





**Murrumbidgee**  
COUNCIL

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## Privacy Management Policy (Revision 1)

	Name	Position	Signature	Date
Responsible Officer	Sue Mitchell	Manager Corporate and Community Services		23 November 2022
Authorised By	John Scarce	General Manager		23 November 2022

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## **1. Purpose and Scope**

Council collects and records a great deal of personal information on residents and customers. Consequently, it needs to ensure it is applying best practice in how it handles this personal information, to ensure that privacy is maintained.

This Privacy Management Policy details how the organisation deals with personal information and health information it collects to ensure that it complies with the Privacy and Personal Information Protection Act 1998 and the Health Records and Information Privacy Act 2002.

This policy is to apply to all Councillors, Council staff, contractors and consultants of the Council and Council Committees, including those established under Section 355 of the Local Government Act 1993 and Privacy and Personal Information Protection Act 1998 (PPIPA). The PPIPA will be the overriding reference for any matters which are not specifically referenced by this document.

## **2. Reference**

Legislation/Recognised Standards:

- Privacy and Personal Information Protection Act 1998
- Health Records and Information Privacy Act 2002
- Local Government Act 1993
- Murrumbidgee Council Codes of Conduct

## **3. Information Protection Principles**

Council's procedures shall comply with the following protection principles identified under Section 33 of the PPIPA:

- Collection of personal information for lawful purposes
- Collection of personal information directly from the individual
- Requirements when collecting personal information
- Other requirements relating to collection of personal information
- Retention and security of personal information
- Information about personal information held by agencies
- Access to personal information held by agencies
- Alteration of personal information
- Agency must check accuracy of personal information before use
- Limits on use of personal information
- Limits on disclosure of personal information

#### **4. Management and Training**

Council shall maintain a 'Privacy Management Plan' to guide the organisation in privacy management. Murrumbidgee Council's Plan is based on the Model Privacy Management Plan for Local Government supplied by the New South Wales Office of Local Government.

Council will ensure that Councillors and staff undergo relevant training in the provision of privacy management.

#### **5. Definitions**

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

Council considers the following to be publicly available publications:

- Information about an individual that is contained in a publicly available publication is not considered personal information;
- An advertisement containing personal information in a local, city or national newspaper;
- Personal information 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;
- A public display on view to the general public.

Health information is defined as "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."

#### **6. Policy Statement**

The following key principles form the basis of this policy:

##### **6.1 Privacy Principles**

- Council will not collect personal information unless it is for a lawful purpose directly related to a function or activity of Council
- Council will only collect information from the individual to whom the information relates.
- Council will notify an individual that it has collected information on him/her.

Council will take reasonable steps to ensure the information collected is not excessive and is accurate, and:

- The information is kept no longer than necessary and is disposed of securely.
- Council will take reasonable steps to ensure the accuracy of personal information prior to use.
- Council will not use personal information for a purpose other than for which that information was collected.
- Council will take reasonable care not to disclose personal information.

## **6.2 Health Privacy Principles**

- Council will not collect personal health information unless it is for a lawful purpose directly related to a function or activity of the Council.
- The information must be relevant, not excessive, accurate and not intrusive.
- Collection of health information will be in accordance with guidelines issued by the Privacy Commissioner.
- Council will make the individual aware of the information it has collected and the purpose it will be used for.
- Council will ensure that health information is kept no longer than necessary, it is securely protected, and is disposed of securely.
- If Council holds health information, an individual can ascertain the nature of that information and can assess the accuracy of that information.
- That limits are applied on the use of health information so that it can only be used for its primary purpose unless consent has been obtained for secondary purpose uses.
- That limits are applied on the disclosure of health information unless consent has been obtained for a secondary purpose.
- Wherever lawful and practicable, individuals will be given the opportunity of anonymity when entering into transactions or receiving health services from an organisation.
- Council will not transfer health information about an individual to any person or body who is in a jurisdiction outside of NSW or to a Commonwealth Agency unless there is a legal requirement to do so, or consent has been given.
- Council will not provide health information to a health records linkage system unless consent has been provided.

## **6.3 Other Legislation**

Council will fulfil its obligations under the Government Information (Public Access) Act 2009 which can override the Privacy and Personal Information Protection Act, 1998.

## **6.4 Public Registers Principles**

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

## **6.5 Internal Review Principles**

- Where a person who has requested information is aggrieved by the conduct of Council, such a person is entitled to apply for an internal review which will be dealt with by Council's Public Officer.
- Council will notify the applicant in writing within 14 days of the completion of the review.

## **7. Personal Information held by Council**

The Council holds personal information concerning Councillors such as:

- Personal contact information
- Complaints and associated matters
- Pecuniary interest returns
- Entitlements to fees, expenses, facilities and reimbursements

The Council holds personal information concerning its customers, ratepayers and residents such as:

- Rates records
- Names and addresses of suppliers, including bank details, names and addresses of customers which may include financial details.
- Development Applications and objections
- Details of office bearers on various Council committees.

The Council holds personal information concerning its employees such as:

- Recruitment material
- Leave and payroll data
- Disciplinary matters
- Pecuniary interest returns
- Wage and salary entitlements
- Health history
- Workers Compensation history

## **8. Public Registers**

A public register is defined in section 3 of the PPIPA:

- 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).

Section 57 of the PPIPA provides:

- The public sector agency responsible for keeping a public register must not disclose any personal information kept in the register unless the agency is satisfied that it is to be used for a purpose relating to the purpose of the register or the Act under which the register is kept.

- In order to enable the responsible agency to comply with subsection (1), the agency may require any person who applies to inspect personal information contained in the public register to give particulars, in the form of a statutory declaration, as to the intended use of any information obtained from the inspection.

Council holds the following public registers under the Local Government Act 1993: (Note – this is purely indicative. Council may, by virtue of its own practice, hold other Public Registers, to which PPIPA applies):

- Section 53 – 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.
- Section 113 – Records of Approvals – The primary purpose is to identify all approvals granted under Local Government Act 1993.
- Section 450A – Register of Pecuniary Interests – The primary purpose of this register is to determine whether or not a Councillor or a member of a Council Committee has a pecuniary interest in any matter with which the Council is likely to be concerned. There is a corresponding public accountability purpose and third party access is a secondary purpose.
- Section 602 – 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.

Council holds the following public registers under the Environmental Planning and Assessment Act:

- Section 4.58 – Register of consents and approvals – The primary purpose is to identify applications for development consent and other approvals, confirm determinations on appeal and identify applications for complying development certificates.
- Section 6.26 (8) – Record of building certificates – the primary purpose is to identify all building certificates.

Council hold the following public register under the Protection of the Environment (Operations) Act:

- Section 308 – Public Register of Licenses Held – The primary purpose is to identify all licenses granted under the Act.

Council holds the following public register under the Impounding Act 1993:

- Section 30 & 31 – Record of Impounding – The primary purpose is to identify any impounding action by Council.

Members of the public may enquire only in accordance with the primary purpose of any of these registers.

## **9. Secondary Purpose of all Public Registers**

Due to the general emphasis (to be found in the Local Government Act 1993 and elsewhere) on Local Government processes and information being open and accountable, 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. Therefore disclosure of specific records from public registers would normally be considered to be allowable under section 57 of the PPIPA.

However, requests for access, copying or the sale of the whole or a substantial part of the public register held by Council will not necessarily fit within this purpose. Where Council officers have doubt as to the intended use of the information, an applicant may be requested to provide a statutory declaration so that Council may satisfy itself as to the intended use of the information.

Council will make its assessment as to the minimum amount of personal information that is required to be disclosed with regard to any request.

## **10. 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.

## **11. Procedure for Internal Review**

Complaints or requests for an internal review must be made within 6 months of the complainant being first aware of the issue.

Complaints must be made in writing and addressed to:

The Privacy Officer  
Murrumbidgee Council  
PO Box 96  
JERILDERIE NSW 2716

When a complaint or request for a review is received by the Privacy Officer, the process for the review is as follows:

- The Privacy Officer notifies the Privacy Commissioner that a complaint/request for internal review has been received
- The Privacy Officer appoints a Reviewing Officer to handle the complaint/request for internal review
- The Reviewing Officer investigates the complaint/review and reports the determination back to the Privacy Officer
- The Privacy Officer notifies the Complainant and the Privacy Commissioner of the determination.



## **12. Service Guarantee**

- The review must be completed within 60 days of the lodgement of the complaint/request for internal review
- The complainant will be notified in writing within 14 days of the determination. Should a complainant not be satisfied, he or she may lodge an appeal to the Administrative Decisions Tribunal, which will hear the matter and impose its own decision. It may also impose substantial damages for a breach of an information protection principle.

## **13. The Role of the Privacy Contact Officer**

The role of Privacy Contact Officer (Privacy Officer) has been delegated by Council to the Manager, Corporate and Community Services as Public Officer.

The role carries primary responsibility for the following:

- Assigning, monitoring and reporting internal review matters;
- Liaising with all staff to ensure their needs are met in relation to the PPIPA;
- Assisting with training and induction;
- Assisting staff in developing processes and procedures to enable staff, Councillors, contractors and consultants to meet their obligations under the Act.

## **14. Implementation**

This policy will be implemented with reference to Council policies including, but not limited to:

- Codes of Conduct
- Enterprise Risk Management Policy
- Business Continuity Policy

As additional policies which may impact this document are updated/created, this section of the Privacy Management Policy will be amended.

## **15. Policy Review**

This Policy:

- To be reviewed within the first year of the new Council term;
- May be reviewed and amended at any time at Council's discretion (or if legislative or State Government policy changes occur).