

1. INTRODUCTION

The *Privacy and Personal Information Protection Act 1998* (NSW) (PIIP Act) provides for the protection of personal information and for the protection of the privacy of individuals.

Section 33 of the PIIP Act requires all councils to prepare a Privacy Management Plan (the Plan) to deal with:

- the devising of policies and practices to ensure compliance by the council with the requirements of the PIIP Act and the *Health Records and Information Privacy Act 2002* (NSW) (HRIP Act);
- the dissemination of those policies and practices to persons within the council;
- the procedures that the council proposes for internal review of privacy complaints; and
- such other matters as are considered relevant by the council in relation to privacy and the protection of personal information held by it.

This Plan has been prepared for the purpose of section 33 of the PIIP Act.

The PIIP Act provides for the protection of personal information by means of 12 Information Protection Principles. Those principles are:

1. Collection of personal information for lawful purposes.
2. Collection of personal information directly from individual.
3. Requirements when collecting personal information.
4. Other requirements relating to collection of personal information.
5. Retention and security of personal information.
6. Information about personal information held by agencies.
7. Access to personal information held by agencies.
8. Alteration of personal information.
9. Agency must check accuracy of personal information before use.
10. Limits on use of personal information.
11. Limits on disclosure of personal information.
12. Special restrictions on disclosure of personal information.

Those principles are modified by the *Privacy Code of Practice for Local Government* (the Code) made by the Attorney General. To date there has been no Health Records and Information Privacy Code of Practice made for Local Government.

The Code has been developed to enable Local Government to fulfil its statutory duties and functions under the *Local Government Act 1993* (NSW) (LG Act) in a manner that seeks to comply with the PPIP Act.

This Plan outlines how Coonamble Shire Council (Council) will incorporate the 12 Information Protection Principles into its everyday functions.

This Plan should be read in conjunction with the Code.

Nothing in this Plan is to:

- affect any matter of interpretation of the Codes or the Information Protection Principles and the Health Privacy Principles as they apply to Council;
- affect any obligation cast upon Council by way of representation or holding out in any manner whatsoever;
- create, extend or lessen any obligation at law which Council may have.

This Plan is designed to introduce policies and procedures to maximise compliance with the PPIP Act and HRIP Act.

Where Council has the benefit of an exemption it will nonetheless describe procedures for compliance in this Plan. By doing so, it is not to be bound in a manner other than that prescribed by the Codes.

Council collects, stores and uses a broad range of information. A significant part of that information is personal information. This Plan applies to that part of Council's information that is personal information.

It may mean in practice that any information that is not personal information will receive treatment of a higher standard; namely, treatment accorded to personal information where the information cannot be meaningfully or practicably separated.

1.1 What is personal information?

Personal information is defined in section 4 of the PPIP Act:

"... information or an opinion (including information or an opinion forming part of a database and whether or not recorded in material form) about an individual whose identity is apparent or can be reasonably ascertained from the information or opinion."

1.2 What is not personal information?

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

Where Council is requested to provide access or make a disclosure and that information has already been published, then Council will rely on the provisions of the relevant Act that authorises Council to hold that information and not the PPIP Act, eg section 8 of the *Government Information (Public Access) Act 2009* (NSW) (GIPA Act).

In accordance with the GIPA Act, when inviting public submissions Council will advise people that their submission may be made publicly available. In most instances, such submissions will be redacted of personally identifiable information such as names and contact details.

1.3 What is health information?

Health information is defined in section 6 of the HRIP Act:

“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.”

1.4 Application of this Plan

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

- councillors;
- Council employees;
- consultants and contractors of Council;
- Council owned businesses;
- Council committees, including community members of those committees that may be established under section 355 of the LG Act; and
- customers, ratepayers and residents of Coonamble Shire Council.

1.5 Personal information held by Council

Council holds personal information concerning councillors, such as but not necessarily limited to:

- personal contact information;

- complaints and disciplinary matters;
- disclosure of interest returns;
- entitlements to fees, expenses and facilities; and
- bank account information.

Council holds personal and health information concerning its customers, ratepayers and residents in records such as but not necessarily limited to:

- rates records;
- customer requests, complaints and claims;
- library lending records;
- community service utilisation;
- CCTV footage;
- donation, grant and sponsorship applications;
- submissions and information collected as part of Council's community engagement and consultation activities;
- public forum applications; and
- development applications and related submissions.

Council holds personal and health information concerning its current and former employees in records such as but not necessarily limited to:

- recruitment material;
- pre-employment medical information;
- workers compensation investigations;
- public interest disclosure investigations;
- leave and payroll data;
- personal contact information;
- performance management plans;
- disciplinary matters;
- disclosure of interest returns;
- wage and salary entitlements; and
- bank account information.

1.6 Applications for suppression in relation to general information (not public registers)

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.

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.

For more information regarding disclosure of information (other than public registers) see the discussion of IPPs 11 and 12 in Part 3 of this Plan. For information regarding suppression of information on public registers, see Part 2 of this Plan.

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 retention, use and disclosure principles of the information will apply to any such information in Council's possession.

Personal information contained in petitions received in response to a call for submissions or unsolicited petitions tabled at Council meetings will be treated the same as any other submission and be made available for release to the public.

1.8 Applications for access to own personal or health information

Pursuant to section 14 of the PPIP Act, Council must at the request of the individual to whom the information relates and without excessive delay or expense, provide the individual with access to the information.

Additionally, section 15 of the PPIP Act requires Council, at the request of the individual to whom the information relates, to make appropriate amendments (whether by way of corrections, deletions or additions) to ensure that the 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.

Individuals wanting to access Council's records to confirm or amend their own personal or health information, such as updating contact details can do so by

contacting Council either in person or in writing. Council will take steps to verify the identity the person requesting access or changes to information.

Where a person makes an application for access under the PPIP Act which is involved or complex, and requires a formal determination, Council will provide a response within 20 working days of the application being made.

1.9 Accessing or amending other people's personal or health information

Council is restricted from giving individuals access to someone else's personal and/or health information unless that person provides us with written consent. An authorised person must confirm their identification to act on behalf of someone else by providing proof of identity. If applicable, the authorised person must provide a valid power of attorney document to act on the individual's behalf.

There may be other reasons Council may be authorised to disclose personal and health information, such as in the event of a serious and imminent threat to the life, health and safety of the individual, to find a missing person or for compassionate reasons.

Council will not provide access to a person's personal or health information records for any private matter unless compelled to do so for a statutory purpose or to comply with a court order.

2. PUBLIC REGISTERS

2.1 Definition

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

"... 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)."

Members of the public may enquire only in accordance with the primary purpose of any of these registers. The primary purpose for each of these registers is set out in the sections that follow.

2.2 Disclosure of personal information contained in public registers

Pursuant to section 57 of the PPIP Act, personal information contained in a public register, other than where required by legislation, will only be disclosed where Council is satisfied that it is to be used for a purpose relating to the purpose of the register.

Disclosure in relation to personal information not contained in a public register must comply with the Information Protection Principles as outlined in this Plan.

A person seeking a disclosure concerning someone else's personal information from a public register must give particulars, in the form of a statutory declaration, as to the intended use of any information obtained from the inspection.

2.3 Purposes of public registers

In the following section, by way of guidance only, what might be called the 'primary' purpose (or 'the purpose of the register') has been specified for each identified register. In some cases, a 'secondary purpose' has also been specified, by way of guidance as to what might constitute 'a purpose relating to the purpose of the register'.

Land Register

The primary purpose is to identify all land vested in Council, or under its control. The secondary purpose includes a consideration of public accountability as to the land held by Council. Third party access is therefore a secondary purpose.

Records of Approvals

The primary purpose is to identify all approvals granted under the LG Act.

Register of Disclosures of Interests

The primary purpose is to determine whether or not a Council official has a pecuniary interest in any matter with which the council is likely to become concerned. There is a corresponding public accountability purpose and third party access is a secondary purpose.

Register of consents and certificates

The primary purpose is to identify applications for development consent and other approvals, confirm determinations on appeal and identify applications for complying development certificates.

Record of building certificates

The primary purpose is to identify all licences granted under the POEO Act.

Record of impounding

The primary purpose is to identify any impounding actions by Council.

2.4 Secondary purpose of all public registers

Council aims to be open and accountable and it is considered that a secondary purpose for which all public registers are held by Council includes the provision of access to members of the public. Disclosure of specific records from public registers would normally be permitted.

Requests for access, copying or the sale of the whole or substantial part of a public register will not necessarily fit within this purpose. Council will make an assessment as to the minimum amount of personal information that is required to be disclosed with regard to any request.

2.5 Other registers

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

A register that Council keeps that is not a public register is the rates record. Council's position on this record is:

Rates Record

The primary purpose is to record the value of a parcel of land and record rate liability in respect of that land. The secondary purpose includes recording the owner or lessee of each parcel of land. For example, a disclosure on a rating certificate that a previous owner was a pensioner is considered to be allowed, because the secondary purpose is a 'purpose relating to the purpose of the register'. Public access to the rates record will only be granted where the purpose of the access is to obtain information necessary for a statutory purpose for which Council has an obligation to comply with, such as notifying relevant land owners of development applications and other matters where Council is required or wishes to consult its local community.

2.6 Applications for suppression of personal information in a public register

Pursuant to section 58 of the PPIP Act, a persona about whom personal information is contained (or is proposed to be contained) in a public register may request Council to have the information removed from or not placed on the register by submitting an application in the form of a Statutory Declaration.

If Council is satisfied that the safety or wellbeing of any person would be affected by not suppressing the person's personal information, 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.

The information may still be used in the exercise of Council functions, but it cannot be disclosed to third parties.

3. POLICIES AND LEGISLATION

Policies and legislation affecting the processing of information and related to this Plan include:

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 and provides a right for people to inspect and make copies of elevation plans during the submission period.

The EPA Act is available for viewing at [Environmental Planning and Assessment Act 1979 No 203 - NSW Legislation](#).

Health Records and Information Privacy Act 2002 (HRIP Act)

The HRIP Act governs both the public and private sectors in NSW. It contains a set of 15 Health Privacy Principles and sets up a complaints mechanism to ensure agencies abide by them.

The HRIP Act is available for viewing at [Health Records and Information Privacy Act 2002 No 71 - NSW Legislation](#).

Privacy and Personal Information Protection Act 1998 (PPIP Act)

In addition to requirements covered in this Plan, the PPIP Act prohibits disclosure of personal information by public sector officers that are not done in accordance with the performance of their official duties. These provisions are generally directed at corrupt or irregular disclosure of personal information that staff may have access to at work and not inadvertent failure to follow procedures or guidelines. Corrupt or irregular disclosure can include intentionally disclosing or using personal information accessed in doing our jobs for an unauthorised purpose, or to offer to supply personal information that has been disclosed unlawfully. Offences can be found listed in sections 62-68 of the PPIP Act, are considered serious and may, in some cases, lead to imprisonment.

The PPIP Act is available for viewing at [Privacy and Personal Information Protection Act 1998 No 133 - NSW Legislation](#).

Public Interest Disclosures Act 2022 (PID Act)

The definition of personal information under the PPIP Act excludes information contained in a public interest disclosure. This means that a person cannot seek review of the use or disclosure of a public interest disclosure or be prosecuted for unauthorised disclosure of public interest disclosure information under the PPIP Act.

However, this Plan is still able to address strategies for the protection of personal information disclosed under the PID Act.

The PID Act is available for viewing at [Public Interest Disclosures Act 2022 No 14 - NSW Legislation](#). Further information can be obtained from the NSW Ombudsman at www.ombo.nsw.gov.au.

4. INFORMATION PROTECTION AND HEALTH PRIVACY PRINCIPLES

4.1 Council complies with the Information Protection Principles (IPPs) prescribed under the PPIP Act and the Health Privacy Principles (HPPs) prescribed under the HRIP Act as follows:

IPP1 and HPP1 – Lawful collection

Council will collect personal and/or health information that is reasonably necessary for a lawful purpose that is directly related to its functions and/or other activities. Such personal and health information may include names, residential addresses, phone numbers, email addresses, signatures, medical certificates, photographs and video footage (CCTV).

IPP2 and HPP2 – Direct collection

Personal information will be collected directly from the individual, unless that person consents otherwise. Parents or guardians may give consent for minors.

Health information will be collected directly from the person concerned, unless it is unreasonable or impracticable to do so.

Collection may occur via phone, written correspondence to Council, email, fax, Council forms or in person.

IPP3 and HPP3 – Requirements when collecting

Council will inform individuals that their personal information is being collected, why it is being collected and who will be storing and using it. Council will also inform the person how they can view and correct their information. A Privacy Statement is

published on Council's website and included on forms where personal or health information is collected.

Council will inform individuals why health information is being collected about them, what will be done with it and who might see it. Council will also inform the person how they can view and correct their health information and any consequences if they do not provide their information. If health information is collected about a person from someone else, reasonable steps will be taken to ensure that the person has been notified as above.

IPP4 and HPP4 – Relevance of collection

Personal and health information collected will be relevant to Council's functions and services, accurate, up to date, complete and not excessive. The collection will not unreasonably intrude into the individual's personal affairs.

Council will rely on the individual to supply accurate, complete information, although in special circumstances some verification processes may be necessary.

IPP5 and HPP5 – Secure storage

Council will store personal information securely, for no longer than is required by the General Retention and Disposal Authorities for Local Government Records issued by State Records Authority of NSW, and will be disposed of appropriately. It will be protected from unauthorised access, use or disclosure by application of appropriate access levels to Council's electronic data management system and/or Council files, and staff training.

If it is necessary for the information to be given to a person in connection with the provision of a service to Council (eg, consultants and contractors), everything reasonably within the power of Council is done to prevent unauthorised use or disclosure of the information.

IPP6 and HPP6 – Transparent access

Council stores information for the purpose of carrying out its services and functions and in order to comply with relevant record keeping legislation.

Individuals have a right to request access to their own information to determine what, if any, information is stored, how long it will be stored for and how it is stored (eg, electronically with open or restricted access to staff, in hard copy in a locked cabinet etc).

Council will provide reasonable details about what personal and/or health information is stored on an individual if they receive an access application from the individual which the information pertains to.

IPP7 and HPP7 – Access to own information

Council will ensure individuals are allowed to access their own personal and health information without unreasonable delay or expense by way of implementation of appropriate procedures for access to this information.

IPP8 and HPP8 – Right to request to alter own information

Council will, at the request of a person, allow them to make appropriate amendments (ie, corrections, deletions or additions) to their own personal and health information.

Changes of name, address and other minor amendments require appropriate supporting identification or documentation.

Where substantive amendments are involved, an application form will be required and appropriate evidence must be provided as to why the amendment is needed.

IPP9 and HPP9 – Accurate use of information collected

Taking into account the purpose for which the information is proposed to be used, Council will ensure that personal and health information is accurate before using it. Council will ensure that the information it proposes to use is the most recent information kept on file, it is not unreasonably out of date, or where it is reasonable and necessary to do so, write to the individual to whom the information relates to confirm the accuracy of the information.

IPP10 and HPP10 – Limits on the use of information collected

Council will only use personal and health information for the purpose for which it was collected, for a directly related purpose, or for a purpose for which a person has given consent. It may also be used without consent in order to deal with a serious and imminent threat to any person's life, health or safety, for the management of a health service, for training, research or to find a missing person. Additionally, a secondary purpose includes investigation of suspected unlawful activity, to exercise complaint handling functions or investigative functions.

IPP11 and HPP11 – Restricted and limited disclosure of personal and health information

Council will only disclose personal and health information with the individual's consent or if the individual was told at the time of collection that it would do so. Council may also disclose information if it is for a related purpose and it considers that the individual would not object. Personal and health information may also be used without the individual's consent in order to deal with a serious and imminent threat to any person's life, health, safety, for the management of a health service, for training, research or to find a missing person.

Additionally, a secondary purpose includes investigation of suspected unlawful activity, to exercise complaint handling or investigative functions.

IPP12 – Special limits on disclosure

Council will not disclose sensitive personal information relating to an individual's:

- ethnic or racial background;
- political opinions;
- religious or philosophical beliefs;
- trade union membership; or
- health or sexual activities unless the disclosure is necessary to prevent a serious or imminent threat to the life or health of the individual concerned or another person.

Council will not disclose this information to any person or body that is in a jurisdiction outside New South Wales unless:

- a relevant privacy law that applies to the personal information concerned is in force in that jurisdiction; or
- the disclosure is permitted under a Privacy Code of Practice.

Specific Health Privacy Principles

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

HPP12 – Unique identifiers

Council will only assign identifiers to individuals if the assignment of identifiers is reasonably necessary to enable Council to carry out any of its functions efficiently.

HPP13 – Anonymity

Wherever it is lawful and practicable, individuals must be given the opportunity to not identify themselves when entering into transactions with or receiving any health service/s from Council.

HPP14 – Transborder data flow

Health information must only be transferred outside NSW if Council reasonably believes that the recipient is subject to laws or obligations substantially similar to those imposed by the HRIP Act, or consent has been given, or transfer is under a contract between Council and the individual, or transfer will benefit the individual, or to lessen a serious threat to an individual's health and welfare, or steps have been taken to ensure that the information will not be handled inconsistently with the HRIP Act, or transfer is permitted or required under any other law.

HPP15 – Cross-organisational linkages

Council will seek the express consent of individuals before participating in any system that links health records across more than one organisation. Health information or the disclosure of their identifier for the purpose of the health records linkage system will only be included if the person has given express consent.

4.2 How the Privacy Code of Practice for Local Government affects the IPPs

The Privacy Code makes provisions for councils to depart from IPPs.

The Privacy Code is available for viewing at
[Privacy Code of Practice for Local Government \(nsw.gov.au\)](https://www.nsw.gov.au/privacy-code-of-practice-for-local-government)

5. APPLICATION OF THE PRIVACY MANAGEMENT PLAN

5.1 Training seminars/induction

During an induction, all employees should be made aware that the performance management system has the potential to include personal information on their individual work performance or competency.

Councillors, all staff of Council including staff of Council businesses, and members of Council committees should be acquainted with the general provisions of the PPIP Act,

the HRIP Act and in particular, the 12 IPPs, the 15 HPPs, the public register provisions, the Privacy Code, this Plan and any other applicable Code of Practice.

Council makes its staff, including volunteers and contractors, aware of their privacy obligations by:

- publishing this Plan in a prominent place on its website;
- including this Plan as part of its induction training for new staff members and providing training as required;
- providing refresher, specialised and on-the-job training as required; and
- highlighting and promoting the Plan at least annually (eg during Privacy Awareness Week).

When staff have questions about how to manage personal and health information under this Plan, they may consult their manager or the Privacy Contact Officer. Councillors should contact the General Manager or Privacy Contact Officer for assistance.

5.2 Responsibilities of the Privacy Contact Officer

The Privacy Contact Officer is the Executive Manager Corporate Governance, or in their absence, the Public Officer within Council, unless the General Manager directs otherwise.

In order to ensure compliance with the PPIP Act and HRIP Act, the Privacy Contact Officer will review all new contracts and agreements with consultants and other contractors, rates notices, application forms of whatsoever nature, and other written requests by which personal information is collected by Council, to ensure that Council is compliant with the PPIP Act.

Measures to ensure compliance with IPP3 may include the use of stamps or printed slips that contain the appropriate wording (see Appendix 3).

The Privacy Contact Officer will ensure Council in its public areas has special provisions for working with computer screens. Computer screens may require:

- fast screen savers;
- face the computers away from the public; or
- only allow the record system to show one record at a time.

Council's electronic databases should also be reviewed to ensure that they contain procedures and protocols to check the accuracy and currency of personal and health information.

The Privacy Contact Officer will also provide opinions within Council as to:

- whether the personal or health information is collected for a lawful purpose;
- if that lawful purpose is directly related to a function of Council; and
- whether or not the collection of that personal or health information is reasonably necessary for the specified purpose.

Any further concerns of a legal nature will be referred to Council's legal representative/s.

5.3 Devising policies

When new policies, procedures and guidelines are developed, Council is required to refer to this Plan to ensure compliance with the PPIP Act and HRIP Act. Staff can contact the Executive Manager Corporate Governance for assistance and advice.

6. COMPLAINTS AND PROCEDURES FOR INTERNAL REVIEW

6.1 Internal review

Pursuant to section 53 of the PPIP Act, 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 can make an application for internal review of Council's conduct or decision by writing to Council's Privacy Contact Officer.

The written application must be addressed to Council, include a return postal address in Australia and be received by Council within six months of the individual becoming aware of the conduct or decision that is the subject of the application.

6.2 How does the process of internal review operate?

The Privacy Contact Officer will appoint a reviewing officer to conduct the internal review. The reviewing officer will report their findings to the Privacy Contact Officer.

The review is to be completed within 60 calendar days of receipt of the application. The applicant will be notified of the outcome of the review within 14 calendar days of its determination.

Pursuant to section 54 of the PPIP Act, the NSW Privacy Commissioner will be notified by the Privacy Contact Officer of a review application as soon as is practicable after it is received. Council will brief the NSW Privacy Commissioner on the progress of an internal review and notify them of the outcome.

The NSW Privacy Commissioner may make submissions to Council in relation to the subject matter of the application for internal review. Council may, if it deems it appropriate, ask the NSW Privacy Commissioner to conduct the internal review.

6.3 What happens after an internal review?

Pursuant to section 55 of the PPIP Act, if the applicant remains dissatisfied with the outcome of a review, an application may be made to the NSW Civil and Administrative Tribunal for a review of Council's conduct.

6.4 Alternative to lodging an application for internal review

If a person does not want to lodge an application for internal review with Council, they may contact the Privacy Commissioner directly through the Information and Privacy Commission.

7. SPECIFIC EXEMPTIONS IN THE PPIP ACT AND HRIP ACT RELEVANT TO COUNCIL

There are a number of exemptions from compliance with the PPIP Act and HRIP Act that apply directly to Council.

These relate to situations where:

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

8. OTHER INFORMATION

8.1 Contract with consultants and other private contractors

It is necessary to have specific provisions to protect Council in any dealings with private contractors.

8.2 Other agencies and community outreach

Council occasionally holds community events or participates in events held by other agencies or organisations. During these events, Council may collect general information such as the number of visitors to a stall, questions visitors asked, what resources were provided and general demographic information such as broad age groups or gender.

Depending on the event, Council may intentionally or unintentionally collect personal or health information about someone. For example, if Council participates in a session designed for people with disabilities or a particular cultural background, it could be deduced that someone has or is likely to have a disability or has a particular cultural background.

Council sometimes seeks voluntary completion of surveys to help it identify current issues. These surveys may collect different types of demographic data. Council ensures that any proposed survey or other kind of collection complies with the PPIP Act and HRIP Act.

Council engages with a wide variety of community and service providers within the LGA and the wider region. Any information shared between agencies is done within the parameters set out and described above in the IPPs and HPPs.

8.3 Closed Circuit Television (CCTV)

Council installs and maintains CCTV cameras on Council premises and facilities for a number of purposes, including but not necessarily limited to:

- to ensure the safety and security of staff, students and visitors whilst on Council premises or facilities;
- to protect assets and property of Council and others;
- to assist in crime prevention and aid in the investigation of criminal activity or other suspected misconduct and/or wrongdoing; and
- to assist Council to manage its premises and facilities.

Prominent signage notifies all Council staff, contractors, volunteers and members of the public of CCTV and that they may be under surveillance, and the cameras are clearly visible.

CCTV used in and around Council's streetscapes is subject to the separate policy on the use of CCTV in public spaces.

8.4 Data breaches

A data breach occurs when there is a failure that has caused or has the potential to cause unauthorised access to Council's data. Examples include malware; hacking and data theft; accidental loss of a paper record, laptop or USB stick; and emails sent to the wrong recipients if they contain classified or personal information.

Under section 6A of the PPIP Act, Council must notify the Privacy Commissioner and affected individuals of data breaches involving personal or health information likely to result in serious harm.

Separate from this Plan, Council has a Data Breach Policy and procedures that set out Council's guidelines and processes for managing a data breach, including the considerations around notifying those persons whose privacy may be affected by the breach.

8.5 Confidentiality

The obligation of confidentiality is additional to and separate from that of privacy. Nevertheless, a duty to withhold information lies at the heart of both concepts. Confidentiality attaches to information per se, personal or health information to the person to whom that information relates.

An obligation of confidentiality exists for all employees whether express or implied as a matter of law.

Information which may be confidential is also likely to have separate and independent obligation attaching to it in the form of privacy and in that regard, a release for the purposes of confidentiality will not suffice for privacy purposes. Two separate releases will be required and, in the case of privacy, the person to whom the information relates will be required to provide the release.

8.6 Misuse of personal or health information

Section 664 of the LG Act makes it an offence for anyone to disclose information except in accordance with that section. Whether or not a particular disclosure is made with lawful justification is a matter that requires legal opinion from case to case.

8.7 Regular review of the collection, storage and use of personal or health information

The information practices relating to the collection, storage and use of personal or health information will be reviewed by Council every three years. Any new program initiatives will be incorporated into the review process with a view to ascertaining whether or not those programs comply with the PPIP Act.

8.8 Offences

Both the PPIP Act and HRIP Act, as well as other Acts, contain offence provisions application to staff, agents and contractors who use or disclose personal or health information without authority. The offences are summarised below.

Offence	Maximum penalty	Legislative provision
It is a criminal offence for a public sector official to intentionally disclose or use personal or health information about another person to which the staff member has access in doing their job for any other purpose than that which is authorised.	Fine of up to 100 penalty units (\$11,000); or imprisonment for 2 years; or both.	Section 62 of the PPIP Act. Section 68 of the HRIP Act.
It is a criminal offence for a public sector official to offer to supply personal or health information that has been disclosed unlawfully.	Fine of up to 100 penalty units (\$11,000); or imprisonment for 2 years; or both.	Section 63 of the PPIP Act. Section 69 of the HRIP Act.
It is a criminal offence for a person to wilfully: <ul style="list-style-type: none">• obstruct, hinder or resist; or• fail or refuse to comply with any lawful requirement; or	Fine of up to 10 penalty units (\$1,100).	Section 68(1) of the PPIP Act.

<ul style="list-style-type: none"> • make any false statement to mislead (or attempt to mislead) the Privacy Commissioner (or a member of their staff) in the exercise of their functions under the PPIP Act or any other Act. 		
<p>A person must not (by threat, intimidation, or misrepresentation) persuade or attempt to persuade an individual to:</p> <ul style="list-style-type: none"> • refrain from making or pursuing a request for access to health information, a complaint to the Privacy Commission or NCAT or an application for an internal review; or • withdraw such a request, complaint or application. 	<p>Fine of up to 100 penalty units (\$11,000).</p>	<p>Section 70(1) of the HRIP Act.</p>
<p>A person must not (by threat, intimidation, or false representation) require another person to give consent under the HRIP Act or to do (without consent) an act for which consent is required.</p>	<p>Fine of up to 100 penalty units (\$11,000).</p>	<p>Section 70(2) of the HRIP Act.</p>
<p>It is a criminal offence to access or modify restricted data held in a computer where authorisation has not been provided.</p>	<p>Imprisonment for 2 years.</p>	<p>Section 308H of the <i>Crimes Act 1900</i> (NSW).</p>

8.9 Compliance, monitoring and review

Suspected breaches or misuse of this Plan are to be reported to the General Manager. Alleged breaches of this Plan shall be dealt with by the processes outlined for breaches of the Code of Conduct, as detailed in the Code of Conduct and in the Procedures for the Administration of the Code of Conduct.

This Plan will be reviewed at a minimum every two years. When information practices are reviewed from time to time, the Privacy Management Plan will also be reviewed to ensure that the Plan is up to date.

8.10 Further information

For assistance in understanding the processes under the PPIP Act and the HRIP Act, please contact Council or the Office of the Privacy Commissioner NSW.

8.11 Contact details

Coonamble Shire Council

80 Castlereagh Street
Coonamble, NSW, 2829

The General Manager
PO Box 249
Coonamble, NSW, 2829

Phone: 02 6827 1900
Fax: 02 6822 1626
Email: council@coonambleshire.nsw.gov.au

Information and Privacy Commission

GPO Box 7011
Sydney, NSW, 2001

Phone: 1800 472 679
Email: ipcinfo@ipc.nsw.gov.au
Web: www.ipc.nsw.gov.au

NSW Civil and Administrative Tribunal (NCAT)

86-90 Goulburn Street
Sydney, NSW, 2000

Phone: 1300 006 228

9. RELATED RESOURCES

Legislation:

- *Government Information (Public Access) Act 2009* (NSW)
- *Health Records and Information Privacy Act 2002* (NSW)
- *Local Government Act 1993* (NSW)
- *Privacy and Personal Information Protection Act 1998* (NSW)
- *State Records Act 1998* (NSW)

Associated/internal documents

- Privacy Code of Practice for Local Government
- Coonamble Shire Council:
 - Code of Conduct for Councillors
 - Code of Conduct for Staff
 - Complaints Policy

Council policies are available on the website at [Policies - Coonamble Shire Council \(nsw.gov.au\)](https://www.coonamble.nsw.gov.au/Policies).

Title: Privacy Management Plan		
Department: Corporate Governance		
Version	Date	Author
1	15 May 2013	General Manager
2	May 2024	J Maundrell
Review Date: September 2025		
Amendments in the release:		
Amendment history	Date	Detail
1	15 May 2013	Adopted by Council
2	May 2024	Review in line with IPC guidelines following changes to PPIP Act
Annexure Attached: Appendix 1: Statutory Declaration for Access Under Section 57 of the <i>Privacy and Personal Information Protection Act 1998</i> to a Public Register Held by Council. Appendix 2: Privacy Statement. Appendix 3: Privacy Notification Form. Appendix 4: Application to determine whether Council holds personal information about a person. Appendix 5: Application to access personal information. Appendix 6: Application for alteration of applicant's personal information.		
Paul Gallagher General Manager		

APPENDICES

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

Statutory Declaration Oaths Act 1900, Eighth Schedule

I, the undersigned ⁽¹⁾ (1) insert full name

of ⁽²⁾ (2) insert address

in the State of New South Wales, do solemnly and sincerely declare that:

I am ⁽³⁾ (3) insert relationship to
person inquired about

I seek to know whether ⁽⁴⁾ (4) insert name

is on the public register of ⁽⁵⁾ (5) applicant to describe
the public register

.....
The purpose for which I seek this information is ⁽⁶⁾ (6) insert purpose for
seeking information

.....
The purpose for which the information is required is to ⁽⁷⁾ (7) insert purpose

.....