

# Privacy Policy

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Title	Privacy Policy
Summary	The Policy outlines the management protocols for the protection of privacy of all people and organisations from whom Council collects personal information.
Document Type	Policy
Relevant Strategic Plan Objective	Strategic Direction 5: Progressive responsive and effective civic leadership.
Legislative Reference	<ul style="list-style-type: none"> <li>• <i>Local Government Act 1993</i></li> <li>• <i>Privacy and Personal Information Protection Act 1998</i></li> <li>• <i>Privacy and Personal Information Protection Amendment Act 2022</i></li> <li>• <i>Health Records and Information Privacy Act 2002</i></li> <li>• <i>Government Information (Public Access) Act 2009</i></li> <li>• <i>State Records Act 1998</i></li> <li>• <i>Copyright Act 1968</i></li> </ul>
Related Council Documents	<ul style="list-style-type: none"> <li>• Model Code of Conduct</li> <li>• Agency Information Guide</li> <li>• Privacy Management Plan</li> <li>• Data Breach Policy</li> <li>• Data Breach Procedure</li> <li>• Public Access to Information Policy</li> </ul>
Version Control	See last page



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## 1. Purpose

The purpose of this policy is to set out the commitment of Inner West Council (Council) to protecting a person’s right to privacy and its practices relating to the protection of information that is personal to an individual. The implementation of this policy will maintain a culture that respects the right to privacy and will encourage stakeholder confidence.

## 2. Scope

This policy applies to all Council Officials, service providers/service partners and volunteers.

## 3. Definitions

In the Privacy Policy, the following terms have the following meanings:

Councillor	Inner West Council elected representative.
Council committee member	A person other than a Councillor or Council Officer who is a member of a Council committee other than a wholly advisory committee, and a person other than a Councillor who is a member of Council’s Audit, Risk and Improvement Committee
Council Officer	Inner West Council members of staff (including full-time, part-time, casual and contracted staff).
Council Official	Councillors, Council Officers, Council committee members and delegates of Council.
delegate of Council	A person (other than a Councillor or Council Officer) or body, and the individual members of that body, to whom a function of Council is delegated.
GIPA	<i>Government Information (Public Access) Act 2009.</i>
Health Information	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. Health information can include a 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.

HPP	Health Privacy Principles.
HRIP Act	<i>Health Records and Information Privacy Act 2002.</i>
IPC	Information and Privacy Commission of New South Wales
IPP	Information Protection Principles.
LGA	<i>Local Government Act 1993.</i>
Personal Information	Information or an opinion about a person where that person's identity is apparent or can reasonably be ascertained. This information can be in a database and does not necessarily have to be recorded in a material form.
PPIP Act	<i>Privacy and Personal Information Protection Act 1998.</i>
Privacy Legislation	The PPIP Act or the HRIP Act or both, as the context requires.
Regulation	<i>Local Government (General) Regulation 2021.</i>
service providers/service partners	A person or company engaged to provide services to Council.

## 4. Statement

Council is committed to the protection of an individual's right to privacy, and the maintenance of a culture that respects that right within Council. This Privacy Policy and the Privacy Management Plan affirm this commitment by providing a framework for Council's management and handling of information and data collected by and provided to Council.

This policy is made in compliance with the relevant legislative requirements for the management and handling of both Personal Information and Health Information to protect each individual's right to privacy. This policy provides a general outline of these management and handling principles. Detailed guidance on how Council Officials must comply with the Privacy Legislation is found in the Privacy Management Plan.

### Types of Information

Council, as outlined in the Privacy Management Plan, collects both Personal Information and Health Information from individuals engaging with Council. In accordance with legislative requirements, both types of information, as addressed in the Privacy Management Plan, will be handled and managed in strict accordance with the relevant Privacy Legislation. It is vital that Council Officials refer to the Privacy Management Plan



for the correct procedures for the collection, usage, and disclosure of all Personal Information and Health Information.

### Information Privacy Principles

Council must comply with the 12 Information Protection Principles (IPP) as outlined in Part 2 Division 1 of the PPIP Act. The IPP are divided into the following 5 categories:

1. Collection
2. Storage
3. Access and accuracy
4. Use
5. Disclosure

Council Officials must refer to the Privacy Management Plan for the correct procedures Council will undertake to ensure the IPP are met.

### Health Privacy Principles

Council must comply with the 15 Health Protection Principles (HPP) as outlined in Schedule 1 of the HRIP Act. The HPP are divided into the following 7 categories:

1. Collection
2. Storage
3. Access and Accuracy
4. Use
5. Disclosure
6. Identifiers and anonymity
7. Transfers and Linkage

Council Officials must refer to the Privacy Management Plan for the correct procedures Council will undertake to ensure the HPP are met.

### Collection of Information

In accordance with relevant Privacy Legislation, Council will hold collected information in a secure environment. Council will ensure that it will:

- Inform the individual when and for what purpose Council will be collecting the information.
- Inform the individual of the necessary information needed for them to access Council's products and services, including for payments and transactions.
- Not request or collect information deemed to be 'sensitive information' about the individual, unless there is a necessary legal, public interest or statistical requirement to complete a requested transaction.
- Take all reasonable steps to permanently remove all personal identification from the collected information when it is no longer needed.



### Security Measures

All information collected by Council is secured in accordance with policies set out in the Privacy Management Plan section 4.11 *Security of personal and health information*.

### Use of collected information

Council abides by all legislative requirements for the appropriate uses of collected information. The collected information will be used in a range of appropriate Council functions and obligations including:

- Providing tailored assistance to the individual in their use of Council services.
- Performing data analytics to inform Council of patterns in usage, services and other site functions.

### Access to Information

Council will not disclose or publish information that identifies individuals, or potentially identifies sub-groupings of individuals, without consent or otherwise in accordance with the PPIP Act. Access to Council-held raw data is restricted to a limited number of Council Officers within the Corporate Services section in Council for the purposes of data analytics.

An individual may request access to the individual's own Personal Information or Health Information by making a request in writing to Council, in accordance with section 7.01 of the Privacy Management Plan. Council will take steps to verify the identity of the person requesting the information. An individual has a right to seek amendment to their Personal Information or Health Information held by Council in order to ensure it is accurate, relevant, up-to-date, complete and not misleading.

### Disclosure of Information

Council discloses information only in accordance with all applicable Privacy Legislation and other legislation which requires the disclosure of such information, to enable Council to comply with those disclosure requirements. In accordance with the relevant Privacy Legislation and other legislation, Council may be legally obliged to make an authorised disclosure of information to other governmental or regulatory entities including:

- New South Wales Police
- Information and Privacy Commission of New South Wales
- Australian Taxation Office.

Council will not disclose an individual's Personal Information unless it has received the individual's prior consent, or it is necessary to conduct the transactions between the individual and Council, or there is a serious and imminent threat to the life, health, and safety of the individual to whom the information relates, or Council is otherwise compelled by law.



### Breaches of Privacy

Council Officials and Council as an organisation may be penalised for breaches of Privacy Legislation. Council Officials who have breached this Privacy Policy or the Privacy Management Plan may be subject to disciplinary action.

It is the responsibility of all Council Officials to comply with Privacy Legislation, the Privacy Management Plan, this policy, the Data Breach Policy, the Data Breach Procedure, the Public Access to Information Policy and the Agency Information Guide at all times.

Any occurrences of non-compliance with the Privacy Legislation, this policy, or the Privacy Management Plan must be reported in accordance with the Privacy Management Plan and the Data Breach Policy and Data Breach Procedure.

### Privacy Complaints

Any person who wishes to register a complaint about Council's handling of their personal information or believes that Council is in breach of the Privacy Legislation, has the right to do so in accordance with the procedure contained in the Privacy Management Plan under section 7.07.

If you wish to make a privacy complaint to Council, a form is available via the [IPC website](#) that can be submitted to the Privacy Officer at Inner West Council, PO Box 14, PETERSHAM NSW 2049, or by email to [council@innerwest.nsw.gov.au](mailto:council@innerwest.nsw.gov.au). There is no fee associated with a privacy complaint.



## 5. Breaches of this Policy

Breaches of this policy 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.

## 6. 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.

## 7. Version Control – Policy History

This policy will be formally reviewed every three years from the date of adoption or as required.

Governance use only:

Document	Privacy Policy	<i>Uncontrolled Copy When Printed</i>	
Custodian	Senior Manager Governance and Risk	Version #	Version 1
Approved By	Council	ECM Document #	38382684
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Amended by	Changes made	Date
Governance & Risk	Policy Developed	21 November 2023