



**Draft
Privacy Management
Plan**



TABLE OF CONTENTS

TABLE OF CONTENTS.....	0
Document Control.....	2
Document History	2
Policy Statement/Objective(s).....	3
Scope	3
1. INTRODUCTION.....	3
1.1 What is personal information?	3
1.2 What is not “personal information”	3
1.3 Electoral Rolls.....	4
1.4 Personal Information held by Council	4
1.4.1 Councillors	4
1.4.2 Customers, ratepayers and residents	4
1.4.3 Employees, volunteers and contractors	4
2. PUBLIC REGISTERS	5
2.1 What are public registers?	5
2.2 Council holds the following public registers	5
2.3 Disclosure of personal information contained in the public registers	5
2.4 Purposes of public registers	5
2.4.1 Land Register	5
2.4.2 Register of Disclosure of Interests	5
2.4.3 Register of Consents and Approvals.....	5
2.4.4 Record of Building Certificates.....	5
2.4.5 Public Register of Licences.....	5
2.4.6 Record of Impounding	6
2.5 Secondary purpose of all Public Registers	6
2.6 Other Purposes.....	6
2.7 Other Registers.....	6
2.7.1 Rates Record.....	6
2.8 Applications for suppression of personal information in a public register	6
3. THE INFORMATION PROTECTION PRINCIPLES.....	7
3.1 Collection.....	7
3.2 Storage	8
3.3 Access and accuracy	8



3.4	Use	9
3.5	Disclosure	10
4.	HEALTH PRIVACY PRINCIPLES	11
	Health Information held by Council	11
	Health Protection Principles	11
	Collection	11
4.1	Storage	12
4.2	Access and accuracy	12
4.3	Use	12
4.4	Disclosure	12
4.5	Identifiers and anonymity	12
4.6	Transfers and linkage.....	13
5.	IMPLEMENTATION OF THE PRIVACY MANAGEMENT PLAN	13
5.1	Privacy Contact Officer.....	13
5.2	Promoting the Plan to Council Officials	13
5.3	Responsibilities of Council Officials	13
5.4	Promoting the Plan to the Community	13
6.	ACCESSING PERSONAL OR HEALTH INFORMATION	14
6.1	How do I Access or amend my own personal or health information?	14
6.1.1	Informal Request	14
6.1.2	Formal Application	14
6.2	Accessing or amending other people's personal or health information	14
7.	COMPLAINT PROCESS.....	14
7.1	Internal Review	14
7.2	External Review	15
7.3	Complaint to the Privacy Commissioner	15
7.4	Offences	15
8.	OTHER INFORMATION	15
8.1	Review of the collection, storage and use of personal or health information	15
8.2	Review of Privacy Management Plan	15
8.3	NSW Civil and Administrative Tribunal (NCAT)	16
8.4	Related Forms/Documents	16
9.	CONTACT DETAILS.....	16
10.	Definitions.....	17
11.	References	17



Document Control

Policy	Privacy Management Plan	Policy Number	TBA
Author/Reviewer	Executive Director Corporate & Community	Review Period and Date	Reviewed within 12 months of election/4 yearly - September

This policy shall be reviewed: -

- This policy shall be reviewed within 12 months of an election, and thereafter at four yearly intervals at least, to ensure it meets all statutory requirements and the needs of council. It may also be reviewed at other times as determined by council.

Document History

Date	Status	Version	Resolution	Description
24 May 2017	Draft	0.1		Presented to Council for endorsement, public exhibition 28 days



Policy Statement/Objective(s)

Hilltops Council is required to have a Privacy Management Plan under section 33 of the *Privacy and Personal Information Protection Act 1998*. Council is committed to protecting the privacy of its customers, business contacts, Councillors, employees, contractors and volunteers by following this Privacy Management Plan which complies with relevant legislation and engenders in our community, the confidence that Council is managed in an ethical and appropriate manner.

This policy informs the community about how their personal information will be collected, used, stored and accessed by Council. It provides council officials with their obligations in relation to handling personal information and when they can and cannot disclose, use or collect it.

Scope

This policy applies to council officials, councillors and all employees of Council. As well, the policy applies to contractors, consultants, delegates, committee members, volunteers and council owned businesses and anyone working for and on behalf of Council in whatever capacity.

Council will ensure that all council officials are made aware that they must comply with PPIPA, HRIPA and this Plan.

1. INTRODUCTION

Council collects, stores, and uses a broad range of information for the purpose of facilitating its business. A significant part of that information is personal and health information. It is important that the community and council officials understand how we manage personal information. In addition, council is required to have a privacy management plan under s33 of the *Privacy and Personal Information Protection Act 1998* (NSW) (PIPA Act).

This plan explains how personal information is collected, its purpose and how council protects the privacy of individuals.

This Plan should be read in conjunction with the Code of Practice for Local Government.

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 the Council;
- affect any obligation at law cast upon the Council by way of representation or holding out in any manner whatsoever;
- create, extend or lessen any obligation at law which the Council may have.

1.1 What is personal information?

Personal information is defined to mean information or an opinion about an individual whose identity is apparent or can reasonably be ascertained from the information or opinion. Personal information can include a person's name, address, family life, sexual preferences, financial information, fingerprints and photos. This information can be on a database and does not necessarily have to be recorded in a material form.

1.2 What is not "personal information"

"Personal information" does not include information about an individual that is contained in a publicly available publication. This information ceases to be covered by the PPIPA.



The following are examples of publicly available publications:

- 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;
- Personal information that may be a part of a public display on view to the general public.

1.3 Electoral Rolls

The Electoral Roll is a publicly available publication. Council will provide open access to the Electoral Roll in Council's library. Council will refer any requests for copies of the Electoral Roll to the State Electoral Commissioner.

1.4 Personal Information held by Council

The following is a list of examples of the types of personal information and circumstances in which we may collect personal information in exercising Council functions:

1.4.1 Councillors

Council holds personal information concerning Councillors, such as:

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

1.4.2 Customers, ratepayers and residents

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

- rates records
- development applications and submissions
- library lending records
- burial and cremation records
- leases, licences and agreements
- waste services records
- customer requests
- tree removal requests
- financial records
- donation, grant and sponsorship applications
- photos of vehicle registration plates
- community services records
- community consultation and submissions

1.4.3 Employees, volunteers and contractors

The Council holds personal information concerning its employees, volunteers and contractors, such as:

- recruitment material
- bank account details
- protected disclosure investigations
- leave and payroll data
- personal contact information
- performance management plans



- disciplinary matters
- disclosure of interest returns
- wage and salary entitlements

2. PUBLIC REGISTERS

2.1 What are public registers?

A public register is defined in section 3 of the PPIPA as "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)".

2.2 Council holds the following public registers

- Land register
- Register of disclosure of interests
- Register of consents and approvals
- Record of building certificates
- Public register of licences
- Record of impounding

2.3 Disclosure of personal information contained in the public registers

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 directly related to the purpose of the register.

Individuals seeking a disclosure of someone else's personal information from a public register must satisfy Council that the intended use of the information is for a purpose directly relating to the purpose of the register or the Act under which the register is kept.

2.4 Purposes of public registers

2.4.1 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.

2.4.2 Register of Disclosure of Interests

The primary purpose of this register is to determine whether or not a Council official has a pecuniary or non-pecuniary interest in any matter with which the council is likely to be concerned. There is a secondary purpose of public accountability.

2.4.3 Register of Consents and Approvals

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

2.4.4 Record of Building Certificates

The primary purpose is to identify all building certificates.

2.4.5 Public Register of Licences

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



2.4.6 Record of Impounding

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

2.5 Secondary purpose of all Public Registers

Due to the general emphasis 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 PPIPA.

However, requests for access, copying or the sale of the whole or a substantial part of a Public Register held by Council 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 and may seek a statutory declaration to satisfy itself as to the intended use of the information.

2.6 Other Purposes

Persons or organisations who apply to Council to have access to the information contained in any public register for a purpose not related to the purpose of the register, may be given access at the discretion of Council but only in accordance with the Code.

2.7 Other Registers

Council may keep other registers that are not public registers. PPIPA, this plan and any applicable Codes apply to those registers or databases.

2.7.1 Rates Record

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

- 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.
- The rates record will also be used by council to notify relevant landowners of development applications and other matters where council is required or wishes to consult its local community.
- 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 such as adjoining property owners under the *Dividing Fences Act*, or when there is an overriding public interest in favour of disclosure.

2.8 Applications for suppression of personal information in a public register

A person about whom personal information is contained (or 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 well-being of any person would be affected by not suppressing the 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 other parties.



An application for suppression should be made in writing addressed to the General Manager and must outline the reasons for the request.

3. THE INFORMATION PROTECTION PRINCIPLES

This section contains a general summary of how Council must manage personal information under the PPIP Act and other relevant laws.

PPIPA provides for the protection of personal information by means of 12 Information Protection Principles.

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

Following is an overview of these information protection principles and how they apply to Council.

3.1 Collection

IPP 1) Collection of Personal Information for Lawful Purposes

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 to fulfill its proper functions.

Anyone engaged by Council as a private contractor or consultant that involves the collection of personal information must agree to be bound not to collect personal information by any unlawful means.

Any forms, notices or requests by which personal information is collected by Council will be referred to the Privacy Contact Officer prior to adoption or use.

IPP 2) Collection of personal information directly from individual

Council will only collect personal information directly from the individual to whom the information relates (or parents/guardians if the individual is under the age of 16), unless authorised by the individual to whom the information relates.

The Code makes provision for Council to depart from this principle where indirect collection of personal information is reasonably necessary when an award, prize, benefit or similar form of personal recognition is intended to be conferred upon the person to whom the information relates.

Council may collect personal information from other public sector agencies in respect of specific statutory obligations where it is authorised by law to do so.



PIPPA permits non-compliance with this principle if council is exercising complaint handling, investigative functions or is authorised or required not to comply with the principle under any Act or law.

IPP 3) Requirements when collecting personal information

Council will take steps as are reasonable in the circumstances to ensure that, before the information is collected or as practicable after collection, the individual to whom the information relates is made aware that their personal information is being collected, why it is being collected, what it is used for and who the intended recipients will be.

A Privacy Statement is included on Council's website and on forms where personal information is collected. This statement also informs Development Application objectors that they have a right to remain anonymous if they so choose. However, should they need to substantiate their objections; anonymous objections may be given less weight (or no weight) in the overall consideration of the Application.

Council will also inform individuals how they can view and correct their information.

IPP 4) Other requirements relating to collection of personal information

Council will seek to ensure that personal information collected is directly relevant to its functions, is accurate, and is up-to-date and complete. The collection will not be excessive or intrude into the personal affairs of individuals.

Council collects personal information through various forms that customers complete and lodge with Council. Before adoption of a new form, a suitable officer will review it to ensure that it complies with this principle.

3.2 Storage

IPP 5) Retention and security of personal information

Council will store personal information for as long as required by the General Retention Disposal Schedule for Local Government. It will then be disposed of securely.

Council will store personal information securely and protect it from unauthorised access, use or disclosure by the use of access levels to Council's electronic data management system and through regular training of council officials.

3.3 Access and accuracy

IPP 6) Information about personal information held by agencies

Individuals can request to access their own information to determine whether Council holds their personal information, the nature and main purposes for which it is held, how it is stored and how long it will be stored for.

Where council receives an application or request by a person as to whether council holds information about them, council will undertake a search of its records to answer the enquiry. Council may ask the applicant to describe what dealings the applicant has had with council in order to assist council to conduct the search.

Council will ordinarily provide a response to applications of this kind within 28 days of the application being made.



Council will issue a statement to be included on its Web and in its Annual Report concerning the nature of personal information it regularly collects, the purpose for which the personal information is used and an individual's right to access their own personal information.

IPP 7) Access to personal information held by agencies

Council will ensure that individuals who request their own personal information are provided with that information without unreasonable delay or expense.

Compliance this principle does not allow disclosure of information about other people. If access to information that relates to someone else is sought, the application must be made under the GIPA Act.

Where a person makes an application for access under the PPIPA and it is involved or complex, it may be referred, with the written consent of the applicant, as an application under the GIPA Act.

IPP 8) Alteration of personal information

Individuals can make an application to Council to amend personal information held about them so as to ensure the information is accurate, relevant to the purpose for which it was collected, up to date and not misleading.

Council requires appropriate evidence to support certain amendments so as to ensure the amendment is factually correct and appropriate.

If Council is unable to amend or delete the personal information a statement can be attached in such a manner as to be read with the information.

Council will seek to notify recipients of amendments to personal information as soon as possible, where it is reasonably practicable.

IPP 9) Agency must check accuracy of personal information before use

Council will take all reasonable steps necessary to ensure personal information is accurate, relevant and up to date before using it.

Council will take into account the age of the information, its significance, the likelihood of change and the particular function for which the information was collected.

3.4 Use

IPP 10) Limits on use of personal information

Council will seek to ensure that personal information is used for the purpose for which it was collected, or for a directly related purpose. For example, the Rates Record may be used to:

- notify neighbours of a proposed development
- evaluate a road opening
- evaluate a tree management order

Where Council may need to use personal information collected for another purpose, it will first gain consent of the individual concerned.

Council may also use personal information when it is reasonably necessary for law enforcement purposes or the protection of the public revenue. Additionally, Council may use personal information to exercise complaint handling or investigative functions.



The Code makes provision that Council may use personal information for a purpose other than the purpose for which it was created in the following circumstances:

- where the use is in pursuance of Council's lawful and proper function/s and Council is satisfied that the personal information is reasonably necessary for the exercise of such function/s; or
- where personal information is to be used for the purpose of conferring upon a particular person, an award, prize, benefit or similar form of personal recognition.

3.5 Disclosure

IPP 11) Limits on disclosure of personal information

Council will only disclose personal information with the individual's consent or if the individual concerned was made aware at the time of collection that it would do so. Council may also disclose information if it is for a directly related purpose and it considers that the individual would not object.

Council may need to disclose personal information for law enforcement purposes, protection of public revenue, complying with a subpoena, investigating a complaint or when it is reasonably necessary to prevent or lessen a serious and imminent threat to the life or health of an individual.

PPIPA permits non-compliance of this principle if the disclosure is in relation to a complaint that is made to or referred from an investigative agency.

PPIPA permits non-compliance where a disclosure is to be made to a public-sector agency under the administration of the Minister for Local Government (e.g. the Office of Local Government) if the disclosure is for the purposes of informing that Minister about any matter within that administration, or by a public-sector agency under the administration of the Premier if the disclosure is for the purpose of informing the Premier about any matter.

IPP 12) Special restrictions on disclosure of personal information

Council will not disclose sensitive personal information without consent unless it is necessary to prevent a serious and imminent threat to the life or health of an individual, in relation to the following:

- ethnic or racial origin
- political opinions
- religious or philosophical beliefs
- trade union membership
- sexual activities.

Council will not disclose this information to any person or body that is in a jurisdiction outside NSW 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.
- where Council is requested by a potential employer outside NSW, it may verify that a current or former employee works or has worked for Council, the duration of that work, and the position occupied during that time. This exception shall not permit Council to give an opinion as to that person's suitability for a particular position with any potential employer unless Council is satisfied that the person has provided their consent for Council to provide a reference, which may include an opinion as to that person's suitability for the position for which he/she has applied.



4. HEALTH PRIVACY PRINCIPLES

This section contains a general summary of how we must manage health information under the HRIP Act (*Health Records and Information Privacy Act*).

Health information includes information or an opinion about the physical or mental health or a disability of an individual and includes personal information about:

- a health service provided, or to be provided, to an individual
- an individual's express wishes about the future provision of health services
- information collected in connection with the donation of human tissue
- genetic information that is or could be predictive of the health of an individual or their relatives or descendants

Health Information held by Council

Council holds health information in relation to care of the elderly, youth, children, and various types of community health support services. Following is a list of the types of health information and circumstances in which we may collect this information in exercising Council functions:

- employee's immunisation records and medical certificates
- pre-employment medical information
- volunteer's medical information
- worker's compensation claims
- tree removal requests for health reasons
- responses to clean up notices regarding health issues

Health Protection Principles

HRIP provides for the protection of health information by means of 15 Health Protection Principles.

- HPP 1) Purposes of collection of health information
- HPP 2) Information must be relevant, not excessive, accurate and not intrusive
- HPP 3) Collection to be from the individual concerned
- HPP 4) Individual to be made aware of certain matters
- HPP 5) Retention and Security
- HPP 6) Information about health information held by organisations
- HPP 7) Access to health information
- HPP 8) Amendment of health information
- HPP 9) Accuracy
- HPP 10) Limits on use of health information
- HPP 11) Limits on disclosure of health information
- HPP 12) Identifiers
- HPP 13) Anonymity
- HPP 14) Transborder data flows and data flow to Commonwealth agencies
- HPP 15) Linkage of health records

Collection

HPP 1) Council will only collect health information that is reasonably necessary and for a lawful purpose that is directly related to its functions and activities. Health information may be collected from enquiries, applications, complaints handling, human resources, recruitment and through core business activities.

HPP 2) Council will ensure that health information collected is relevant, accurate, up to date, is not excessive and does not unreasonably intrude into the personal affairs of the individual.



When designing a new form for the collection of health information, a suitable officer will review it to ensure that it complies with this principle.

- HPP 3) Council will only collect health information directly from the individual concerned unless it is unreasonable or impracticable to do so. If Council does collect information about an individual from someone else, we will take reasonable steps to ensure that the individual is made aware.
- HPP 4) Council will inform people why their health information is being collected, what it will be used for, and to whom it will be disclosed. We will tell people how they can access and amend their health information and any possible consequences if they decide not to give their health information to us.

A Privacy Statement is included on Council's website and on forms where health information is collected.

4.1 Storage

- HPP 5) Council will store health information securely in our electronic data management system which protects it from unauthorised access, use or disclosure. We will keep it no longer than necessary and destroy it appropriately according to the General Retention Disposal Schedule for Local Government.

4.2 Access and accuracy

- HPP 6) Council will be transparent about the health information that we store about people, why we use this information and about the right to access and amend it.
- HPP 7) Council will allow individuals to access their own health information without unreasonable delay or expense.
- HPP 8) Council will allow individuals to update, correct or amend their health information where necessary.
- HPP 9) Council will provide individuals with details about what health information we are holding about them and why we are storing it. Council will make sure that the health information is relevant and accurate before using it and allow people to access, update, correct or amend their health information where necessary.

4.3 Use

- HPP 10) Council will only use health information for the purpose for which it was collected or for a directly related purpose that the individual consents to.

4.4 Disclosure

- HPP 11) Council will only disclose health information for the purpose for which it was collected or with the individuals consent for a directly related purpose.

4.5 Identifiers and anonymity

- HPP 12) Council will only give an identification number to health information if it is reasonably necessary to carry out Council functions effectively.
- HPP 13) Where Council provides health services it will allow for individuals to stay anonymous where it is lawful and practical to do so.



4.6 Transfers and linkage

- HPP 14) Council will not transfer health information out of NSW without the individuals consent unless:
- Council is unable to obtain consent, it is of benefit to the individual and that they would likely give it
 - It is necessary for a contract with a third party
 - to help prevent a serious and imminent threat to life, health or safety of individuals
 - It is permitted by an Act or other law
 - the recipient is subject to protection laws similar to the HRIP Act
- HPP 15) Council does not participate in a system to link health records across more than one organisation at this time. If Council decided to use a system like this in the future, Council would make sure that the individual to whom the health information relates expressly consents to the link.

5. IMPLEMENTATION OF THE PRIVACY MANAGEMENT PLAN

5.1 Privacy Contact Officer

Council's Public Officer is assigned the role of the Privacy Contact Officer and will be responsible for the implementation of the Privacy Management Plan.

5.2 Promoting the Plan to Council Officials

Council will promote awareness of this plan to Councillors, staff and members of council committees by:

- providing an overview at inductions and including a copy of the plan in induction packs
- publishing the plan on our internal and external websites
- offering training sessions on a regular basis as required
- providing specialised and on-the-job training to key groups
- promoting the plan regularly through newsletters, all staff emails, staff notice boards and initiatives such as Privacy Awareness Week

5.3 Responsibilities of Council Officials

Council will ensure computer screens in its public areas have special provisions similar to the following:

- fast screen savers
- facing of the computers away from the public
- only allowing the record system to show one record at a time

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

5.4 Promoting the Plan to the Community

Council will promote public awareness of this plan to the community by:

- making it publicly available and publishing it on our website
- writing the plan in plain English
- telling people about the plan when they enquire about personal and health information
- provide a link on our website to the Information & Privacy Commission website and distributing copies of literature available on that site
- providing a privacy pamphlet



6. ACCESSING PERSONAL OR HEALTH INFORMATION

Council ensures that people can access information we hold about them. People have a right to amend their own personal or health information.

6.1 How do I Access or amend my own personal or health information?

6.1.1 Informal Request

Individuals wanting to access or amend their own personal or health information may do so informally by contacting Council, for example to update contact details. A formal application may not be necessary and is only used as a last resort.

6.1.2 Formal Application

Individuals wanting to access or amend their own personal or health information must request it from Council in writing. This application must contain the following:

- the person's name and contact details
- state whether the application is under the PPIP Act (personal information) or HRIP Act (health information)
- explain what personal or health information the person wants to access or amend
- explain how the person wants to access or amend it
- confirmation of their identity

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

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

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. A third party could also consider making an application for access to government information under the GIPA Act.

7. COMPLAINT PROCESS

Council encourages individuals to try to resolve privacy issues with us informally before going through the formal review process. People can contact Council by phone and speak to a Customer Service Officer for advice and if the issue is not resolved they may be referred to the Privacy Contact Officer. People can also write a letter or email us with their concerns and Council will respond providing advice on the best course of action.

7.1 Internal Review

If an issue has not been resolved after discussions with Council's Privacy Contact Officer, or if they think that Council has breached the PPIP or HRIP Acts relating to their own personal or health information they may seek an internal review.

Individuals cannot seek an internal review for a breach of someone else's privacy, unless they are an authorised representative.

An application for internal review is to be made in writing to Council's Privacy Contact Officer within **6 months** of when the person first became aware of the conduct. (contact details - page 16)



The Privacy Contact Officer will appoint a suitably qualified Reviewing Officer to conduct the internal review.

Council must notify the Privacy Commissioner of an application as soon as practicable after its receipt, keep the Commissioner informed of the progress of the application and inform the Commissioner of the findings of the review and of the action it proposes to take in relation to the application.

The Privacy Commissioner can make submissions and provide relevant material in relation to internal reviews for Councils consideration.

Council must notify the applicant of the outcome of the review within **14 days** of its determination.

If the applicant disagrees with the outcome of an internal review or is not notified of an outcome within **60 days**, they have the right to seek an external review.

7.2 External Review

If the applicant remains unsatisfied with the outcome of an internal review they may appeal to the NSW Civil and Administrative Tribunal (NCAT) for a review of Councils conduct.

An application for external review can only be made after an internal review has been completed and must be made within **28 days** from the date of the internal review decision.

7.3 Complaint to the Privacy Commissioner

If a person wishes to complain about Hilltops Council they can write to the Privacy Commissioner. The complaint does not need to be reviewed internally before being reviewed by the Information Commissioner. The role of the Privacy Commissioner includes promoting the adoption of and compliance with the information protection principles, investigating complaints, initiating privacy codes of practice, assisting agencies manage personal information and implement privacy management plans, conducting research, recommending legislative, administrative or other action in the interests of privacy as well as conducting inquiries and investigations into privacy related matters. (Contact details are listed on the last page of this Plan)

7.4 Offences

It is an offence for Council Officials to:

- intentionally disclose or use personal information about another person accessed in the exercising of official functions for an unauthorised purpose
- offer to supply personal information that has been disclosed unlawfully.

8. OTHER INFORMATION

8.1 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 the Council at least every three (3) 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 PPIPA.

8.2 Review of Privacy Management Plan

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.



8.3 NSW Civil and Administrative Tribunal (NCAT)

NCAT was established in 1 January 2014, NCAT consolidates the work previously dealt with by 22 separate tribunals. Council's previous Privacy Management Plan was covered under the Administrative Decisions Tribunal (ADT).

NCAT's broad and diverse jurisdiction and matter types are dealt with in four specialist Divisions. The division that is relevant to this Plan is the Administrative and Equal Opportunity Division. This division reviews administrative decisions made by NSW Government agencies and resolves discrimination matters. (contact details below).

8.4 Related Forms/Documents

- Informal GIPA Application
- Formal GIPA Application for Access to Information - www.hilltops.nsw.gov.au

Note: Related forms can be located Online on Council's website

9. CONTACT DETAILS

For assistance in understanding the processes under the PPIPA and HRIPA, please contact Council's Privacy Contact Officer or the Information & Privacy Commission.

Hilltops Council Offices

189 Boorowa Street
Young NSW 2594

3 East Street
Harden NSW 2587

3-5 Market Street
Boorowa NSW 2586

Monday to Friday - 8.30am to 4.30pm

All communication addressed to:
The General Manager
Hilltops Council
Locked Bag 5
Young NSW 2594

Phone: 02 6380 1200 Fax: 02 6380 1299

Email: mail@hilltops.nsw.gov.au Website: www.hilltops.nsw.gov.au

Information & Privacy Commission
GPO Box 7011
SYDNEY NSW 2001

Phone 1800 472 679

Email: ipcinfo@ipc.nsw.gov.au Website: www.ipc.nsw.gov.au

NSW Civil and Administrative Tribunal (NCAT)
Level 10
John Maddison Tower 86-90 Goulburn Street
SYDNEY NSW 2000

Phone 02 9377 5859 Or 1300 006228



10. Definitions

In this Privacy Management Plan the following definitions apply:

Personal information	information or an opinion about a person whose identity is apparent, or can be ascertained from the information or opinion
Health information	personal information that is information or an opinion about the physical or mental health or a disability of an individual or an individual's express wishes about the future provision of health services or a health service provided or to be provided to an individual
Council official	includes councillors, members of staff of council, administrators, contractors, volunteers, council committee members and delegates of council
public register	a register of personal information that is required by law to be, or is made, publicly available or open to public inspection
Privacy Contact Officer	assigned to Council's Public Officer
Code	Privacy Code of Practice for Local Government
PPIPA	Privacy and Personal Information Protection Act 1998 (NSW)
HRIPA	Health Records and Information Privacy Act 2002

11. References

- Privacy and Personal Information Protection Act 1998 ("PPIPA") Health Records and Information Privacy Act 2002 ("HRIPA") Privacy Code of Practice for Local government (Code) Government Information (Public Access) Act 2009
- State Records Act 1998 Office of Local Government
- Information and Privacy Commission of NSW Public Interest Disclosures