or health information if you wish to obtain a service or product from us. This might happen over the telephone, through our website, by filling in a form, or meeting with us face-to-face. We will provide



you with a written or verbal Collection Notice to explain the following, as required by [section 10](#) of the PPIP Act and [schedule 1 section 4](#) of the HRIP Act:

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

In addition, we are required to collect certain types of personal and health information by law. Where this is the case, we will specify the law in the Collection Notice.

A Collection Notice has been included in each of Council's forms as well as on the [Council website](#). Collection Notices will be on display in customer service areas and will be provided verbally to customers who call Council.

You might also provide your personal information to us, without us directly asking for it, for example if you engage with us on social media or via a third-party app, if you write to us about a neighbourhood complaint or if you send us an unsolicited resume for employment purposes.

4.04 Information we collect from others, including unsolicited information

[Schedule 1 section 3](#) of the HRIP Act requires that health information must be collected from the individual concerned unless it is unreasonable or impracticable to do so. [Section 9](#) of the PPIP Act requires that personal information be collected directly from the individual unless otherwise authorised by that individual, or in the case of a person who is under the age of 16, from a parent or guardian. [Part 2, Division 3](#) of the PPIP Act contains exemptions that permit Council to collect personal information from third parties in certain circumstances.

In some circumstances Council does collect personal and health information from third parties. However, this is only done with the express authorisation of the individual, or where there is a legislative exemption, as described above. Examples of when we collect personal or health information about you from others include:



- Information collected to initiate or carry out Council’s regulatory functions, such as witness statements to dog attacks, motor vehicle accidents involving Council’s fleet, unauthorised building works, or illegal dumping, which is exempt under section 24 of the PPIP Act.
- Information we seek from other agencies, for example, we will confirm eligibility with the appropriate Commonwealth agency when we receive applications for a rates rebate. In these circumstances, consent is sought from the individual during the application process.
- Personal and health information from a third-party service provider, such as when we request medical examinations for potential employees. This is done with the consent of the individual during the application process.
- Information collected for the purposes of award nominations, such as the Inner West Council Citizen of the Year Awards. An exemption for the collection of this information is provided in The Privacy Code of Practice for Local Government.

4.05 Information we generate ourselves

We maintain records of the interactions we have with our customers, including the reason for the interaction and additional information gathered while we carry out our activities. Examples include waste management services, development notifications and management of complaints.

4.06 Our website and links to other sites

We collect aggregated statistical information about how visitors access and utilise our website, for diagnostic and analytic purposes. We use cookies and gather IP addresses to do this, but we do not trace these back to individual users.

On our website, we may provide links to third party websites. These linked sites are not under our control, and we cannot accept responsibility for the conduct of companies linked to our website. Before providing your personal information via any other website, we advise you to examine the terms and conditions of using that website and its privacy policy.

4.07 Public Registers

A public register is defined in section 3 of the PPIP Act as follows:

“...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).”



A list of public registers held by Council is available in Council's [Agency Information Guide](#).

Public registers held by Council that contain personal or health information can be accessed by the individual. The process for accessing personal and health information, including information in public registers, is outlined in [section 7](#) of this document.

4.08 Suppression of personal information

Under [section 739](#) of the LG Act a person can make an application to suppress certain material that is available for public inspection in circumstances where the material discloses or would disclose the person's place of living if the person considers that the disclosure would place the personal safety of the person or their family at risk. Applications to suppress personal information from a public register should be made in writing, in the format of a Statutory Declaration, to the General Manager. If we are satisfied that the safety or well-being of any person would be affected by not suppressing the person's personal information, we will suppress the information in accordance with the request, unless we are of the opinion that the public interest in maintaining public access to the information outweighs any individual interest in suppressing the information. The information may still be used in the exercise of our official functions, but it cannot be disclosed to other parties.

[Section 739](#) of the LG Act relates to publicly available material other than public registers. As such, it limits disclosure in those circumstances where an application for suppression is successful. An application for suppression must be verified by statutory declaration and otherwise meet the requirements of [section 739](#). When in doubt, Council will err in favour of suppression.

4.09 How we use personal and health information

In accordance with sections [17](#) and [18](#) of the PPIP Act and schedule 1 sections [10](#) and [11](#) of the HRIP Act, we will only use or disclose your personal or health information for the primary purpose of collection, or for reasonably expected secondary purposes which are related to the primary purpose, or for purposes to which you have consented, or as otherwise authorised by law.

Generally, Council may use and disclose your personal or health information for a range of purposes, including:

- to consider employment applications;
- to provide the service or product you have requested;
- to respond to your queries or feedback;



- to manage our employment or business relationship with you;
- to promote our other programs, products or services which may be of interest to you (where you have opted to receive such communications);
- to comply with legal and regulatory requirements;
- if otherwise permitted or required by law; or
- for other purposes with your consent, unless you withdraw your consent

Council does not have any referral arrangements or Memoranda of Understanding with any other agencies. However, we may disclose your personal or health information to third parties for the following purposes:

- if necessary, to provide the service or product you have requested
- if otherwise permitted or required by law;
- for other purposes with your consent; or
- to suppliers with whom Council has a contract.

In almost all cases where Council is collecting health information, we are doing so to provide a service to an individual or a group of individuals, or to fulfill our duty of care requirements. In these circumstances, it is not practicable for the individual to remain anonymous as this would prevent us from being able to provide the service or fulfill our duty of care. However, in accordance with schedule 1 section 13 of the HRIP Act, where it is practicable and lawful to do so, Council allows individuals the opportunity to remain anonymous in the context of their health information.

With respect to schedule 1 sections 12, 14 and 15 of the HRIP Act, Council does not assign identifiers to health information, transfer health information outside of NSW, or use a health records linkage system.

4.10 How we check the accuracy personal and health information

In accordance with section 16 of the PPIP Act and schedule 1 section 9 of the HRIP Act, Council endeavours to ensure that personal and health information used by Council is accurate and up-to-date. This is done in the following ways:

- where possible Council collects personal and health information directly from the owner of the information;
- when using personal and health information, Council staff take reasonable steps to ensure that the information is accurate and current;



- Council staff take reasonable steps to ensure that databases that include personal and health information are updated and maintained;
- where possible, facilities for customers and staff to update their personal and health information are available online;
- staff can update their personal and health information by contacting the Human Resources team;
- customers can update their personal and health information by contacting us at council@innerwest.nsw.gov.au, by calling 02 9392 5000, or by mail to PO Box 14 PETERSHAM NSW 2049.
- Council has a Privacy Contact Officer available to discuss issues related to personal and health information, including accessing and amending. See the section below for further information about the Privacy Contact Officer.

4.11 Security of personal and health information

Section 12 of the PPIP Act and schedule 1 section 5 of the HRIP Act outline requirements for public sector agencies regarding the retention and security of personal information. The way in which Council adheres to these requirements is outlined below.

Council stores digital personal and health information in secure password-protected record management systems. Physical records are stored in secure locations on Council premises. Council will take reasonable steps to protect the personal and health information we hold from loss, misuse and from unauthorised access, modification, or disclosure. The ways we do this include:

- limiting physical access to our premises;
- limiting access to the information we collect about you by providing access only to those of our personnel who need your information to carry out Council's business activities;
- requiring any third-party providers to have acceptable security measures in place to keep secure, personal information collected by Council or on behalf of Council;
- educating staff on privacy management best practice;
- putting in place physical, electronic, and procedural safeguards in line with industry standards; and



- where we no longer require your personal and health information and are not legally required to retain it, take reasonable steps to destroy or de-identify your information.

Sensitive information is subject to greater security restrictions, as is required by section 19 of the PPIP Act.

5. Legislation, Information and Health Protection Principles, Offences, and Exemptions

5.01 Privacy and Personal Information Protection Act 1998 (PIPA Act)

The PIPA Act defines how Council must manage personal information.

5.02 Information Protection Principles (IPPs)

Part 2, Division 1 of the PIPA Act contains 12 Information Protection Principles (IPPs) Council must comply with. These are:

Collection
<p>Council will:</p> <ol style="list-style-type: none"> 1. collect information only for a lawful purpose that is directly related to Council’s functions and activities; 2. collect personal information from the person concerned; 3. inform people why their personal information is being collected, what it will be used for, and to whom it will be disclosed. We will also advise people how the personal information can be accessed and amended and any possible consequences of not providing personal information to Council when it is requested by Council; 4. ensure that personal information is relevant, accurate, is not excessive and does not unreasonably intrude into people’s personal affairs;
Storage
<ol style="list-style-type: none"> 5. store personal information securely, keeps it no longer than necessary and destroys it appropriately. Personal information will be protected from unauthorised access, use or disclosure;
Access and accuracy
<ol style="list-style-type: none"> 6. be transparent about the personal information it holds, why it is used and about the right to access and amend it;

7. allow people to access their own personal information without unreasonable delay or expense;
8. allow people to update, correct or amend their personal information where it is necessary;
9. endeavour to ensure that personal information is relevant and accurate before using it;

Use

10. only use personal information for the purpose it was collected for unless it has consent for its use for another purpose;

Disclosure

11. not disclose personal information without consent, unless disclosure is permitted under the PPIP Act or other legislation;
12. not disclose sensitive personal information without consent, e.g. ethnicity or racial origin, political opinions, religious or philosophical beliefs, health or sexual activities or trade union membership.

5.03 Offences under the PPIP Act

Offences can be found in [sections 62–68](#) of the PPIP Act. It is an offence to:

- intentionally disclose or use personal information for an unauthorised purpose;
- offer to supply personal information that has been disclosed unlawfully; and
- hinder the Privacy Commissioner or their staff from doing their job.

5.04 Health Records and Information Privacy Act 2002 (HRIP Act)

The HRIP Act defines how Council must manage 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 information about a person’s physical or mental health such as a psychological report, blood test or an x-ray, and information about a person’s medical appointments. It can also include some personal information that is collected to provide a health service, such as a name and telephone number.

5.05 Health Protection Principles (HPPs)

[Schedule 1](#) of the HRIP Act contains 15 HPPs that Council must comply with. These are:

Collection

Council will:

1. collect health information only for a lawful purpose that is directly related to Council’s functions and activities;

2. ensure that health information is relevant, accurate, is not excessive and does not unreasonably intrude into people's personal affairs;
3. collect health information directly from the person concerned or with consent from the person concerned;
4. inform people:
 - why their health information is being collected.
 - what it will be used for;
 - to whom it will be disclosed;
 - how it can be accessed and amended;
 - and any possible consequences not providing health information.

Storage

5.
 - store health information securely;
 - keep it no longer than necessary and destroy it appropriately;
 - protect it from unauthorised access, use or disclosure;

Access and accuracy

6. be transparent about the health information it holds, why it is used and about the right to access and amend it;
7. allow people to access their own health information without unreasonable delay or expense;
8. allow people to update, correct or amend their health information where necessary;
9. ensure that health information is relevant and accurate before using it;

Use

10. will only use health information for the purpose it was collected for, unless it has consent for its use for another purpose;

Disclosure

11. will not disclose personal information without consent, unless disclosure is permitted under the HRIP Act or other legislation;

Identifiers and anonymity

12. may use unique identifiers for health information;
13. will allow people to remain anonymous where it is lawful and practicable;

Transfers and linkage

14. does not usually transfer health information outside of NSW; and
15. does not currently use a health records linkage system.

5.06 Offences under the HRIP Act

Offences can be found in sections 68–70 of the HRIP Act. It is an offence to:

- intentionally disclose or use health information for an unauthorised purpose; and
- offer to supply health information that has been disclosed unlawfully.

5.07 Exemptions to the Privacy and Health Protection Principles

Privacy Code of Practice for Local Government

A privacy code of practice is a legal instrument that allows a public sector organisation to make changes to an Information Protection Principle, provisions that deal with public registers, or how a rule will apply in a particular situation.

The Privacy Code of Practice for Local Government provides Council with the following exemptions in relation to the IPPs of the PPIP Act:

(IPP 2) Section 9: Collection of personal information directly from individual

Council is not required to comply with 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, or may be, conferred upon the person to whom the information relates.

(IPP 3) Section 10: Requirements when collecting personal information

Council may 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, or may be, conferred upon the person to whom the information relates.

(IPP 10) Section 17: Limits on use of personal information

Council may use personal information for a purpose other than the purpose for which it was collected in the following circumstances:

- where the use is for the purpose of undertaking Council's lawful and proper function/s and Council is satisfied that the personal information is reasonably necessary for the exercise of such function/s, or;
- 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) Section 18: Limits on disclosure of personal information

Council may disclose personal information to public sector agencies or utility providers provided:

- the agency or utility provider has approached Council in writing;
- Council is satisfied that the information is to be used by that agency or utility provider for the proper and lawful function/s of that agency or utility provider; and
- Council is satisfied that the personal information is reasonably necessary for the exercise of that agency or utility provider's function/s.

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.

Where Council is requested by a potential employer, it may verify:

- that a current or former employee works or has worked for Council;
- the duration of their employment; and
- the position occupied during their employment.

This exception shall not permit Council to give an opinion as to that person's suitability to a particular position with any potential employer unless Council is satisfied that the person has provided their consent for Council to provide a reference, which may include an opinion as to that person's suitability for the position for which he/she has applied.

(IPP 12) Section 19: Special restrictions on disclosure of personal information

For the purposes of section 19(2), where Council is requested by a potential employer outside New South Wales, it may verify that:

- a current or former employee works or has worked for Council;
- the duration of their employment; and
- the position occupied during their employment.

This exception shall not permit Council to give an opinion as to that person's suitability for a particular position with any potential employer unless Council is satisfied that the person has provided their consent for Council to provide a reference, which may include an opinion as to that person's suitability for the position for which he/she has applied.

Environmental Planning and Assessment Act 1979 (EPA Act)

The EPA Act contains provisions that require Council to make development applications and accompanying information publicly available for inspection.

Private and Personal Information Protection Act 1998 (PIIP Act)

Division 3 of the PPIP Act provides exemptions from the Privacy Protection Principles that may relate to Council in certain circumstances.

6. Implementation of this Privacy Management Plan

6.01 Public awareness

We will promote awareness of this Plan and rights under the PPIP and HRIP Acts to the public by:

- publishing this Plan on Council's website;
- telling people about the Plan when they enquire about personal and health information;
- including privacy statements on application forms and invitations for community engagement; and
- complying with the requirements of the *Government Information (Public Access) Act 2009*; the *Environmental Planning and Assessment Act 1979*; and the *Copyright Act 1968 (Cth)* when communicating with members of the public about land and environment, third party copyright material and information held by Council.

6.02 Staff awareness

In accordance with the requirements of section 33(2)(b) of the PPIP Act, we disseminate information about this Plan to our staff by:

- ensuring staff receive a copy of this Plan when they commence employment with Council;
- ensuring staff are promptly notified of updates to the Plan;
- providing training and targeted advice to staff and business units to help them understand how to deal with personal and health information in the workplace,

including in the development of Council policies (e.g. induction program, training provided by the Privacy Contact Officer and specified training for specific roles). This training will emphasise privacy management principles, minimisation of collection of personal and health information, identification and protection of sensitive information, and best practice to ensure that our policies comply with the requirements of the PPIP and HRIP Acts;

- encouraging staff to refer to the Plan and/or to liaise with our Privacy Contact Officer if they are unsure about a privacy issue;
- ensuring that staff can easily access a copy of the Plan by publishing the Plan to the staff intranet;
- promoting Plan compliance in the workplace by participating in promotional activities as part of the annual Privacy Awareness Week;
- giving third party contractors a copy of the Plan and training them in privacy where necessary; and
- ensuring the elected Council and the Audit, Risk and Improvement Committee is given a copy of this Plan.

6.03 Data breaches

Council's Data Breach Protocol provides a procedure for managing data breaches. The procedure includes key actions and responsibilities relating to containment, evaluation, notification, and prevention aspects of data breaches. The Protocol highlights the importance of protecting personal information from risk of loss, theft, unauthorised access, and accidental or unauthorised disclosure.

6.04 Privacy Contact Officer

Council's Right to Information Coordinator serves as Council's Privacy Contact Officer. Our Privacy Contact Officer coordinates a range of functions to help us to comply with legislative requirements and is the first point of contact for advice on privacy matters. Our Privacy Contact Officer:

- receives advice and updated information from the IPC about the implementation of the PPIP and HRIP Acts;
- acts as a first point of contact/liaison with the IPC for all matters related to privacy and personal information;
- acts as a focal point within Council for all matters related to privacy and personal information;



- acts as a first point of contact for members of the public for all matters related to privacy and personal information including assisting with requests to access or amend personal or health information;
- provides training, advice and support to senior staff to ensure that Council's policies comply with the requirements of the PPIP and HRIP Acts;
- disseminates information on privacy issues;
- co-ordinates the steps to be taken by Council in order to implement the PPIP and HRIP Acts, including:
 - review of Council's Privacy Management Plan;
 - guiding staff on the requirements for Privacy Notifications under section 10 of the PPIP Act;
 - privacy training for staff;
- assists members of the public in relation to interest areas or preliminary areas of concern;
- assessing privacy complaints lodged within Council and making recommendations about whether or not it is about personal information under the PPIP Act and/or health information under the HRIP Act;
- ensuring that all complaints about privacy breaches and/or internal reviews are dealt with in the proper manner;
- serves as the Right to Information Coordinator; and
- is a member of Council's Data Breach Incident Response Team.

Contact details for the Privacy Contact Officer are available below.

7. Rights of the Public

You have the right to know what, if any, personal and health information Council holds about you and to know the main purposes for which this information is used. You also have the right to access and amend the personal information and health information that we hold about you. This is outlined in sections 13, 14, and 15 of the PPIP Act and schedule 1 sections 6, 7, and 8 of the HRIP Act.



7.01 Accessing your personal or health information

Council will provide access to the information we hold about you upon request. You may also request to know the purpose for which the information was collected.

Requests to access personal or health information should be made to Council in writing to Council's Privacy Contact Officer. Council will take steps to verify the identity of the person requesting access to information.

7.02 Amending your personal or health information

You have a right to seek amendment (whether by way of corrections, deletions, or additions) to ensure your personal information:

- is accurate; and
- 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 we are not prepared to amend your personal or health information as requested by you, we will take such steps as are reasonable to attach to the amended information in such a manner that allows it to be read in conjunction with the information we hold about you.

If personal or health information is amended in accordance with the above, you are entitled, if it is reasonably practicable, to have recipients of that information notified of the amendments made by us.

Requests to amend personal or health information should be made to Council in writing to Council's Privacy Contact Officer. Council will take steps to verify the identity of the person requesting changes to information.

7.03 Accessing and amending other people's personal or health information

We are restricted from giving individuals access to someone else's personal and health information unless that person provides us with written consent. An "authorised" person must confirm their identification to act on behalf of someone else.

7.04 Other reasons Council is authorised to disclose personal and health information

There are reasons we may need to disclose personal and/or health information to others such as in the event of a serious and imminent threat to the life, health, and safety of the individual to whom the information relates, to find a missing person or for compassionate reasons.



A third party could also consider making an application for access to information, under the *Government Information (Public Access) Act 2009* (NSW). An access to information application does not guarantee the release of personal or health information, only that Council will consider release using the Public Interest Test set out in Division 2 of the GIPA Act.

7.05 Withdrawing permission to use personal or health information

There may be times when people give us permission to use their personal or health information for a purpose other than that for which it was collected. Where this occurs, we will seek written authorisation from you to permit us to use your personal information.

You may, at any time, withdraw permission for us to use your personal information for a secondary purpose. Requests must be made in writing to Council's Privacy Contact Officer. Please note that we can only discontinue further use of your personal information, not withdraw previous instances of use.

7.06 Contacting Council's Privacy Contact Officer

If you would like to resolve a privacy matter informally, including any of the above, or ask a question about your personal or health information please contact Council's Privacy Contact Officer at council@innerwest.nsw.gov.au, by calling 02 9392 5000, or by mailing your enquiry to PO Box 14, PETERSHAM NSW 2049.

7.07 Privacy complaints and review rights

Under part 5 of the PPIP Act you have the right to seek a review of our conduct with respect to the Information Protection Principles, the Privacy Code of Practice for Local Government, or personal information kept in a public register.

If you believe we have failed to comply with our privacy obligations, you can lodge an informal request with Council by contacting the Privacy Contact Officer. Alternatively you can lodge a formal application for an internal review by Council, or you may make a complaint to the NSW Privacy Commissioner. If you wish to make a privacy complaint to Council, we request that you make your complaint within 6 months to Privacy Contact Officer, Inner West Council, PO Box 14, PETERSHAM NSW 2049, or by email to council@innerwest.nsw.gov.au. There is no fee associated with a privacy complaint. A form is available via the IPC website.

The review will be conducted by the Privacy Contact Officer. If the complaint relates to the conduct of the Privacy Contact Officer, the review will be conducted by the Coordinator, Governance, or the Senior Manager, Governance. In some circumstances Council may request that the Privacy Commissioner undertake the review on our behalf.



If the matter is urgent, please contact 02 9392 5000 and ask to speak to the Privacy Contact Officer.

We will acknowledge your complaint within 10 working days, and we will endeavor to respond as quickly as possible. The Privacy Contact Officer may be required to contact you to seek clarification or further information if necessary. To help us to investigate your complaint, you should provide the following information:

- what is the conduct you are complaining about and when did it occur?
- which IPPs and/or HPPs do you think may have been breached?
- what remedy or outcome are you seeking?

We will undertake an internal investigation to assess if we have complied with our privacy obligations. Wherever practicable, our review will be completed within 60 days.

In accordance with the PPIP Act, we will advise the NSW Privacy Commissioner that we are undertaking our review. As part of the internal review process, we must keep the Privacy Commissioner informed, and we may receive submissions from the Privacy Commissioner about our review. We will notify both you and the Privacy Commissioner of the result of our review and any action taken or proposed, as soon as possible.

If we determine in the course of an internal review that we have not met our privacy obligations, we may do one or more of the following:

- make a formal apology;
- take remedial action;
- provide undertakings that the conduct will not occur again; or
- implement administrative measure to ensure that the conduct will not occur again.

If you are not satisfied with the result of Council's internal review, you can seek review in the NSW Civil and Administrative Tribunal (NCAT). Alternatively, you may lodge a complaint with the NSW Information and Privacy Commission (IPC).

The division of NCAT responsible for reviewing decisions about personal and health information is the Administrative and Equal Opportunity Division. You can contact the Administrative and Equal Opportunity Division by phone on 1300 006 228, by email at aeod@ncat.nsw.gov.au, or by mail to PO Box K1026, Haymarket NSW 1240. Further information on the NCAT review process is available via [NCAT's website](#).



You can lodge a complaint with the IPC by calling them on 1800 472 679, making a complaint online at www.ipc.nsw.gov.au, by email at ipcinfo@ipc.nsw.gov.au, or writing to them at IPC, GPO Box 7011, Sydney NSW 2001.

8. Breaches of this Plan

Breaches of this Plan may result in an investigation of the alleged breach in line with relevant Council policies including the Model Code of Conduct.

Any alleged criminal offence or allegation of corrupt conduct will be referred to the relevant external agency.

9. Administrative Changes

From time-to-time circumstances may change leading to the need for minor administrative changes to this document. Where an update does not materially alter this document, such a change may be made including branding, Council Officer titles or department changes and legislative name or title changes are considered minor in nature and not required to be formally endorsed.

10. Version Control – Guideline/Procedure History

This Guideline/Procedure will be formally reviewed annually from the date of approval or as required.

Governance use only:

Document	Privacy Management Plan	<i>Uncontrolled Copy When Printed</i>	
Custodian	Senior Manager Governance and Risk	Version #	21 Nov 2022
Approved By	Senior Manager Governance and Risk	ECM Document #	37135789
Next Review Date	30.11.2023		

Amended by	Changes made	Date
Governance & Risk	Reviewed and updated in accordance with applicable legislation and recommendations from the IPC	November, 2022