



Woollahra Municipal Council Privacy Management Plan

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1 Introduction

Council is committed to protecting the personal and health information that it collects from individuals and managing this information in accordance with the Privacy and Personal Information Protection Act 1998 (**PPIP Act**) and the Health Records and Information Privacy Act 2002 (**HRIP Act**).

The purpose of the Council's Privacy Management Plan (**the Plan**) is to explain how the Woollahra Municipal Council (**the Council**) manages personal and health information in accordance with the PPIP Act and the HTIP Act.

Section 33 of PPIP Act requires all councils to prepare a Privacy Management Plan to deal with:

- The devising of policies and practices to ensure compliance by Council with PPIP Act and HRIP Act;
- The dissemination of those policies and practices to Council staff, contractors and councillors;
- The Council's procedures in relation to internal reviews under Part 5 of PPIP Act; and
- Other matters considered relevant by Council in relation to privacy and the protection of Personal Information held by Council.

The Plan also aims to:

- Inform the community about how their personal information will be used, stored and accessed after the personal information is collected by Council;
- Advise and guide Council staff on their obligations in relation to handling personal information and when they can and cannot disclose, use or collect it; and
- Explain to the public how to contact the Council about the personal and health information it holds, how information can be accessed and amended and how privacy complaints are handled.

This Plan will be reviewed every two years. It will be reviewed earlier if any legislative or administrative changes affect the management of personal and health information by the Council.

2 What is personal and health information

Personal information is defined in Section 4 of the PPIP Act as; any information or opinions about a person where that person's identity is apparent or can be reasonably ascertained.

Examples of Personal information held by Council includes names, addresses and other contact information in relation to members of the public and Council staff. Also, certain employment related information of Council staff, for example, leave

applications, payroll data, pecuniary interest returns and performance management plans.

There are some kinds of information that are defined under Section 4 (3) of the PPIP Act to not be personal information, these include:

- information about someone who has been dead for more than 30 years;
- information about someone that is contained in a publicly available publication; and
- Information or an opinion about a person's suitability for employment as a public sector official.

The Privacy and Personal Information Protection Regulation 2019 (**The Reg**) also lists other information that is considered not personal information, such as information about someone that is contained in:

- a document in a library, art gallery or museum;
- state records under the control of the State Archives and Records Authority of New South Wales; and
- public archives (within the meaning of the Copyright Act 1968 (Cth)).

Health information is a more specific type of personal information and is defined in Section 6 of the HRIP Act. Health information can include information about a person's physical or mental health such as a psychological report, blood test or an X-ray, results from drug and alcohol tests, and information about a person's medical appointments. It can also include some personal information that is collected to provide a health service, such as a name and telephone number.

3 Principles

The following principles demonstrate how Council will manage your personal and health information.

Collection

The Council collects Personal and Health information for the purpose of carrying out its lawful functions and activities, including services to the community and the management of Council staff.

Examples of how information is collected include:

- Development Assessment (DA) applications (and applications for other types of approvals from Council) and submissions;
- Requests for Council services, including requests made online, over the telephone or in person;

- Responses to surveys and public exhibition processes;
- CCTV;
- Levying and collection rates; and
- Applications for employment with Council.

Unsolicited information is personal or health information received by the Council in circumstances where the Council has not asked for or required the information to be provided to them. Such information is not deemed to have been collected by the Council but the access, storage, use and disclosure under Information Protection Principles and Health Privacy Principles in this Plan will apply to any such information that is in the possession of the Council.

When Council collects information the following practices apply:

- The information must be collected for a lawful purpose that is directly related to a function or activity of Council. Council will only collect information that is reasonably necessary for that purpose and will take steps to ensure that the information collected is accurate, complete, up-to-date and does not intrude to an unreasonable extent on the personal affairs of the individual to whom the information relates.
- Information will be collected from the person to whom the information relates unless:
 - Someone else is authorised in writing to provide the information; or
 - If the person to whom the Personal Information relates is under 18 years of age, from a parent or guardian.
 - For Health Information, from someone else, where it would be unreasonable or impracticable to collect the Health Information from the person to whom the information relates.
- Council will provide a Privacy Protection Notice where reasonable in the circumstances. The Privacy Protection notice must advise the following:
 - That the Personal Information is being collected;
 - The purpose for which the Personal Information is being collected;
 - The intended recipients of the Personal Information;
 - Whether the supply of Personal Information is required by law or is voluntary, and any consequences for the person if the Personal Information (or any part of it) is not provided;
 - The existence of any right of access to, and correction of, the Personal information; and
 - Council's name and address as the agency that is collecting and holding the personal information.

Retention and Security

The Council takes reasonable security safeguards to protect Personal and Health Information from loss, unauthorised access, use, modification or disclosure, and against all other likely misuse.

The following practices apply to the retention and security of Personal and Health Information.

- Access to information will be limited to those Council staff who have a need-to-know.
- Council stores Personal and Health Information in a variety of ways including:
 - In secure physical office locations; and
 - Electronic [i.e. on a server on Council's premises or a tenancy on a secure cloud network].
- Council will store information securely, keep it no longer than necessary and as required by law and dispose of it appropriately in accordance with the State Records Act 1998. Council will protect information from unauthorised access, use, modification or disclosure.
- Council staff are subject to the requirements of the Code of Conduct in relation to the security of confidential information, including Personal and Health Information.
- Council will protect information by employing industry standard security systems based on Cyber NSW requirements for Local Councils.
- Where Council engages a third party to provide services, and the third party requires access to Personal Information and/or Health Information, the Council will take reasonable steps to ensure that the third party complies with this Plan, including ensuring that the contract includes terms requiring the protection of information in accordance with this Plan.

Use

Use refers to those occasions where Council uses the Personal Information and Health Information it holds for the performance of its functions and provide services.

The following practices apply to the use of Personal and Health Information:

- Information must be used for the purpose for which it was collected (the Primary Purpose).
- In limited circumstances, information may be used for another purpose (Secondary Purpose) where:
 - the person has given their consent for their information to be used for a Secondary Purpose;
 - the Secondary Purpose is directly related to the Primary Purpose;

- the use of the information for the Secondary Purpose is reasonably necessary to prevent or lessen a serious and imminent threat to the life or health of the individual to whom the information relates or of another person;
 - for the protection of public revenue; or
 - where otherwise required by law.
- Where Council engages a third party to assist Council in exercising its functions and activities, this is a use of information.
 - The information must be relevant, accurate, up-to-date and not misleading before being used. The accuracy of information is checked and updated when customers contact Council's Customer Service team.
 - The Privacy Code of Practice for Local Government provides Council with certain exemptions from the Principles regarding the use of Personal Information. The Code states that:
 - Council may use personal information for a purpose other than the purpose for which it was collected where the use is for the purpose of undertaking 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.
 - Health Information must only be used for the purposes set out in section 10 of Schedule 1 of HRIP Act.

Access and Amendment

The following practices apply to the access and amendment of Personal and Health Information:

- Council will take reasonable steps to enable a person to ascertain whether Council holds information about them, the nature of that information, the main purpose for which the information is used and the person's entitlement to gain access to the information.
- Council must allow the person to whom the information relates to access their information without excessive delay or expense and allow them to update, correct or amend their information.
- Where a request is made to amend information; and the Council is not prepared to make that amendment, the Council will, if requested, take such steps as are reasonable to attach to the information, any statement provided of the amendment sought.

How to request access to, and/or amendment of information:

- People requiring access to their Personal and Health Information held by Council can do so by filling out and submitting an [Access to Personal Information Form](#).
- Individuals and organisations can request amendments to their contact information by filling out and submitting the [Update Customer Details Form](#).

- Amendments to Health Information need to be applied for in writing, addressed to:
 General Manager
 Woollahra Municipal Council
 PO Box 61
 Double Bay NSW 1360
- The application must:
 - Provide the name and the address of the person making the request;
 - Identify the health information concerned; and
 - Explain why the person claims the health information is inaccurate, out of date, irrelevant, incomplete or misleading.
 - If the person claims the health information is incomplete or out of date, it must be accompanied by the information that the person claims is necessary to complete the health information or to bring it up to date.

Disclosure

Disclosure refers to occasions where Council releases information to a third party.

The following practices apply to the disclosure of Personal Information:

- Council will only disclose Personal Information in the following circumstances:
 - Where it has the consent of the person to whom the information relates;
 - Where the disclosure is directly related to the purpose for which the information was collected and Council has no reason to believe that the individual concerned would object to the disclosure;
 - Where the person to whom the information relates, was made aware when the information was collected (through a Privacy Protection Notice) that information of that kind is usually disclosed by Council to a person or other body;
 - Where Council reasonably believes that disclosure is required to prevent a serious and imminent threat to any person's health or safety;
 - Where disclosure is required or authorised by law, for example, as part of a Court process, subpoena or notice to produce records, or pursuant to an exemption in the PPIP Act; and
 - To a third party engaged to assist Council in exercising its functions and activities.
- Council will not disclose sensitive Personal Information unless the disclosure is necessary to prevent a serious and imminent threat to the life or health of the individual concerned or another person. Sensitive Personal Information includes information such as ethnic or racial origin, political opinions, religious or philosophical beliefs, sexual activities or trade union membership.
- Council will not disclose Personal Information to a person or body in a jurisdiction outside of NSW or to a Commonwealth agency, except in the circumstances set out in s.19(2) of the PIPP Act.
- The Privacy Code of Practice for Local Government provides Council with certain exemptions from the Principles regarding the disclosure of Personal Information. The Code states that:

Council may disclose personal information where the disclosure is to public sector agencies or utility providers on condition that:

- i. the agency or utility provider has approached Council in writing*
- ii. Council is satisfied that the information is to be used by that agency or utility provider for the proper and lawful function/s of that agency or utility provider, and*
- iii. Council is satisfied that the personal information is reasonably necessary for the exercise of that agency or utility provider's function/s.*

Where Council is requested by a potential employer, it may verify:

- i. that a current or former employee works or has worked for Council*
- ii. the duration of their employment, and*
- iii. the position occupied during their employment.*

This exception shall not permit Council to give an opinion as to that person's suitability to 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.

The following practices apply to the disclosure of Health Information:

- Health Information will only be disclosed in the circumstances set out in section 11 of Schedule 1 of the HRIP Act which include:
 - With the consent of the individual to disclose their Health Information for a purpose other than the purpose for which the information was collected;
 - For a secondary purpose which is directly related to the primary purpose for which the information was collected and the individual would reasonably expect Council to disclose their information for a secondary purpose;
 - If there is a threat to the health, welfare or safety of the individual, another person or the public; or
 - For certain training and research purposes.

Other Principles relating to Health Information

- Unique identifiers - Council can only identify people using unique identifiers if it is reasonably necessary to carry out its functions efficiently.
- Anonymity - Council can give people the option of receiving services from Council anonymously, where this it is lawful to do so and practicable.
- Transfer - Council can only transfer health information outside New South Wales in accordance with section 14, Schedule 1 of HRIP Act.

Sharing - Consent must be provided before health information collected by Council can be used in systems involving other organisations.

4 Public Registers

The PPIP Act governs how the Council should manage personal information contained in public registers. Section 3 of the PPIP Act defines a public register as ‘a register of personal information that is required by law to be made, or is made, publicly available or open to public inspection (whether or not on payment of a fee)’.

A public register generally confers specific rights or privileges, a benefit or status which would not otherwise exist. It may be required by law to be made publicly available or open for public inspection. Section 57 of the PPIP Act provides that Council will not disclose any personal information kept in a public register unless it is satisfied that the information is to be used for a purpose relating to the purpose of the register or the Act under which the register is kept.

Under Section 57 of the PPIP Act, Council may require any person who applies to inspect personal information contained in the public register to give particulars in a form of a statutory declaration as to the proposed use of that information.

Part 6 of the PPIP Act prevents Council employees from disclosing personal information held on public registers, unless the information is to be used for a purpose relating to the purpose of the register.

The Council’s public registers include:

- Land register
- Records of approval
- Records of property rates
- Contracts over \$250,000 awarded by the Council
- Register of investments
- Register of disclosures of interest
- Register of development consents
- Register of planning agreements
- Record of building certificates
- Public record of licences
- Record of impounding
- Non-residential roll and roll of occupiers and rate-paying lessees.

How to request removal of Personal Information from Public register

- Anyone with Personal Information recorded in a public register can request their Personal Information be removed and not disclosed to the public. If the Council accepts that disclosing this information could affect the person's safety or wellbeing, then it will only be disclosed if the public interest in maintaining access is greater than the personal interest in non-disclosure of it.
- Applications for the removal personal information from a public register must be made in writing to:
 - General Manager
 - Woollahra Municipal Council
 - PO Box 61
 - Double Bay NSW 1360

5 Promoting Privacy

- The Council reinforces compliance with the PPIP Act and HRIP Act by:
 - endorsing this Plan and making it publicly available;
 - providing a copy of this Plan to relevant oversight bodies such as the Audit, Risk & Improvement Committee (ARIC);
 - reporting on internal reviews to the Office of the Information and Privacy Commission; and
 - identifying privacy issues when implementing new systems, services and processes.
- The Council ensures that its employees are aware of and understand this Plan and how it applies to the work they do.
- The Council promotes awareness of privacy obligations among employees by:
 - publishing the Council's Privacy Management Plan and privacy-related policies on the Council's intranet and website;
 - publishing information about privacy on the Council's intranet;
 - communicating regularly with employees about privacy;
 - ensuring Council policies comply with privacy legislation;
 - including the Plan in induction packs; and
 - offering training and advice to employees.
- When Council employees have questions about how to manage personal and health information under this Plan, they may consult with their Supervisor or Manager, the Privacy Contact Officer/Alternate Privacy Contact Officer (Manager Governance & Risk/ Director Corporate Performance) or the Governance Team.

6 Complaints and Rights of Review

When Should a Review Be Sought?

- Council recommends that informal attempts to resolve any privacy issues should be made prior to seeking any form of review. Only in cases where this informal approach is unsuccessful should a formal review be sought.

- Members of the public wanting to resolve any privacy issues informally, should, in the first instance, contact the Manager Governance & Risk.
- Staff wanting to resolve any privacy issues informally, should, in the first instance, contact the Manager People, Safety and Performance.

When Should an Internal Review Be Sought?

- People or organisations may seek an internal review if they are of the opinion that either the PPIP Act or HRIP Act has been breached in relation to their own personal information or the personal information of a person for whom they are an authorised representative.
- Applications for internal review must be made within six months from the date when the person became aware of the breach. Applications for an Internal Review should be made in writing to:
 - General Manager
 - Woollahra Municipal Council
 - PO Box 61
 - Double Bay NSW 1360
- The Manager Governance & Risk will conduct an internal review unless the review relates to the actions of the Manager Governance & Risk. In this instance the Director Corporate Performance will conduct the internal review.
- Applications for internal review:
 - Will be acknowledged within 5 working days.
 - Will be completed within 60 calendar days.
 - Applicants will be notified of the determination of the review in writing within 14 calendar days of its completion.
 - If the applicant is not notified within 60 days of the outcome of an internal review, the applicant may then seek an external review.

Role of the Privacy Commissioner

- Council will notify the Privacy Commissioner of any applications for an internal review and of the progress of the internal review. The Privacy Commissioner has the right to make submissions in relation to any internal reviews.

External Review

- If the applicant is not satisfied with the outcome of an internal review, they can apply to the NSW Civil and Administrative Tribunal (**NCAT**) for an external review of the decision. An applicant has 28 days from the date of the decision of the internal review to seek a review from NCAT.
- Full details of the external review process can be found in Section 55 of PPIP Act.

7 Other Matters Relating to privacy and the protection of Personal Information

- **Suppressing personal information:** If a person believes the disclosure of their address or contact details would place them or their family at risk, they can request their address or contact details be withheld from public view. An example of when Council may publicly display a person's address or contact details is when a person/s has lodged a development application which is published on Council's website.
- **Mandatory Notification of Data Breach:** The Mandatory Notification of Data Breach (MNDB) scheme places requirements on the Council to notify affected individuals and the Privacy Commissioner in the event of an eligible data breach of their Personal or Health information. For full details, please see Council's [Data Breach Policy and Response Plan](#).

8 Scope and Application

- This Plan applies to:
 - Council employees
 - Consultants and contractors of Council
 - Staff employed by Council-owned businesses
 - Councillors
- If any staff member, consultant or contractor requires advice regarding the management or handling of Personal and Health Information, in the first instance, they should seek advice from their Manager.
- If further assistance is required, contact the Manager - Governance & Risk.
- If a Councillor requires advice regarding the management or handling of Personal and Health Information, they should seek advice from the Manager Governance & Risk.

9 Contact Details

Further information about the Council's Privacy Management Plan, or the personal and health information the Council holds can be obtained from the Council's Privacy Officer located within the Governance & Risk Department. Please direct your enquiries to:

The Manager, Governance & Risk
Telephone: (02) 9391 7000
Email: records@woollahra.nsw.gov.au

Council's postal address is:

Woollahra Municipal Council
PO Box 61
Double Bay NSW 1360

The **Customer Services Centre** is located at the following address:

536 New South Head Road,
 Double Bay NSW 2028
 Opening Hours: Monday to Friday: 8am to 4.30pm.

Contact details for the **Office of the Information and Privacy Commissioner** are:

Email: ipcinfo@ipc.nsw.gov.au
Telephone: 1800 472 679
Interpreter Service: 131 450

Policy Amendments

This Plan will be reviewed every two years or in accordance with legislative requirements.

Any amendment to this Plan must be by way of a Council Resolution.

Date	Responsible Officer	Description
April 2014	Manager - Governance & Council Support	Policy and procedure approved and adopted by Council 09/09/2013.
March 2023	Manager - Governance & Risk	Review and administrative updates made.

Appendix 1 Privacy Notification Form - Section 10 (Pre-Collection)

(Addressed to the person from whom information is about to be collected or has been collected)

The personal information that Council is collecting from you is personal information for the purposes of the Privacy and Personal Information Protection Act 1998 (PPIPA).

The intended recipients of the personal information are:

- officers within the Council;
- data service providers engaged by the Council from time to time;
- any other agent of the Council; and

(INSERT NAME OF OTHER INTENDED RECIPIENTS)

The supply of information by you is: Voluntary Not voluntary

If you cannot provide, or do not wish to provide, the information sought, the Council

- maybe unable to process your application.
- will be unable to process your application.

Council is collecting this personal information from you in order to:

You may make application for access or amendment to information held by Council.

You may also make a request that Council suppress your personal information from a public register. Council will consider any such application in accordance with the PPIPA.

Council is to be regarded as the agency that holds the information. However, if it **is not** Council who holds or controls the information, please state below who does:

(INSERT NAME OF AGENCY WHO HOLDS OR CONTROL THE INFORMATION)

Enquiries concerning this matter can be addressed to: _____

Signature _____

Name to be printed _____

Date signed _____

Appendix 2 Privacy Notification Form - Section 10 (Post Collection)

(Addressed to the person from whom information has been collected.)

The personal information that Council has collected from you is personal information for the purposes of the Privacy and Personal Information Protection Act 1998 (PPIPA).

The intended recipients of the personal information are:

- officers within the Council;
- data service providers engaged by the Council from time to time;
- any other agent of the Council; and

(INSERT NAME OF OTHER INTENDED RECIPIENTS)

The supply of information by you is: Voluntary Not voluntary

If you cannot provide, or do not wish to provide, the information sought, the Council may:

Council has collected this personal information from you in order to:

You may make application for access or amendment to information held by Council.

You may also make a request that Council suppress your personal information from a public register. Council will consider any such application in accordance with the PPIPA.

Council is to be regarded as the agency that holds the information. However, if it **is not** Council who holds or controls the information, please state below who does:

(INSERT NAME OF AGENCY WHO HOLDS OR CONTROL THE INFORMATION)

Enquiries concerning this matter can be addressed to: _____

Signature _____

Name to be printed _____

Date signed _____

Appendix 3 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. Ninth 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. If any, to person inquired about

(4) insert name

I seek to know whether ⁽⁴⁾ _____ (5) Applicant to describe the relevant public information

Is on the public register of ⁽⁵⁾ _____ register

(6) insert purpose for seeking information

The purpose of this information is ⁽⁶⁾ _____

(7) Insert Purpose

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

And I make this solemn declaration, as to the matter (or matters) aforesaid, according to, the law in this behalf made - and subject to the punishment by law provided for any willfully false statement in any such declaration.

Declared at: _____ on _____
[place] [date]

[signature of declaration]

in the presence of an authorised witness, who states:

I, _____ a _____
[name of authorised witness] [qualification of authorised witness]

certify the following matters concerning the making of this statutory declaration by the person who made it: [* please cross out any text that does not apply]

1. *I saw the face of the person OR *I did not see the face of the person because the person was wearing a face covering, but I am satisfied that the person had a special justification for not removing the covering, and
2. *I have known the person for at least 12 months OR *I have confirmed the person's identity using an identification document and the document I relied on was

[Describe identification document relied on]

[signature of authorised witness]

[date]