

Privacy Management Plan

Administration

Dates	Plan approved 24/05/2023 This plan is effective upon its approval. Plan is due for review 05/2025
Approved by	Executive on 24/05/2023
Plan Owner	Head of Corporate Governance and Risk
Related Documents	Georges River Council Code of Conduct Georges River Council Access to Information Policy Georges River Council Workplace Surveillance Policy Georges River Council Data Breach Response Framework Policy Georges River Customer Feedback and Complaints Management Policy Georges River Closed Circuit Television (CCTV) Operations Policy
References & Legislation	Privacy and Personal Information Protection Act 1998 Privacy and Personal Information Protection Regulation 2019 Health Records an Information Privacy Act 2002 Privacy Code of Practice for Local Government Government Information Public Access Act 2009 Local Government Act 1993 A guide to making privacy management plans Checklist – Privacy Management Plans Education and Care Services - National Law
Document Identifier	Ref: Pol-039.02 Doc # D23/124982
Record Keeping	All documents and information obtained in relation to the implementation of this plan will be kept in accordance with the NSW State Records Act 1998, Georges River Council's Corporate Records Policy and adopted internal procedures.

Statement

Georges River Council respects, and is committed to protect, the privacy of our customers, business contacts and our employees.

Purpose

Under Section 33 of the *Privacy and Personal Information Protection Act 1998* (the PPIP Act) Councils are required to prepare and implement a Privacy Management Plan (the Plan).

The purpose of this Plan is to demonstrate how Council upholds our Statement and explain how we manage personal information in accordance with the PPIP Act and health information in accordance with the *Health Records and Information Privacy Act 2002*.

It also makes reference to personal information in line with the *Government Information (Public Access) Act 2009* (the GIPA Act). The Plan contains provisions relating to the following:

- identifies the types of personal or health information that Council collects and the purpose for which it is collected;
- explains where personal or health information is stored within Council records;
- identifies how the requirements of the PPIP Act and the Health Records and Information Privacy Act 2002 (the HRIP Act) apply to the personal and health information that Council manages;
- provides staff with the necessary knowledge and skills to manage personal and health information appropriately;
- explains how individuals may request their personal or health information or an amendment of that information to ensure that it is accurate;
- explains how access to personal or health information of a third party, held by the agency can be sought;
- ensuring that members of the public understand how to make a complaint or request an internal review;
- any other matters that may be considered relevant in relation to privacy and the protection of personal or health information held by Council.

The Plan will be reviewed every two years. A review will be undertaken sooner should the following circumstances occur:

- changes to legislation affecting personal or health information managed by Council;
- changes to Council's functions, structure, or activities, impacting on Council's management of personal or health information;
- technological advances or new systems brought into effect that may change the way Council manages personal or health information.

Scope

The PPIP Act, the HRIP Act and this Plan apply, wherever practicable, to:

- Councillors
- Council employees
- Consultants and contractors of the Council
- Council owned businesses
- Council committees (including community members of those committees which may be established under section 355 of the LGA)

Definition of Terms

Term	Meaning
<i>HRIP Act</i>	Health Records and Information Privacy Act 2002
<i>LGA</i>	Local Government Act 1993
<i>PPIP Act</i>	Privacy and Personal Information Protection Act 1998
<i>The Code</i>	Privacy Code of Practice for Local Government

1. Personal and Health Information

1.1 About personal information

Under the PIPP Act, personal information is information or an opinion about an individual whose identity is apparent or can reasonably be ascertained from the information or opinion, e.g. name, contact details, witness statement, photograph, video or audio footage. This information can be on a database and does not necessarily have to be recorded in a material form.

There are some kinds of personal information that are not personal information. These include, but are not limited to:

- information about someone who has been dead for more than 30 years;
- information about someone that is contained in a generally available publication;
- information or an opinion about a person's suitability for employment as a public sector official;
- information about an individual that is contained in a public interest disclosure within the mean of the *Public Interest Disclosures Act 1994*, or that has been collected in the course of an investigation arising out of a public interest disclosure;
- Information about an individual that is contained in a document kept in a library, art gallery or museum for the purposes of reference, study or exhibition.

1.2 About health information

Under the HRIP Act, health information that may be collected by Council, includes, but is not necessarily limited to, the following:

- personal information that is information or an opinion about -
 - the physical or mental health or a disability (at any time) of an individual, or
 - an individual's express wishes about the future provision of health services to him or her, or

- a health service provided, or to be provided to an individual, or
- other personal information that is genetic information about an individual arising from a health service provided to the individual in a form that, or could be, predictive of the health (at any time) of the individual or of a genetic relative of the individual, or
- healthcare identifiers.

1.3 How Council collects personal and health information

Under the PIPP Act, Council must collect personal information directly from the individual to whom the information relates unless:

- The individual has authorised collection of the information from someone else, or
- In the case of information relating to a person who is under the age of 16 years – the information has been provided by a parent or guardian of the person.

Under the HRIP Act, Council must collect health information about an individual only from that individual unless it is unreasonable or impractical to do so.

If Council collects health information about a person from someone else, Council will take all reasonable steps to contact the subject of the information to ensure they are aware that the information has been collected, why it was collected, and that the information was collected for a necessary and lawful purpose directly related to Council's activities.

Council collects personal and health information through the various forms that customers may complete and lodge with Council. Before Council adoption of a new form, a draft form will be reviewed for compliance with the relevant Information Protection Principle or Health Privacy Principle. Should Council have any residual doubts, the opinion of the Information Privacy Commissioner will be sought.

The compilation or referral of registers and rolls are a major means by which Council collects personal information.

Council takes active steps to make sure the information it collects is relevant, accurate, complete, up to date and not excessive. This includes collecting the information directly from the individual wherever possible, reconfirming details, and maintaining up to date databases.

Council will only collect personal information for a lawful purpose as part of its proper functions. Council will not collect any more personal information than is reasonably necessary for it to fulfil its proper functions. This includes delivering services, conducting research, providing advice, and continually improving services.

Council owned businesses, Council consultants, Council committees and private contractor, consultants or third party providers acting on the Council's behalf, that involve the collection of personal information, must abide by and comply with relevant policy obligations. This includes debt recovery actions by or undertaken on behalf of Council by commercial agents.

When any of the aforementioned entities collect personal or health information on behalf of Council, or in relation to the performance of their activities, that body or person will be required to:

- Obtain a written authorisation and consent to that collection; and
- Notify those persons in accordance with the requirements outlined in clause 1.5

The personal information contained within Petitions that are submitted to Council, are treated in accordance with the PPIP Act.

Privacy Code of Practice for Local Government

Under the Privacy Code of Practice for Local Government, Council may indirectly collect and use personal information where 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.

1.4 Personal and Health Information held by Council

Council holds personal information concerning Councillors, such as:

- personal contact information
- complaints and disciplinary matters
- pecuniary interest returns
- entitlements to fees, expenses and facilities

Council holds personal information collected from its customers, ratepayers and residents, such as:

- personal contact information
- rates records
- DA applications and related submissions
- Customer requests
- Library lending and booking records
- Event attendance
- CCTV footage
- Donation, grants and sponsorship applications
- Submissions and information collected as part of Council's community engagement and consultation activities
- Public access forum applications
- various types of health information
- Immunisation Status
- Childcare Subsidy information
- Doctor contacts
- Child Development assessments
- Allergy and Asthma diagnosis
- NDIS Funding information
- Relevant court orders
- Direct Debit Forms

Council holds personal information concerning its current and former employees, such as:

- personal contact information
- recruitment material
- leave and payroll data
- performance management Policies
- disciplinary matters
- pecuniary interest returns
- wage and salary entitlements
- health information (such medical certificates and workers compensation claims)

Council holds health information, such as:

- Tree pruning/removal application where residents approach council for a reconsideration or reassessment of a tree pruning/removal application on medical grounds
- Issuing of clean up orders which may include recording information about a resident's health, GP professional contact details or involvement with mental health services
- Volunteer programs where volunteers are asked to disclose health conditions which may preclude them from some types of volunteer work
- Meals on wheels programs where residents may be asked for medical or dietary requirements, e.g., allergies for catering purposes
- Seniors bus outings where information may be collected on special medical needs
- Councils may provide respite and social support services collecting information that is consistent with the client intake and referral record system
- Information on families for the purposes of children's services. e.g., history of illness, allergies, asthma, diabetes, epilepsy, medication etc.
- Physical exercise classes
- Some councils run Podiatry services
- Information may be collected through a healthy community program
- Children's immunisation records
- Family counsellor/youth support worker records

1.5 Privacy Protection Notice

When Council directly collects personal or health information from an individual (not via a third party provider), Council is required to ensure that, before the information is collected or as soon as practicable after collection, the individual to whom the information relates is made aware of the following:

- 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 is required by law or voluntary
- consequences for the individual if information is not provided
- ways the individual can access the information
- the name and address of the unit that is collecting the information and the unit that is to hold the information

In compliance with the PPIP Act, Council includes a Privacy and Personal Information Protection Notice on all forms, letters and documents when collecting personal information from individuals. Council's Privacy Disclaimer reads as follows:

Privacy Disclaimer:

Your personal information is being collected by Council in accordance with applicable legislation.

The provision of your personal information is voluntary, however the information assists Council in the delivery and management of the subject request, and / or as required by law.

Your personal information will be used and disclosed for the Council's purposes, or a directly related purpose, unless you consent to another use or disclosure, in emergencies or as otherwise required or authorised by law.

Should you wish to access or amend your personal information please make a written request to Council by: Post: PO Box 205, Hurstville BC NSW 1481 Email: mail@georgesriver.nsw.gov.au

For more information, please refer to Council's Privacy Management Plan

1.6 Council's use of Closed Circuit TV (CCTV)

Under the *Privacy and Personal Information Protection Regulation 2019* , Councils are exempt from some obligations contained within section 11 and section 18 of the PPIP Act relating to the collection and disclosure of personal information by using a Closed Circuit TV (CCT) camera, provided they were installed for the purpose of filming in a public place, and if the camera is positioned so no other land is filmed. Council is also exempt from section 18 of the Act with respect to the disclosure to the NSW Police Force of personal information by way of live transmission from such a CCTV camera.

Further, Council is permitted to disclose the personal information, collected through CCTV footage in this manner, to the NSW Police Force by way of live transmission from such a CCTV camera. Where Public Space CCTV cameras are in operation, signs are displayed at all entrance points to the area in question to alert individuals to the presence of CCTV systems.

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1.7 Unsolicited Information

Unsolicited information is personal or health information received by council in circumstances where Council has not asked for or required the information to be provided. It includes gratuitous or irrelevant information received. Such information is not deemed to have been collected by Council but the access, storage, use and disclosure [Information Protection Principles](#) and [Health Privacy Principles](#) in this Plan will apply to such information.

1.8 Exemptions

There are exemptions from compliance with the PPIP Act and HRIP Act that apply directly to Council. These relate to situations including, but not limited to:

- information collected in connection with proceedings before any Court or Tribunal
- information collected for law enforcement purposes
- information used for a purpose reasonably necessary for law enforcement purposes to protect the public revenue
- Council authorised or required by a subpoena or search warrant or other statutory instrument
- if Council is lawfully authorised or required not to do so
- the individual to whom the information relates has given express consent to Council to not comply

2. Access to information

2.1 Access to a person's own personal or health information

The PPIP Act and the HRIP Act give people the right to access, amend or change their own information. Under the PPIP Act, Council must, at the written request of the individual to whom the information relates, provide the individual with access to information free of charge. Section 15 of the PPIP Act allows a person to make an application to council to amend (*this includes by way of corrections, deletions or additions*) personal information held about them to ensure the information is accurate, and, having regard to the purpose for which the information is collected, relevant to that purpose, up to date and not misleading. Council wishes to have its information current, accurate and complete. Proposed amendments or changes to the personal information held by Council can be sought by making written application, marked for the attention of the Public Officer at mail@georgesriver.nsw.gov.au. Council will take steps to verify the identity of the personal requesting access or changes to information.

An individual may also request access to their personal information under the *Government Information (Public Access) Act 2009*. It is a public interest consideration in favour of disclosure of information if the information is personal information of the person to whom it is to be disclosed. Where possible, Council will process the request informally (i.e. at no charge) unless:

- There is an overriding public interest consideration against disclosure. This could be that it also contains the personal information of a third party or the information might prejudice law enforcement processes.
- You may wish to be able to request a review of the decision regarding disclosure (if you are unhappy with Council's decision). Under the GIPA Act, a right of review only applies to formal applications, which also incur an application fee. Processing charges may also apply if the request takes more than 20 hours to process, however the first 20 hours are free.

2.2 Accessing other people's personal or health information

Council will not disclose personal information to any other person (other than the individual to whom the information relates) or other body (including public sector agency) unless:

- an individual provides consent
- an "authorised person" provides consent
- the disclosure is directly related to the purpose for which the information was collected, and the agency disclosing the information has no reason to believe that the individual concerned would object to the disclosure
- the individual concerned is reasonably likely to have been aware, or has been made aware in accordance with section 10, that information of that kind is usually disclosed to that other person or body
- the agency believes on reasonable grounds that the disclosure is necessary to prevent or lessen a serious and imminent threat to the life or health of the individual concerned or another person
- they are required to by Law

2.3 Storage, access and accuracy of personal and health information

Only Council employees can access personal or health information contained within Council records.

Personal and health information are stored in electronic and hard copy formats. Electronic information will be stored on secure information systems that require individual logins. Hard copy files and sensitive information will be securely stored in facilities only accessible to Council officers.

Council will take such steps as are reasonable to ensure that personal and health information is not used before checking the relevance, accuracy, currency and completeness of the information.

For example, each employee's record is updated when there is any change of circumstances or when the employee's contact details change.

Council will store personal and health information securely, for no longer than as required and will dispose of appropriately. This will be done in accordance with the General Retention and Disposal Authority for Local Government Records issued by State Records Authority of NSW.

3. Public Registers

3.1 Definition of Public Registers

Section 56A of the PIPP Act includes 'health information' as 'personal information' on public registers. The PPIP Act governs how the Council should manage personal information contained in public registers. Under the PPIP Act, a public register is a register of personal information that is required by law to be made, or is made, publicly available or open to public inspection. Not every register held by Council will be considered a 'public register'.

Where personal information is contained in a publicly available publication, that information will not be regarded as personal information covered by the PPIP Act.

3.2 Purposes of Public Registers

A public register generally confers specific rights or privileges, a benefit, or status, which would not otherwise exist. It may be required by law to be made publicly available or open to public inspection, or it is simply made publicly available or open to public inspection (whether or not payment is required).

Council's public registers include, but are not limited to:

- Land Register
- Rates record
- Register of disclosures of interests
- Records of Approvals
- Record of building certificates
- Register of development consents
- Record of impounding
- Public record of licences

3.3 Permitted general situations in relation to the collection, use or disclosure of personal information

Council can release information if it is a permitted general situation category of information in accordance with Section 16A of the Privacy Act.

3.4 Applications for access to own records on a public register

A person wishing to have access to a public register to confirm their own details needs only to prove their identity to Council before having access to their own personal information.

3.5 Suppression of information

Any person whose personal information is recorded in a public register has the right to request that their personal details be suppressed.

An application for suppression in relation to a public register will be dealt with under PPIP Act. A person about whom personal information is contained (or proposed to be contained) in a public register, may request Council pursuant to section 58 of the PPIP

Act, to have the information removed from, or not placed on, the register as publicly available. They may also request that their information is not disclosed to the public.

If Council is satisfied that the safety or well-being of any person would be affected by not suppressing the personal information as requested, Council will suppress the information in accordance with the request unless Council is of the opinion that the public interest in maintaining public access to the information outweighs any individual interest in suppressing the information, in accordance with section 58(2) of the PPIP Act.

Any information that is removed from, or not placed on, that aspect of a public register to be made public may be kept on the register for other purposes. That is, the information may still be used for Council functions, but it cannot be disclosed to other parties.

An application for suppression should be made in writing addressed to the General Manager and must outline the reasons for the request. Council may require supporting documentation where appropriate.

Under section 739 of the Local Government Act 1993 (the LGA) a person may request (to the General Manager) that any material that is available (or is to be made available) for public inspection by or under the LGA (other than public registers) be prepared or amended so as to omit or remove any matter that would disclose or discloses the person's place of living if the person considers that the disclosure would place or places the personal safety of the person or of members of the person's family at risk. An application for suppression must be verified by statutory declaration and otherwise meeting the requirements of section 739. Note: applications relating to information contained in the residential roll must be made to the Electoral Commissioner.

3.6 Other registers

Council may keep other registers that are not public registers. The Information Protection Principles, this Policy, any applicable Codes and the PPIP Act apply to those registers or databases.

4. **Offences under the PPIP Act and the HRIP Act**

Parts 8 of the PPIP Act and HRIP Act contain offences for certain conduct of public sector officials and other persons. These offences include but are not limited to:

- Intentional disclosure, when not in connection with the lawful exercise of duty, or use of any personal or health information about another person to which the official has or had access to in the exercise of his or her official functions.
- Corrupt disclosure and use of personal and health information by public sector officials, e.g., inducing or attempting to induce a public sector official (by way of a bribe or other similar corrupt conduct) to disclose any personal or health information about another person to which the official has or had access to in the exercise of his or her official functions.

5. Complaints and Reviews

5.1 Internal Review

If an individual is not satisfied with Council's conduct in relation to their privacy request, disclosure of personal information on a public register or believe Council is contravening a privacy principle or privacy code of practice, they may make an application for an internal review of Council's conduct or decision by writing to Council's Privacy Contact Officer – pursuant to section 53 of the PPIP Act. All other complaints to be managed via the Georges River Customer Feedback and Complaints Management Policy.

5.2 Internal Review Process

Council will adhere to all legislative requirements in accordance with Part 5 of the PPIP Act when carrying out an internal review. Council will follow that process whether the conduct relates to an alleged breach of the PPIP Act or the HRIP Act and will refer to the Privacy Commissioner's guidance materials when carrying out an internal review.

Applications for an internal review are required to be made within six months from the date where the applicant became aware of the conduct relating to the application. Applications in writing are to be marked for the attention of The Privacy Contact Officer, and emailed to Council at mail@georgesriver.nsw.gov.au, or posted to:

Georges River Council
PO Box 205
HURSTVILLE BC NSW 1481

Council will endeavour to acknowledge receipt of an internal review application within 5 working days.

Notification of the outcome will be provided to the applicant within 14 days of the completion of the review.

The review must be completed as soon as reasonably practicable in the circumstances. However, an applicant is entitled to make an application to the NSW Civil and Administrative Tribunal (NCAT) for an administrative review if the internal review being conducted by Council is not completed within 60 calendar days.

5.3 Role of the Privacy Commissioner in internal review process

The Privacy Commissioner has an oversight role in how agencies handle privacy complaints and is entitled to make submissions to the Council regarding internal reviews. Council will notify the Privacy Commissioner of all internal reviews, and keep the Privacy Commissioner informed of the progress, findings and proposed action of the matter.

Submissions may be made by the Privacy Commissioner to Council in relation to an applicant's internal review. Council must consider any relevant material submitted by the Privacy Commissioner.

It is important to note that an individual may make a complaint directly to the Privacy Commissioner about an alleged breach of their privacy.

However, if an applicant requests an internal review by Council, and is dissatisfied with the outcome, request for external review may only be made with NCAT.

The NSW Privacy Commissioner is independent in this regard; and does not represent applicants or agencies at NCAT.

Further information on the role of the Information Privacy Commissioner can be obtained by contacting the Information and Privacy Commission (IPC) as follows:

Phone: 1800 472 679
Email: ipcinfo@ipc.nsw.gov.au
Address: GPO Box 7011, Sydney NSW 2001
Website: <https://www.ipc.nsw.gov.au/>

5.4 External Reviews

If an applicant is not happy with the findings of an internal review conducted by Council, or the action taken by Council in relation to the application, the person may apply to NCAT for a review of Council's decision. To seek an external review, an application must be made within 28 days from the date of the internal review determination, or within 88 days from the date of application if Council has not completed the internal review within 60 calendar days as prescribed in clause 5.2.

Contact details:

Phone: 1300 006 228
Email: aeod@ncat.nsw.gov.au
Address: PO Box K1026, Haymarket NSW 1240
Website: <https://www.ncat.nsw.gov.au/>

5.5 Alternate means of resolving privacy issues

Individuals are encouraged to seek resolution of privacy issues with Council informally before lodging an internal review.

This can be achieved by raising concerns in the following ways:

- Filling out an online [feedback form](#) located on Council's website 'Contact Us' page. This will generate an automatic response and the form will be directed to the Privacy Contact Officer.
- Contacting the Privacy Contact Officer
- Contacting the General Manager
- Providing feedback in accordance with Council's Customer Feedback and Complaints Management Policy.

6. Promoting Privacy

6.1 Staff Awareness

Council will ensure staff are aware of and understand this Plan and how it applies to the work they do. Council will promote awareness of the Plan by:

- publishing the Privacy Management Plan and related documents on Council's website and internal intranet
- communicating regularly with staff about privacy
- ensuring Council policies comply with privacy legislation
- including the Plan in staff induction packs
- offering training and advice to staff, including employee induction session
- providing targeted advice to employees and business units
- highlighting and promoting the plan

6.2 Public Awareness

This Plan provides information to members of the public about how the Council manages personal and health information. The Plan is publicly available as open access information under the GIPA Act.

Council will promote public awareness of the Privacy Management Policy by:

- publishing the Policy on Council's website
- providing hard copies of the Policy free of charge upon request
- informing members of the public about the Policy when responding to enquiries about personal and health information
- privacy disclaimer included on our online forms that collect personal or health information

7. Data Breaches

A data breach is when personal information held by Council is lost or subjected to unauthorised access, modification, disclosure, or other misuse or interference. It occurs when there is a failure that has caused or has the potential to cause unauthorised access to information held by Council in electronic or hard copy formats. Examples of a data breach are when a device containing personal information is lost or stolen, Council's database containing personal information is hacked or a Council staff member or volunteer mistakenly provides personal information to the wrong person.

Separate from this plan and governing the management of data breaches is the Council's Data Breach Response Framework Policy. This Policy is based on the PPIP Act and provides the framework on how the Council responds to data breaches of Council held information. It sets out the procedures for managing a data breach; including Mandatory Notification of Data Breach (MNDB) Scheme, notification to the Privacy Commissioner and individuals of data breaches involving personal or health information likely to result in serious harm.

8. Contact Details

Further information about Council's Privacy Management Plan can be obtained from the Council.

Website: www.georgesriver.nsw.gov.au
Privacy Contact Officer: mail@georgesriver.nsw.gov.au
Phone: 9330 6400
Postal: PO Box 205
Address: HURSTVILLE BC NSW 1481
16-32 MacMahon Street
HURSTVILLE NSW 2220
Email: governance@georgesriver.nsw.gov.au

Responsibilities

Position	Responsibility
Staff (with appropriate delegations)	<ul style="list-style-type: none">• Ensure organisational compliance with this Plan and relevant legislation
Privacy Contact Officer (Director, Business and Corporate Services)	<ul style="list-style-type: none">• Ensure compliance to internal review process• Act as main liaison between Council and Office of the Privacy Commissioner NSW• Adhere to relevant legislation, e.g. ensure personal or health information is collected lawfully and is directly related to a function of Council• Ensure collection of the information is necessary for specified purpose
Public Officer (Director, Business and Corporate Services)	<ul style="list-style-type: none">• Assist the community to access or amend personal or health information contained in Council's records
Head of Corporate Governance and Risk	<ul style="list-style-type: none">• Monitor relevant legislation and ensure the Plan is kept up to date at all times• Maintain staff training, awareness and understanding of the Plan• Ensure Plan is available for public access on the Georges River Council website• Provide advice and information to staff
Chief Information Officer	<ul style="list-style-type: none">• Responsible for the Georges River Council Data Breach Response Framework Policy
General Manager	<ul style="list-style-type: none">• Responsible for the Privacy Management Plan overall and the provision of appropriate resources and procedures to enable implementation and management

Version Control and Change History

Version	Amendment Details	Policy Owner	Period Active
2.0	Georges River Privacy Management Plan	Head of Corporate Governance and Risk	25/05/2023
1.0	New Georges River Privacy Management Plan	Manager Governance and Risk Management	23/10/2017