

# Cessnock City Council Privacy Management Plan

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# PART A – INTRODUCTION

## 1. OBJECTIVES

### 1.1. To inform the community:

- 1.1.1. about how your Personal Information will be used, stored and accessed after it is collected by Council; and
- 1.1.2. who you should contact with questions about the information collected and retained by Council, how to access and amend your stored information and what to do if you believe Council has breached the *Privacy and Personal Information Protection Act 1998 (NSW) (PIIP Act)* or the *Health Records and Information Privacy Act 2002 (NSW) (HRIP Act)*.

### 1.2. To inform Council Officials of their obligations in relation to handling Personal Information and when they can and cannot disclose, use or collect it, in accordance with the PPIP Act, HRIP Act, the *Government Information (Public Access) Act 2009 (NSW) (GIPA Act)*, and the Privacy Code of Practice for Local Government (December 2019).

## 2. SCOPE

2.1. This plan applies to all Council Officials, including committee members, when collecting, receiving, using, storing, accessing, disclosing, archiving and/or destroying Personal Information.

### 2.2. This plan covers requirements outlined in section 33(2) of the PPIP Act including:

- 2.2.1. Information about how Council develops policies and practices in line with the State's information and privacy Acts;
- 2.2.2. How Council disseminates these policies, protocols and practices within the organisation and educates Council Officials in their use;
- 2.2.3. Council's internal review procedures; and
- 2.2.4. Any other matter Council considers relevant to the plan in relation to privacy and the Personal Information it holds.

2.3. In this plan, a reference to Personal Information is also a reference to Health Information.

## 3. STATEMENT

3.1. As a government agency, Council is required to have a Privacy Management Plan in accordance with section 33 of the PPIP Act. Council is committed to supporting the broad object of the GIPA Act to advance a system of responsible and representative government that is open, accountable, fair and effective. Council is committed to ensuring that the community can access information Council holds easily and at the lowest reasonable cost.

## **4. WHAT IS PERSONAL AND HEALTH INFORMATION**

### **4.1. About Personal Information**

- 4.1.1. 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 reasonably be ascertained.

### **4.2. About Health information**

- 4.2.1. 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.

### **4.3. General exclusions**

- 4.3.1. The following are general categories of information that are excluded from the scope of both the PPIP Act and HRIP Act:
  - i. Information about someone who has been deceased for more than 30 years;
  - ii. Information about someone that is contained in a publicly available publication such as information which is published in newspapers, books or on the Internet (including social media platforms), broadcast on radio or television or made known at a public event such as a community presentation;
  - iii. Information or an opinion about a person's suitability for employment as a public sector official.

## PART B – HOW TO ACCESS AND REVISE YOUR INFORMATION

### 5. AMENDING OR ACCESSING YOUR PERSONAL INFORMATION

- 5.1. Everyone has the right to access their Personal and/or Health information Council holds about them. They also have the right to amend their own Personal and/or Health information Council holds, for example, updating their contact details. There are two ways in which you can amend your Personal Information:
  - 5.1.1. By completing the relevant form on Council's website to amend your customer details such as your preferred name, email address or phone number; or
  - 5.1.2. By completing the relevant form on Council's website to amend more specific Personal or Health Information, such as medical history or specialty reports.
- 5.2. Council is required to provide you with access to the Personal and/or Health information it holds and allow you to amend this information without excessive delay or expense.
- 5.3. There is no fee to amend your Personal and/or Health information however Council can charge a fee for you to access your Personal and/or Health Information in accordance with Council's Fees and Charges.
- 5.4. Council will provide individuals with access to records containing their Personal Information provided the individual can confirm their identity by producing one or more of the following pieces of identification:
  - 5.4.1. Valid driver's license;
  - 5.4.2. Birth certificate or birth extract;
  - 5.4.3. Valid pension card or Health care card issued by Centrelink;
  - 5.4.4. Valid Medicare card;
  - 5.4.5. Valid student photo identification card (issued by an Australian tertiary education institution);
  - 5.4.6. Recent bank statement;
  - 5.4.7. Recent rates notice;
- 5.5. **Amending your customer details**
  - 5.5.1. To amend your name, your address and contact details, ownership details, gender details, regardless of whether you are acting in a personal or business capacity, complete the relevant form on Council's website, which can also be emailed to [council@cessnock.nsw.gov.au](mailto:council@cessnock.nsw.gov.au) or posted to 62-78 Vincent Street, Cessnock, NSW, 2325.
  - 5.5.2. Council treats such requests with priority and will have them actioned **within 24 hours** of having received them.
- 5.6. **Amending specific Personal or Health Information**

- 5.6.1. To amend specific Personal and/or Health information such as your employment details, records displaying your religious practices, etc, please complete the relevant form on Council's website which can also be emailed to [council@publicofficer.nsw.gov.au](mailto:council@publicofficer.nsw.gov.au) or posted to 62-78 Vincent Street, Cessnock, NSW, 2325.
- 5.6.2. Council treats such requests with priority and will have them actioned **within 5 working days** of having received them.

#### 5.7. Accessing your Personal Information

- 5.7.1. To access any records Council holds containing your Personal or Health Information, please complete the "Access my Personal Information" form on our website. This form can also be emailed to [publicofficer@cessnock.nsw.gov.au](mailto:publicofficer@cessnock.nsw.gov.au) or posted to 62-78 Vincent Street, Cessnock, NSW, 2325.
- 5.7.2. In order for your application to be valid, the application should:
  - i. include your name and contact details, including your postal address, telephone number and your email address;
  - ii. indicate whether you are making the application under the PPIP Act (Personal Information) or HRIP Act (Health information);
  - iii. explain what Personal or Health information you want to access or amend; and
  - iv. explain how you want to access your information or amend it.
- 5.7.3. Council will **acknowledge** your application and advise you if it is valid or not **within 5 working days** of receiving your application. Where applications are invalid, we will provide assistance in how these can become valid.
- 5.7.4. Council typically **responds** in writing to applications for accessing Personal Information **within 20 working days**. Council will contact you if your request is likely to take longer than expected.
- 5.7.5. If you believe Council is taking an unreasonable amount of time to respond to your application for Personal Information, you are encouraged to contact Council to ask for an update or progress of your application.
- 5.7.6. If Council decides not to provide access to or amend your Personal or Health information, the reason will be clearly explained to you in writing or over the telephone.
- 5.7.7. You also have the right to make a formal application to access information under the GIPA Act. For more information, please refer to Council's [website](#).

#### 5.8. Accessing or amending other people's information

- 5.8.1. The PPIP Act and the HRIP Act gives people the right to access their own information; the Acts generally do not give people the right to access someone else's information.
- 5.8.2. However, section 26 of the PPIP Act allows a person to give consent to Council to disclose his or her Personal Information to someone else that would not normally have access to it.

5.8.3. Likewise, under section 7 and section 8 of the HRIP Act, an ‘authorised person’ can act on behalf of someone else. The Health Privacy Principles (HPPs) also contain information regarding other reasons Council may be authorised to disclose Health information, such as in the event of a serious and imminent threat to the life, Health and safety of the individual, in order to help find a missing person, or for compassionate reasons.

5.8.4. If none of the above scenarios are relevant, a third party can consider making an application for access to government information under the GIPA Act.

## 6. ACCESS AND ACCURACY OF PERSONAL INFORMATION

6.1. Council must provide access to, and ensure the accuracy of, Personal Information in accordance with the PPIP Act, HRIP Act, and the Privacy Code of Practice for Local Government. Below is a summary of such requirements:

	PPIP Act	Privacy Code	HRIP Act
<b>IPP6 and HPP6</b>	<b>Transparent</b> ( <a href="#">section 13</a> ) Enough detail must be given about what Personal Information is stored, what purposes is it used for, and what rights an individual has to access it.	N/A	<b>Transparent</b> ( <a href="#">section 6 of Schedule 1</a> ) Council must advise individuals what Health Information is stored, what purposes is it used for, and what rights an individual has to access it.
<b>IPP7 and HPP7</b>	<b>Accessible</b> ( <a href="#">section 14</a> ) At the request of the individual to whom the information relates, Council must allow an individual access to their Personal Information without unreasonable delay or expense.	N/A	<b>Accessible</b> ( <a href="#">section 7 of Schedule 1</a> ) At the request of the individual to whom the information relates, Council must provide an individual with access to their Health Information without excessive delay or expense.
<b>IPP8 and HPP8</b>	<b>Correct</b> ( <a href="#">section 15</a> ) At the request of the individual to whom the information relates, Council must make appropriate amendments (whether by way of corrections, deletions or additions) to ensure that the Personal Information is accurate, relevant, up to date and not misleading.	N/A	<b>Correct</b> ( <a href="#">section 8 of Schedule 1</a> ) At the request of the individual to whom the information relates, Council must make appropriate amendments (whether by way of corrections, deletions or additions) to ensure that the Health Information is accurate, relevant, up to date and not misleading.
<b>IPP9 and HPP9</b>	<b>Accurate</b> ( <a href="#">section 16</a> ) Council must take reasonable steps to ensure that the Personal Information is relevant, accurate, up to date and complete before using.	N/A	<b>Accurate</b> ( <a href="#">section 9 of Schedule 1</a> ) Council must ensure that the Health Information held is relevant, accurate, up to date, complete and not misleading before using.
<b>Exemptions</b>	Council does not have to comply with the Privacy Principles about access and accuracy of Personal Information as outlined in: <ul style="list-style-type: none"> <li>▪ <a href="#">Section 23;</a></li> <li>▪ <a href="#">Section 24;</a></li> <li>▪ <a href="#">Section 25;</a></li> <li>▪ <a href="#">Section 26;</a></li> </ul>		Council does not have to comply with the Privacy Principles about access and accuracy of Health Information as outlined in: <ul style="list-style-type: none"> <li>▪ <a href="#">section 6(2) of Schedule 1;</a></li> <li>▪ <a href="#">section 7(2) of Schedule 1;</a></li> <li>▪ <a href="#">section 8(4) of Schedule 1</a></li> </ul>

## PART C – YOUR RIGHTS AND OFFENCES

### 7. REQUEST AN INTERNAL REVIEW

- 7.1. You have the right to seek an internal review under the PPIP Act if you believe Council has not processed your application under the PPIP or HRIP Act properly or you believe Council has breached the PPIP Act or HRIP Act relating to your Personal and/or Health information. Council however welcomes the opportunity to discuss any privacy issues you may have. You are encouraged to try to resolve privacy issues with Council informally before lodging an internal review. You can raise your concerns by contacting the Privacy Contact Officer, making a complaint directly to the Privacy Commissioner or using Council's complaint handling process.
- 7.2. You cannot seek an internal review for a breach of someone else's privacy, unless you are the authorised representative of the other person.
- 7.3. Correspondence that merely touches on one's privacy and contains allegations that are not normally dealt with under this plan will be dealt with in accordance with Council's Complaints Handling Policy or any other policy of the same effect.
- 7.4. You can request an internal review by filling out the Internal Review form (see Appendix 1) available on Council's website which can be emailed to [publicofficer@cessnock.nsw.gov.au](mailto:publicofficer@cessnock.nsw.gov.au) or posted to 62-78 Vincent Street, Cessnock, NSW, 2325 including any relevant information.
- 7.5. **Applications for an internal review** must be made **within six months** from when you first became aware of the breach. However, depending on circumstances, Council may also consider a late application for an internal review.
- 7.6. Council will **acknowledge receipt of an internal review request within 5 working days** and **complete an internal review within 60 calendar days**. The Privacy Contact Officer will inform the applicant of the progress of the review and will respond in writing **within 14 calendar days** of determining the internal review.
- 7.7. The Privacy Contact Officer reserves the discretion to conduct the internal review or delegate this function to someone else, unless the internal review is about the conduct of the Privacy Contact Officer. In this case, the General Manager will appoint someone else within Council to conduct the internal review.
- 7.8. Council must notify the Privacy Commissioner when an internal review is being conducted and also inform the Privacy Commissioner of the findings of the review and of the action proposed to be taken by Council in relation to the matter. The Privacy Commissioner is entitled to make submissions to Council with his or her view on the matter.
- 7.9. If you disagree with the outcome of the internal review or you are not notified of an outcome as outlined in clause 7.6, you have the right to seek an external review.

### 8. REQUESTING AN EXTERNAL REVIEW

- 8.1. You have **28 calendar days** from the date of the internal review decision to seek an external review by NSW Civil and Administrative Tribunal (**NCAT**), pursuant section 53 of the *Administrative Decisions Review Act 1997* (NSW).
- 8.2. To request an external review, you must apply directly to the NCAT, which has the power to make binding decisions on an external review. You can contact NCAT:

Website: <http://www.ncat.nsw.gov.au>  
 Phone: (02) 9377 5711  
 Visit/post: Level 9, John Maddison Tower,  
 86-90 Goulburn Street, Sydney NSW 2000

## 9. OFFENCES

9.1. The following table summarises offences for certain conduct:

Offence	Maximum penalty	Legislative provision
It is a criminal offence for a public sector official to corruptly disclose and use Personal or Health information	Fine of up to 100 penalty units (\$11,000), or  Imprisonment for two years, or both	Section 62 of the PPIP Act; section 68 of the HRIP Act
It is a criminal offence for a person 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 two years, or both	Section 63 of the PPIP Act; section 69 of the HRIP Act
It is a criminal offence for a person – by threat, intimidation or misrepresentation – to persuade or attempt to persuade an individual: <ul style="list-style-type: none"> <li>▪ to refrain from making or pursuing a request to access Health information, a complaint to the Privacy Commissioner or NCAT, or an application for an internal review; or</li> <li>▪ to withdraw such a request, complaint or application.</li> </ul>	Fine of up to 100 penalty units (\$11,000)	Section 70(1) of the HRIP Act
A person must not – by threat, intimidation or misrepresentation – require another person to give consent under HRIP Act, or require a person to do, without consent, an act for which consent is required.	Fine of up to 100 penalty units (\$11,000)	Section 70(2) of the HRIP Act
It is a criminal offence for a person to: <ul style="list-style-type: none"> <li>▪ wilfully obstruct, hinder or resist the Privacy Commissioner or a member of the staff of the Privacy Commissioner</li> <li>▪ refuse or wilfully fail to comply with any lawful requirement of the Privacy Commissioner or a member of the staff of the Privacy Commissioner, or</li> <li>▪ wilfully make any false statement to or mislead, or attempt to mislead, the Privacy Commissioner or a member of the staff of the Privacy Commissioner</li> <li>▪ in the exercise of their functions under PPIPA or any other Act</li> </ul>	Fine of up to 10 penalty units (\$1,100)	Section 68(1) of the PPIP Act
It is a criminal offence to access or modify restricted data held in a computer where authorisation has not been provided	2 years imprisonment	Section 308H of the Crimes Act



## PART D – HOW COUNCIL COLLECTS PERSONAL AND HEALTH INFORMATION

### 10. PERSONAL INFORMATION PROVIDED TO COUNCIL

- 10.1. Individuals may provide Council with Personal and Health information when they make an application for employment, make enquiries and when Council delivers services to them. This can include names, contact details, opinions, Health conditions, family relationships, housing or tenancy information, work and education details. Individuals may also provide Council with Personal Information about other people.
- 10.2. If someone writes to Council, a full copy of whatever is sent is generally kept by Council in its electronic document management system or in a hard copy file. However, if someone calls over the phone and gives a lot of background information, Council may decide not to record all the Personal Information if it is irrelevant to the enquiry.

**For example:** a Council staff member might make a general note, such as ‘concerned about employer disclosing details of an illness’ without recording details about the illness itself.

- 10.3. The provision of any Personal Information to Council is generally voluntary and in that respect Personal Information may be provided that is unsolicited. Council recognises that some people may wish to remain anonymous and Council will provide such opportunities where it is lawful and practicable to do so (HPP13). However, Council will provide clear information regarding the consequences of remaining anonymous. If a person wishes to stay anonymous, Council is most likely to record the gender of the person who made contact.

**For example:** Council may be limited in considering Personal factors under the GIPA Act or may not be able to properly investigate or review a complaint if there is no sufficient Personal Information about the matter. In such cases, it is up to the person who contacted Council to decide if they want to continue with the enquiry.

- 10.4. Council’s telephones to the contact centre will display the number of the person who called, except for private/silent numbers. Telephone numbers that display are stored and can be extracted from Council’s phone system for reporting purposes. Telephone conversations conducted on Council’s main contact number (4993 4100) are documented and saved in Council’s document management system. In 2020/21 telephone conversations will be electronically recorded for quality and assurance purposes, however customers have the option to opt out of call recording. Calls transferred from Council’s contact centre to other Council extension numbers or facilities cease to be electronically recorded the moment they are transferred.
- 10.5. Council’s Web-Chat records the name of the person and an email contact, which will be stored in Council’s phone system for quality and assurance purposes, conversation details can be extracted and referenced.
- 10.6. If someone has an enquiry that cannot be answered straight away, a Council staff member may offer to take the person’s name and telephone number so someone in the office can respond.
- 10.7. Contractors acting on behalf of Council may also collect Personal and/or Health information. Council includes clauses in its contracts that require contractors to comply with relevant privacy obligations.

## 11. HOW COUNCIL COLLECTS INFORMATION

- 11.1. Council must collect Personal Information in accordance with the PPIP Act, HRIP Act, and the Privacy Code of Practice for Local Government. Below is a summary of such requirements:

	PPIP Act	Privacy Code	HRIP Act
IPP1 and HPP1	<b>Lawful</b> ( <a href="#">section 8</a> ) Personal Information must be collected for a lawful purpose which is directly related to Council's functions or activities and necessary for that purpose	N/A	<b>Lawful</b> ( <a href="#">section 1 of Schedule 1</a> ) Health Information must be collected for a lawful purpose which is directly related to Council's functions or activities and is necessary for that purpose
IPP2 and HPP2	<b>Direct</b> ( <a href="#">section 9</a> ) Personal Information must be collected directly from the individual concerned unless the individual has authorised collection of the information from someone else, or from a parent or guardian if that person is under the age of 16 years.	Council can collect Personal Information indirectly if collecting it is reasonably necessary when an award, prize, benefit or similar form of Personal recognition is intended to be, or may be, conferred upon the person to whom the information relates.	<b>Relevant</b> ( <a href="#">section 2 of Schedule 1</a> ) Health Information collected must be relevant, accurate, up to date, complete and not excessive. The collection should not unreasonably intrude into the individual's Personal affairs.
IPP3 and HPP3	<b>Open</b> ( <a href="#">section 10</a> ) An individual must be informed as to why their Personal Information is being collected, what Council will do with it, who may have access to it, whether supply is required by law or is voluntary, and if there are any rights of access to the information. If someone else is collecting the Personal Information on behalf of Council, the individual needs to be informed the name and address of the agency collecting and holding the information.	Council can collect Personal Information indirectly if collecting it is reasonably necessary when an award, prize, benefit or similar form of Personal recognition is intended to be, or may be, conferred upon the person to whom the information relates.	<b>Direct</b> ( <a href="#">section 3 of Schedule 1</a> ) Health Information must be collected directly from the individual concerned unless it is unreasonable or impracticable to do so and in accordance with guideline issued by the Privacy Commissioner issued for the purposes of the Privacy Principle.

<p><b>IPP4 and HPP4</b></p>	<p><b>Relevant</b> (<a href="#">section 11</a>) Personal Information collected must be relevant, accurate, up to date, complete and not excessive. The collection should not unreasonably intrude into the individual's Personal affairs.</p>	<p>N/A</p>	<p><b>Awareness</b> (<a href="#">section 4 of Schedule 1</a>) An individual must be informed as to why their Health Information is being collected, what Council will do with it, and who may have access to it.</p> <p>If Health Information is collected about an individual from someone else, reasonable steps must be taken to ensure that the individual has been notified of the above, unless making the individual aware would impose a serious threat to their Health or life, or the collection of their Health Information was in accordance with guidelines issued by the Privacy Commissioner.</p>
<p><b>Exemptions</b></p>	<p>Council does not have to comply with the Privacy Principles about collection as outlined in:</p> <ul style="list-style-type: none"> <li>▪ <a href="#">section 23(2)</a>;</li> <li>▪ <a href="#">section 23(6A)</a>;</li> <li>▪ <a href="#">section 26(1)</a>;</li> <li>▪ <a href="#">section 27A</a>;</li> <li>▪ <a href="#">section 27B</a>;</li> </ul>		<p>Council does not have to comply with the Privacy Principles about collection as outlined in <a href="#">section 4(4) of Schedule 1</a>.</p>

**11.2.** The Privacy Principles relating to collection do not apply to unsolicited information.

**11.3.** Council has a range of functions requiring or involving the collection of Personal and Health information, including:

- 11.3.1. Levying and collecting rates;
- 11.3.2. Providing services, for example libraries and waste collection;
- 11.3.3. Consultation with the community, visitors, businesses and other stakeholders;
- 11.3.4. Assessing development and major project applications;
- 11.3.5. Recording, investigating, and managing complaints and allegations;
- 11.3.6. Site inspections and audits;
- 11.3.7. Incident management;
- 11.3.8. Enforcing regulations and legislation;
- 11.3.9. Issuing approvals, consents, licences and permits;
- 11.3.10. Providing funding grants;
- 11.3.11. Maintaining the non-residential register of electoral information;
- 11.3.12. Employment; and
- 11.3.13. Fitness for work

**11.4.** Council may collect Personal and Health information in any of the following ways:

- 11.4.1. Incident reports;
- 11.4.2. Photographs;
- 11.4.3. Written correspondence;
- 11.4.4. File notes;
- 11.4.5. Medical assessment reports;
- 11.4.6. Submissions;
- 11.4.7. Application forms;
- 11.4.8. CCTV footage;
- 11.4.9. Public registers;
- 11.4.10. Booking platforms
- 11.4.11. Financial transaction records;
- 11.4.12. Contracts;
- 11.4.13. Over the phone enquiries;
- 11.4.14. Counter enquiries; and
- 11.4.15. Online services.

**11.5.** When Council collects Personal Information from an individual such as their name, address, telephone number or email address, Council must make them aware of:

- 11.5.1. the purposes for which the information is being collected;
- 11.5.2. the intended recipients of the information;
- 11.5.3. whether the supply of the information is required by law or is voluntary;
- 11.5.4. any consequences for the individual if the information (or any part of it) is not provided;
- 11.5.5. ways the individual can access and correct the information; and
- 11.5.6. the name and address of the Council business unit that is collecting the information and the Council business unit that is to hold the information.

**11.6.** To ensure Council complies with the PPIP Act, a Privacy Protection Notice will be included on all forms, letters and documents that collect Personal information from individuals, informing them of information outlined in clause 11.5.

**11.7.** Where it is lawful and practicable, people can obtain general information about Council, without identifying themselves.

**11.8. Council staff and recruitment**

- 11.8.1. Council collects Personal and/or Health information from its staff members (including volunteers, work experience personnel and work placement students) as part of the recruitment process. Council will never ask for more Personal Information than is required for that purpose.
- 11.8.2. During the recruitment process and throughout employment, information (including Personal and/or Health information) is collected from staff members for various reasons, such as leave management, workplace Health and safety and to help Council operate with transparency and integrity.
- 11.8.3. In the exercise of its functions, Council collects and manages Personal Information about its staff including but not limited to:
  - i. Medical conditions and illnesses;
  - ii. Next of kin and contact details;
  - iii. Education
  - iv. Performance and development information;
  - v. Family and care arrangements;

- vi. Secondary employment;
- vii. Conflicts of interest;
- viii. Financial information for payroll purposes
- ix. Employment history.

- 11.8.4. Information collected by Council is retained, to the extent necessary and managed securely.
- 11.8.5. Candidates applying for jobs at Council send Personal Information, including their name, contact details, qualifications and work history. Council gives this information to the convenor of the interview panel for that position (as stated in the job advertisement) in electronic or hard copy files.
- 11.8.6. The convenor of the panel does not use this Personal Information except for the purposes of the recruitment process. This can include sharing the information within Council's HR team, relevant direct reports and members of the interview panel. Interview panels may include persons not employed by Council. Convenors store this information securely.
- 11.8.7. After recruitment is finalised, convenors give all Personal Information back to the HR team and they retain information relating to successful applicants and eligibility lists in accordance with Local Government retention requirements and the *State Records Act 1998* (NSW).
- 11.8.8. Successful candidates are invited to fill out various forms in order to commence employment / engagement with Council. These forms require further Personal and Health information, such as the candidate's bank account details, tax file number, superannuation, emergency contacts and any disabilities that may impact their work.
- 11.8.9. These forms also encourage people to provide sensitive Personal Information, such as racial and cultural information in order to collect data about the wider NSW public sector. Disclosing this information is voluntary.
- 11.8.10. These forms are sent to the HR team to be used for employment/engagement purposes, such as payroll and setting up personnel files, and keeping copies of this information in secure storage areas.

#### **11.9. Visitors and members of the public**

- 11.9.1. When members of the public visit Council's Administration Building, they sign in their attendance using the visitor sign-in kiosk which records the names, company, phone number and email of people who enter the office beyond the public area. Visitors are printed an identification label which must be worn while on the premises. Council collects this information for workplace health and safety purposes.
- 11.9.2. When members of the public visit other Council facilities (i.e. Council's Depot), a visitors' book may be used to record the names of people who enter beyond the public area. This book may be displayed at the entry of each facility and is stored in accordance with Council procedures.

#### **11.10. Enquiries to Council**

- 11.10.1. Council handles enquiries from customers and stakeholders about the functions it performs. These enquiries are made by people and organisations:

- i. Over the phone (Call Centre, direct call and voicemail services);
- ii. In writing (e-mail, letter, fax, online form, e-services, web-chat);
- iii. In person (at Council's Administration Building, other Council facilities, and at events including community engagement).

11.10.2. Council decides what level of information is appropriate to be collected for each enquiry on a case-by-case basis, with the understanding that the details collected must contain enough information to be an accurate record of the issue and assistance given, but should not contain unnecessary Personal and/or Health information.

#### **11.11. Feedback, determinations, assessments, policies and reports**

11.11.1. When people give Council feedback on the functions it performs and certain legislation/directives it administers, although not requested, they may decide to disclose their Personal Information, such as contact details, Personal opinions, stories, experiences and backgrounds. They may also disclose Personal Information about other people. Council may ask for further Personal Information but only to clarify the issue being raised.

11.11.2. Council stores this information on its computer network, in an electronic document management system and/or hard copy files. Generally, Council does not disclose Personal Information obtained through feedback, except by consent or as outlined by law.

11.11.3. Council also publishes policies and documents to seek feedback on particular aspects concerning the functions it performs, in particular planning and environment matters, corporate and community issues, and works and infrastructure matters. We do not ask for more information than what is helpful to us. Council may promote its consultation through various organisations, non-for-profit organisations, other agencies, the media, Council's website and social media channels, however participation is voluntary.

11.11.4. When new policies, procedures and guidelines are devised, we are required to make reference to this plan, to ensure compliance with the PPIP and the HRIP Acts. Staff can contact the Governance Team and/or the Privacy Contact Officer for assistance and advice.

11.11.5. Council also provides guidance and advice to the public, other agencies and organisations in the form of sending back or publishing documents to achieve such outcomes. Council seeks consent from people if any of their Personal Information is contained in such documents prior to sending or publication. If people do not consent to their Personal Information being published, Council may publish the documents with their Personal Information de-identified.

11.11.6. When writing reports and making findings or submissions publicly available, in particular via Council minutes and the agenda, Council does not identify people unless it relates to the purpose for which the information was collected; or has already sought the consent of the relevant people or notified them in advance on how Council would disclose the information provided.

**For example:** forms and applications, petitions, submissions to policies and development applications are instances when Council informs individuals how their Personal Information will be handled by containing privacy disclosures.

11.11.7. Council relies on people to give accurate information and contact Council to amend it if necessary.

## **11.12. Reviews, assessments, complaints and investigations**

11.12.1. Council performs a number of activities concerning compliance and enforcement management including:

- i. Processing requests from people seeking a review or making a complaint to Council regarding the functions it performs. Such requests may be made pursuant to Council's Complaint Handling Policy, Code of Conduct, Internal Reporting – Public Access Disclosures Policy, clause 35 of the Local Government State Award 2017 in relation to grievances, and in accordance with compliance and enforcement legislation, practices and procedures;
- ii. notification of reviews, complaints or investigations from other public agencies conducting them;
- iii. people sending their review applications or requests to pass along to other public agencies, organisations or individuals;
- iv. people giving Council Personal and/or Health information about other people;
- v. responding to Council requests for people to send further Personal and/or Health information relating to a review, complaint or an investigation;
- vi. making file notes containing Personal and/or Health information;
- vii. accessing information under the GIPA Act from public sector agencies and other organisations as it relates to Council's functions;
- viii. Council entering the premises of public sector agencies, other organisations and individuals and accessing their information;
- ix. handling Information received and collected by Council for legal proceedings, either at the proceedings or from submissions received from the parties.

## **11.13. Subscriber, mailing and contact lists**

11.13.1. Council facilitates subscriber, mailing and contact lists that contain Personal Information from people who have asked to be included on these lists. Depending on the nature of this communications and stakeholder engagement, Council may use a third party organisation (service provider) to collect, store, and handle information collected. In such instances, people are notified of this and are lead to the service provider's privacy policy and practices for their consideration. Council however does not accept responsibility for the privacy policies or practices of third parties/service providers linked to/from Council's website.

11.13.2. The information generally collected includes names, email addresses and in some cases, agency type. Council relies on people to provide accurate Personal Information and where our staff enters such information manually, they are careful to enter the information correctly.

11.13.3. The main lists that collect and hold Personal Information are the:

- i. newsletter subscriber list - to email Council's newsletter to those who have requested a subscription;
- ii. community stakeholders list - to contact non-government organisations and other members of the community about Council's operations and

services, such as economic development, community engagement, booking or cancelling events, refunding tickets, library memberships and activities, etc.

11.13.4. All lists are kept separate from each other and each is used solely for the purpose intended. Council does not disclose individual email addresses when sending out bulk emails.

11.13.5. Anyone can subscribe or unsubscribe themselves from the newsletter list or contact the Council to change their details. Council does not destroy these lists; they are kept as long as they remain current. Individual entries are deleted upon request or if an error message is received in response to a Council communication.

#### 11.14. Community outreach

11.14.1. 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 gender.

11.14.2. Depending on the event, Council may intentionally or unintentionally collect Health information or sensitive Personal Information about someone.

**For example:** if the Council participates in a session designed for people with disabilities or people from a particular cultural or racial background, it could be deduced that someone has or is likely to have a disability or has a particular cultural or racial background.

11.14.3. Sometimes, Council seeks voluntary completion of surveys to help us identify current issues. These surveys may collect different kinds of demographic data. Council ensures any proposed survey or other kind of collection complies with the PPIP Act and HRIP Act.

11.14.4. Council may also seek feedback from customers accessing Council's operations and services on their experience.

#### 11.15. Website publishing, photography, filming and media

11.15.1. In addition to the main [Council administration website](#), Council owns and maintains the following websites:

Name of Council agency	Functions it performs	Type Personal and Health Information kept
<a href="#">Hunter Valley Visitor Centre</a>	Provides information when booking accommodation, tours and experiences, attractions, tickets, services, dining, wineries and cellar doors in the Cessnock Local Government Area (LGA). The gift shop in the centre has an excellent range of local produce such as lavender and honey, handmade goods, artisan products and Hunter Valley souvenirs.	Name, address, phone number, email address, bank account details, credit card details, date of birth, gender, education details, disability and health information, personal opinions
<a href="#">Cessnock City Libraries</a>	Provides library services including home delivery; facilitates free computer and wi-fi usage; provides printing, photocopying, faxing and scanning services; facilitates book groups and adult events; hosts touring exhibitions and displays; and provides children and youth services such as reading programs and learning opportunities.	
<a href="#">Cessnock Performing Arts Centre</a>	Facilitates live entertainment experiences such as concerts and plays, and leases its facilities for hire such as its meeting rooms.	



<a href="#">Cessnock City Council Building Certifiers</a>	Facilitates fast processing of development approvals & building inspections, construction certificates (CC), complying development certificates (CDC), BCA compliance and alternative solution reports.	Name, address, phone number, email address, details, gender, bank account details, credit card details, date of birth.
<a href="#">Advance Cessnock City</a>	Provides support for local businesses to invest, establish, expand, grow and prosper.	

11.15.2. These websites are used to promote Council’s operations and services, the functions it performs and publish resources to help our customers and stakeholders understand the same. All of these website facilitate access to this plan and they do not publish Personal or Health information without permission.

11.15.3. Website data is stored on secure servers.

11.15.4. Council may take photos of, or film, events that it holds or participates in and use the images for promotional purposes. Council will seek permission from people before taking photos or filming events and advise them how Council will manage the images and what they will be used for. Those who agree will be asked to sign a consent form. Council will respect the wishes of those who do not wish to be photographed or filmed. Council stores photos and footage electronically on its secure computer network.

## 12. LINKED LEGISLATION

### 12.1. Commonwealth Privacy Act 1988 (Cth)

12.1.1. Council is not required to comply with the Australian Privacy Principles (APPs) in the *Privacy Act 1988* (Cth) (**Privacy Act**) as it is not an ‘organisation’ within the meaning of that Act. However, Council is a ‘file number recipient’ for the purposes of the Privacy Act because it holds records of employees and other individuals which contain tax file number information. As such, Council must comply with any rules relating to tax file number information issued under Division 4 of the Privacy Act.

### 12.2. GIPA Act

12.2.1. The operation of the GIPA Act is not affected by the operation of the PPIP and HRIP Acts. Having noted this, the GIPA Act provides access to various government information Council holds to any person subject to the operation of various exemptions under that Act.

12.2.2. Under the PPIP and HRIP Acts, access to information is provided only to the person to whom the information relates.

## 13. CONTACTING COUNCIL

13.1. Council’s Privacy Contact Officer is the **Director Corporate and Community Services**. You may contact the Privacy Contact Officer for information regarding:

- 13.1.1. How Council manages Personal and Health information;
- 13.1.2. Requests for access to and amendment of Personal or Health information;
- 13.1.3. Guidance on broad privacy issues and compliance.

13.2. Contact the Privacy Contact Officer of Council at:

Email: [publicofficer@cessnock.nsw.gov.au](mailto:publicofficer@cessnock.nsw.gov.au)

## PART E - HOW INFORMATION IS MANAGED BY COUNCIL

### 14. USE OF PERSONAL INFORMATION

14.1. Council must collect Personal Information in accordance with the PPIP Act, HRIP Act, and the Privacy Code of Practice for Local Government. Below is a summary of such requirements:

	PPIP Act	Privacy Code	HRIP Act
IPP10 and HPP10	<p><b>Limited</b> (<a href="#">section 17</a>)</p> <p>Council may only use Personal Information for the purpose for which it was collected or for a directly related purpose, or if the individual has consented to use the information for another purpose.</p> <p>Council may use Personal Information for another purpose for which it was collected in order to prevent or lessen a serious and imminent threat to that person's life, Health or safety.</p>	<p>Council may use Personal Information for a purpose other than the purpose for which it was collected in the following circumstances:</p> <p>a) 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); or</p> <p>b) 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.</p>	<p><b>Limited</b> (<a href="#">section 10 of Schedule 1</a>)</p> <p>Council may only use Health Information for the purpose for which it was collected (<b>primary purpose</b>) unless the individual in question has consented to the Health Information being used for another purpose (<b>secondary purpose</b>) i.e: the secondary purpose is directly related to the primary purpose and that the individual in question would expect for Council to use the information for that secondary purpose; or the secondary purpose of the information Council can use it for is:</p> <ul style="list-style-type: none"> <li>▪ to lessen or prevent a serious (and imminent) threat to life, Health or safety of the individual or another person, or to lessen or prevent a serious threat to public Health or public safety (whether the Health Information is genetic or otherwise); or</li> <li>▪ for the funding, management, planning or evaluation of Health services; or</li> <li>▪ for the training of Council staff; or</li> <li>▪ research, or the compilation or analysis of statistics, in the public interest; or</li> <li>▪ for Council to ascertain the whereabouts of an individual who has been reported as a missing person; or</li> <li>▪ for Council to provide the information to an immediate family</li> </ul>

			<p>member of the individual for compassionate reasons; or</p> <ul style="list-style-type: none"> <li>▪ for Council to conduct its investigation into suspected unlawful activity, unsatisfactory professional conduct or breach of discipline; or</li> <li>▪ for Council to use it in the exercise of complaint handling functions or investigative functions by investigative agencies; or</li> <li>▪ for other prescribed circumstances.</li> </ul> <p>In addition to the limitations above, which are detailed in the respective subsections of the HRIP Act, there are further exemptions where Council can use Health Information for a secondary purpose. Otherwise Council must seek consent from the individual to use their Health Information for a secondary purpose.</p>
<p><b>Exemptions</b></p>	<p>Council does not have to comply with the Privacy Principles about use of Personal Information as outlined in:</p> <ul style="list-style-type: none"> <li>▪ <a href="#">section 23(4)</a>;</li> <li>▪ <a href="#">section 23(6A)</a>;</li> <li>▪ <a href="#">section 24(2)</a>;</li> <li>▪ <a href="#">section 25</a>;</li> <li>▪ <a href="#">section 27A</a>;</li> <li>▪ <a href="#">section 27B</a>;</li> <li>▪ <a href="#">section 28(3)</a>;</li> </ul>		<p>Council does not have to comply with the Privacy Principles about use of Health Information as outlined in <a href="#">section 10(2) of Schedule 1</a>.</p>

**14.2.** Council uses the information it collects to:

- 14.2.1. Perform its functions, conduct its operations and provide services to the community;
- 14.2.2. Conduct or undertake reviews, assessments, investigations or process complaints and refer these to the relevant authority if required;
- 14.2.3. Request advice, where needed, from oversight bodies, third party service providers including Council's legal representatives;
- 14.2.4. Advise Council Officials and stakeholders of recurring trends and issues;
- 14.2.5. Educate our stakeholders and the community about particular issues through published documents and reports.

**14.3.** Council makes sure Personal Information is accurate before using it.

**For example:** Council would check contact details directly with a person to make sure the information is correct and will ask people to spell their names where necessary. This is to make sure information and correspondence is sent to the right person.

14.4. Personal Information of Council staff is used by management, or via relevant reporting lines, specific to the staff member. The information may also be forwarded and disclosed to the HR team or to other people management service providers supporting Council. Unless otherwise stated, the Personal Information collected by Council about its staff is used only for workforce management.

## 15. DISCLOSURE OF PERSONAL INFORMATION

15.1. Council must use Personal Information in accordance with the PPIP Act, HRIP Act, and the Privacy Code of Practice for Local Government. Below is a summary of such requirements:

	PPIP Act	Privacy Code	HRIP Act
IPP11 and HPP11	<p><b>Restricted</b> (<a href="#">section 18</a>)</p> <p>Council may only disclose Personal Information to another body or person:</p> <ul style="list-style-type: none"> <li>▪ With the individual's consent; or</li> <li>▪ If the individual is likely to have been aware, or has been made aware during collection, that information of that kind is usually disclosed to that other individual; or</li> <li>▪ If the use is for a directly related purpose and Council considers that the individual would not object; or</li> <li>▪ Disclosure is necessary to prevent or lessen a serious and imminent threat to the life or Health of a person.</li> </ul>	<p>Council may disclose Personal Information to Public sector agencies or utility providers on the condition that:</p> <ol style="list-style-type: none"> <li>a) The agency or utility provider has approached Council in writing;</li> <li>b) Council is satisfied that the information is to be used by that agency or utility provider; and</li> <li>c) Council is satisfied that the Personal Information is reasonably necessary for the exercise of that agency or utility provider's function(s).</li> </ol> <p>Council may disclose Personal Information:</p> <ul style="list-style-type: none"> <li>▪ For purpose of conferring upon a person an award, prize, benefit or similar form of Personal recognition;</li> <li>▪ Where a prospective employer seeks to verify that a current</li> </ul>	<p><b>Limited</b> (<a href="#">section 11 of Schedule 1</a>)</p> <p>Council may only disclosure Health Information for the purpose for which it was collected (<b>primary purpose</b>) unless the individual in question has consented to the Health Information being used for another purpose (<b>secondary purpose</b>) i.e: the secondary purpose is directly related to the primary purpose and that the individual in question would expect for Council to use the information for that secondary purpose; or the secondary purpose of the information Council can use it for is:</p> <ul style="list-style-type: none"> <li>▪ to lessen or prevent a serious (and imminent) threat to life, Health or safety of the individual or another person, or to lessen or prevent a serious threat to public Health or public safety (whether the Health Information is genetic or otherwise); or</li> <li>▪ for the funding, management, planning or evaluation of Health services; or</li> <li>▪ for the training of Council staff; or</li> <li>▪ research, or the compilation or analysis of statistics, in the public interest; or</li> <li>▪ for Council to ascertain the whereabouts of an individual who has been reported as a</li> </ul>

		<p>or former staff works or has worked for Council, the duration of their work, and the position they occupied during that time.</p>	<p>missing person; or</p> <ul style="list-style-type: none"> <li>▪ for Council to provide the information to an immediate family member of the individual for compassionate reasons; or</li> <li>▪ for Council to conduct its investigation into suspected unlawful activity, unsatisfactory professional conduct or breach of discipline; or</li> <li>▪ for Council to use it in the exercise of complaint handling functions or investigative functions by investigative agencies; or</li> <li>▪ for other prescribed circumstances.</li> </ul> <p>In addition to the limitations above, which are detailed in the respective subsections of the HRIP Act, there are further exemptions where Council can use Health Information for a secondary purpose. Otherwise Council must seek consent from the individual to use their Health Information for a secondary purpose.</p>
<p>IPP12 and HPP12</p>	<p><b>Safeguarded</b> (<a href="#">section 19</a>)</p> <p>Council cannot disclose an individual's sensitive Personal Information (ethnicity or racial origin, political opinions, religious or philosophical beliefs, Health matters or sexual orientation, or trade union membership) without their consent, unless:</p> <ul style="list-style-type: none"> <li>▪ Council believes the recipient would receive and handle the information in accordance to principles for fair handling principles similar to the Privacy</li> </ul>	<p>Where Council is requested by a potential employer outside of NSW, Council can verify that:</p> <ul style="list-style-type: none"> <li>▪ A current or former employee works or has worked for Council;</li> <li>▪ The duration of their employment; and</li> <li>▪ The position occupied during their employment.</li> </ul>	<p>Identifiers (<a href="#">section 12 of Schedule 1</a>)</p> <p>Council should only identify individuals by using identifiers if it is reasonably necessary to carry out Council functions efficiently</p>

	<p>Principles; or</p> <ul style="list-style-type: none"> <li>▪ Council has consent to do so; or</li> <li>▪ To effect contractual rights and as per request by the individual; or</li> <li>▪ The disclosure is for the benefit of the individual if they were to consent to it; or</li> <li>▪ Council believes the disclosure would lessen or prevent a serious and imminent threat to life, Health or safety ; or</li> <li>▪ Council has ensured the information will not be handled by the recipient inconsistently with the Privacy Principles; or</li> <li>▪ The disclosure is permitted or required by any legislation.</li> </ul>		
<p><b>Exemptions</b></p>	<p>Council does not have to comply with the Privacy Principles about disclosure as outlined in:</p> <ul style="list-style-type: none"> <li>▪ <a href="#">section 23(5) and (6)</a>;</li> <li>▪ <a href="#">Section 23A(2)</a>;</li> <li>▪ <a href="#">Section 24(1), (3), (4) and (5)</a>;</li> <li>▪ <a href="#">section 25</a>;</li> <li>▪ <a href="#">section 26(2)</a>;</li> <li>▪ <a href="#">section 27A</a>;</li> <li>▪ <a href="#">section 27B</a>;</li> <li>▪ <a href="#">section 28(3)</a>;</li> </ul>	<p>Council cannot disclose an opinion as to a person's suitability to a particular position with any potential employer unless Council is satisfied that the person has provided their consent to provide a reference, which may include an opinion as to that person's suitability for the position they have applied.</p>	<p>N/A</p>

The operation of the GIPA Act is not affected by the operation of the PPIP Act and the HRIP Act. The GIPA Act provides access to various documents held by Council to any person subject to the operation of various exemptions in that Act. Under the PPIP Act and the HRIP Act, access to information only to the person to whom the information relates.

## **15.2. Enquiries**

- 15.2.1. Personal Information is used by Council only when dealing with enquiries related to that person. If Council receives more enquiries, a complaint, or review request from that person, it may look at past enquiries to get background information.
- 15.2.2. Council does not disclose information about a particular enquiry to anyone outside of its office without the consent of the enquirer.

## **15.3. Reviews, complaints, assessments and investigations**

- 15.3.1. Council may discuss Personal Information with the relevant agency, organisation or individuals when conducting a review, an assessment or investigation, or processing a complaint. To undertake its functions Council may disclose the name of review applicants but only to an agency legally involved in such affairs and for which Council is allowed to do under the PPIP Act and HRIP Act.
- 15.3.2. Council includes relevant Personal Information in the reports it writes as a result of conducting a review, an assessment or investigation, or processing a complaint. If we decide to share such reports, Council will generally send these reports to the parties associated with the matter or oversight bodies, provided there are no overriding presumptions against such disclosure.
- 15.3.3. When Council is involved in proceedings, it may disclose Personal Information relevant to that particular case. It may also refer issues to other oversight bodies.
- 15.3.4. Apart from the above, Council does not disclose Personal Information to anyone not directly involved in a complaint, investigation, assessment or review case unless authorised or required to do so by law.
- 15.3.5. Council is particularly careful when dealing with sensitive Personal Information, such as racial origin, Health information, or sexuality.

#### **15.4. Referrals to other oversight bodies**

15.4.1. In accordance with a number of Acts, Regulation and other directives, Council can disclose information to:

- i. Agency Heads;
- ii. Government Ministers;
- iii. NSW Planning Panels;
- iv. The NSW Environment Protection Authority (**EPA**)
- v. OLG;
- vi. IPC;
- vii. NSW Ombudsman;
- viii. ICAC;
- ix. NSW Parliament and NSW Parliamentary Committees; and
- x. Other NSW Government agencies.

#### **15.5. Requests for Personal Information from other agencies**

15.5.1. When Council receives requests from other agencies such as NSW Police, the EPA and others, we ask that the request is made in writing with enough information to identify the agency, the legislation they rely on for the provision of the sought information and the purpose for which they intend to use this information.

15.5.2. Most of such requests are forwarded to Council's Governance Team for checking their validity and auctioning them. Any staff involved in the release of Personal Information in response to requests from other agencies have the relevant delegations and satisfactory training to do so.

#### **15.6. GIPA Act**

15.6.1. The GIPA Act restricts Council from disclosing any information to an individual or an organisation with respect to Council's operations and services, undertaking reviews, assessments or investigations, or processing complaints where Council has decided there is an overriding public interest against disclosure. This often includes Personal Information.



## 16. STORAGE AND SECURITY OF INFORMATION

16.1. Council must store Personal Information in accordance with the PPIP Act, HRIP Act, and the Privacy Code of Practice for Local Government. Below is a summary of such requirements:

	PPIP Act	Privacy Code	HRIP Act
IPP5 and HPP5	<p><b>Secure</b> (<a href="#">section 12</a>)</p> <p>Personal Information must be stored securely, not kept any longer than as required by the General Retention and Disposal Authority for Local Government Records issued by the State Records Authority of NSW, and be disposed of appropriately.</p> <p>Council must take reasonable steps to protect the information from unauthorised access, use, modification or disclosure.</p>	N/A	<p><b>Secure</b> (<a href="#">section 5 of Schedule 1</a>)</p> <p>Health Information must be stored securely, not kept any longer than as required by the General Retention and Disposal Authority for Local Government Records issued by the State Records Authority of NSW, and be disposed of appropriately.</p> <p>Council must take reasonable steps to protect the information from unauthorised access, use, modification or disclosure.</p>
Exemptions	N/A		<p>Council does not have to comply with the Privacy Principles about storage of Health Information as outlined in <a href="#">section 5(2) of Schedule 1</a>.</p>

16.2. Council stores Personal Information electronically and in hard copy files. Council mostly practices a 'clean desk' approach where possible, which means hard copy case files are secured at the end of the day or when not in use where practicable.

16.3. Sometimes, Council staff members take files off-site in order to tend to their duties, such as when conducting inspections. Council staff members do not leave sensitive files unattended and do not let anyone else access them. Encrypted USB devices are used where possible.

16.4. Council records details of each enquiry on electronic enquiry registers and stores electronic and hard copies of written enquiries. No one other than Council staff can access these registers.

### 16.5. Systems, databases and information management

16.5.1. Council has a service agreement with the following service providers for the provision of records or information management services:

- i. Civica Group;
- ii. Grace Records Management;
- iii. Local Government Software Solutions (LGSS);
- iv. Scout for Recruitment;

16.5.2. All of Council's electronic information is stored securely on Council managed servers in the Council Administration Building or the above service providers.

- 16.5.3. Council implements the following measures to ensure the credibility and security of the information it holds:
- i. Council servers are backed up daily;
  - ii. Council networks are secure and require individual logins;
  - iii. Council staff do not give out passwords to anyone or let anyone else use their computer login;
  - iv. We classify information in accordance with the General Authority 39 – Local Government Records set by NSW State Archives and Records;
  - v. We follow the directions provided by the State Record legislation and directives.
- 16.5.4. Council considers and applies privacy compliance advice when considering and implementing new information management systems and software to ensure any new system complies with the PPIP Act and HRIP Act and will take reasonable steps to address any issues identified.
- 16.5.5. Information collected during the performance of Council's function is held on Council's information management systems; Authority, Pulse Software and Microfocus Content Manager. These databases are held on secure servers.
- 16.5.6. Council also contributes Personal information to a number of online databases/tools or organisations for compliance and reporting purposes, including but not limited to:
- i. The GIPA Tool managed by the IPC;
  - ii. Public Interest Disclosures online reporting managed by the NSW Ombudsman;
  - iii. Companion Animals Register managed by the OLG;
  - iv. Revenue NSW in relation to issuing of fines.

#### **16.6. Physical security**

- 16.6.1. Hard copy files are predominantly located in Council's Administration Centre at 62-78 Vincent Street, Cessnock, NSW, 2325. Council staff have key card access to the office. Visitors cannot enter without permission. Council's Administration Centre is locked outside of business hours.
- 16.6.2. When not being used, hard copy files and sensitive information are securely stored. Secure printing is used by Council by each staff member having to use individual swipe cards.
- 16.6.3. Council staff members have unique user accounts and passwords to access our computer systems. In accordance with Council's Staff Internet and E-mail Use Protocol, our staff do not give out passwords to anyone or let anyone else use their computer login.
- 16.6.4. Older hard copy files are archived in a secure storage facility in compliance with the *State Records Act 1998* (NSW). For sensitive documents that need to be destroyed, Council uses locked bins from which the documents are securely destroyed.

#### **16.7. Private sector companies, government agencies and contractors**

- 16.7.1. Council may use private sector companies, contractors, or other government agencies for services. If these organisations or individuals have or are likely to have access to Personal Information, Council ensures that Personal and

Health information is managed in line with the PPIP Act, HRIP Act and information security policies. Council might do this by:

- i. asking for evidence of their information handling processes, and/or
  - ii. inserting a privacy clause into our contracts.
- 16.7.2. Council will also consider how a private sector company, agency or contractor will manage Personal or Health information they may have access to before engaging with them.
- 16.7.3. An external entity that may manage or collect Personal Information on behalf of the Council includes:
- i. The service providers noted in clause 16.5.1 in providing information technology and systems and support,
  - ii. a secure shredding company in order to carry out the destruction of sensitive documents,
  - iii. a marketing company that manages Council's mailing lists and newsletters,
  - iv. temporary staff procured from providers under government contracts,
  - v. event management companies in order to host events and manage registrations,
  - vi. independent contractors, and
  - vii. IT contractors.

## **17. PUBLIC REGISTERS**

- 17.1.** The PPIP Act governs how Council should manage Personal Information contained in Public Registers. Before disclosing Personal Information contained in a Public Register, except for the Written Returns Register, Council must be satisfied that the individual requesting access to the Personal Information intends to use the information for a purpose directly related to the purpose of the Public Register or the Act under which the Register is kept.
- 17.2.** An individual may request access to Personal Information contained in a Public Register, except for the Written Returns Register, by completing a statutory declaration stating that the intended use of the information is consistent with the purpose for which Council holds that particular register. An example statutory declaration is provided in Appendix 2.
- 17.3.** Council can determine whether to provide a copy of the whole or part of a Public Register depending on whether such disclosure fits with the purpose for which it was collected.
- 17.4.** If access to Personal Information which is not contained in a Public Register is requested, then Council will generally process such requests on an informal basis provided it is appropriate to do so. If not, individuals will be encouraged and assisted where possible to complete a formal access application which will be processed in accordance the GIPA Act.
- 17.5.** Council's Public Registers include:

Act / Regulation / Directive	Section / Clause of Act / Reg / Directive	Name of Register	Purpose	Access and contact
<i>Local Government Act 1993 (NSW) (LG Act)</i>	Section 53	Land Register	Identify land vested in or under Council's control	Register can be accessed on Council's website  Contact Customer Service
	Section 113	Record of Approvals	Identify approvals granted under the LG Act	Register can be accessed on Council's website  Contact Customer Service OR Development Services
	Section 328A	Political donations disclosures	Identify donations to Councillors	Register can be accessed on Council's website  Contact Customer Service OR Access to Information and Governance Officer
	Sections 377 and 378	Register of Delegations	Identify functions delegated by the General Manager to Council officers	Register can be accessed by informal request under the GIPA Act.
	Section 602	Rates Records	In relation to a parcel of land, identify the value and rate liability, and its owner or lessee	Register can be accessed by informal request under the GIPA Act.
Code of Conduct	Clauses 4.1 – 5.14	Disclosures in written returns	Identify pecuniary and non-pecuniary interests of the General Manager, Senior Staff, designated persons and Councillors	Contact Customer Service OR Access to Information and Governance Officer
<i>Environmental, Planning and Assessment Act 1979 (NSW) (EP&amp;A Act)</i>	Section 4.58	Register of Consents and Approvals	Identify approvals, consents and related appeals under the EP&A Act	Register can be accessed on Council's website  Contact Customer Service OR Development Services
	Section 6.26	Record of Building Certificates	Identify building certificates	Contact Customer Service OR Building Services Team
<i>Protection of the Environment Operations Act 1997 (NSW) (POEO Act)</i>	Section 308	Public Register of Licences	Identify licences granted under the POEO Act	Contact Customer Service OR Health Environmental Services

<i>Impounding Act 1993 (NSW)</i>	Sections 30 and 31	Records of Impounding	Identify impounding actions taken by Council	Contact Customer Service OR Rangers
<i>Environmental Planning and Assessment Regulation 2000 (NSW) (EP&amp;A Regs)</i>	Regulation 121	Register of Modification of Development Consents	Identify modifications to development consents under the EP&A Act	Register can be accessed on Council's website Contact Customer Service OR Development Services
<i>Government Information (Public Access) Act 2009 (NSW) (GIPA Act)</i>	Section 6(5)	Records of Open Access Information	Identify government information Council holds that has been determined as 'open access information'	Such records can be accessed on Council's website  Contact Customer Service OR Access to Information and Governance Officer
	Section 25	Disclosure Log of Access Applications	Identify access applications where there is a public interest in favour of disclosure and Council has determined to provide access to the information	Register can be accessed on Council's website  Contact Customer Service OR Access to Information and Governance Officer
	Section 27	Register of Government Contracts	Identify Council contracts that have (or are likely to have) a value of \$150,000 or more	Register can be accessed on Council's website  Contact Customer Service OR Access to Information and Governance Officer

**17.6.** Any person whose Personal information is recorded in a Public Register has the right to request that their Personal details be suppressed. Council will comply with the request if it is satisfied the person's safety or wellbeing would be affected by not suppressing the information. Applications to suppress Personal Information from a Public Register must be made in writing and addressed to the General Manager pursuant to section 739 of the LG Act using the template provided in Appendix 3.

## 18. CLOSED CIRCUIT TELEVISION (CCTV)

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

- 18.1.1. To ensure the safety and security of staff, students and visitors whilst on Council premises or facilities;
- 18.1.2. To protect assets and property of Council and others;
- 18.1.3. To assist in crime prevention and aid in the investigation of criminal activity or other suspected misconduct or wrongdoing; and
- 18.1.4. To assist Council to manage its premises and facilities, such as its car parks, playgrounds, libraries, parks, etc.

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

- 18.3.** The installation, use and monitoring of CCTV including the storage, retention, use and disclosure of footage, is governed by appropriate Council policies developed and amended from time to time which take into account the guidelines provided by the [NSW Government policy statement and guidelines for the establishment and implementation of CCTV in public spaces](#).

## **19. TRANSBORDER DATA FLOW TO STATE OR COMMONWEALTH AGENCIES**

- 19.1.** Council will only provide your Personal and Health Information to another person or body who is in a jurisdiction outside New South Wales or to a Commonwealth agency, where:
- 19.1.1. It is a legal requirement and upholds the Privacy Principles;
  - 19.1.2. you consent to the transfer, or
  - 19.1.3. the transfer is necessary to do something you have requested, or
  - 19.1.4. the transfer is reasonably necessary to lessen or prevent serious and imminent threat to the life, Health or safety of a person, or
  - 19.1.5. we have taken reasonable steps to ensure the Privacy Principles will be complied with;
  - 19.1.6. the transfer is permitted or required by legislation or law
  - 19.1.7. all of the following apply:
    - i. The transfer is for your benefit, and
    - ii. It is impracticable to obtain consent from you, and
    - iii. If it were practicable to obtain consent, you would be likely to give it.

## **20. DATA BREACHES**

- 20.1.** 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 contained classified material or Personal Information.
- 20.2.** The Council determines whether Personal Information has been accessed, in conjunction with its Security Breach Protocol, to determine what response should be taken. Council's default position is to voluntarily report data breaches to the Privacy Commissioner as guided by the [IPC's Voluntary Data Breach Notification suite of resources](#). If there are good reasons not to do so these will be recorded in Council's internal report of the breach of Personal Information.
- 20.3.** Council will determine the seriousness of a breach of Personal Information by:
- 20.3.1. considering the type of data held
  - 20.3.2. whether Personal or Health information was disclosed
  - 20.3.3. the number of individuals affected, and

20.3.4. the risk of harm that could be caused to both individuals and the Council by the breach.

**20.4.** After the seriousness of a breach of Personal Information has been determined, Council will take the following steps to manage a data breach:

20.4.1. **Contain** – steps will be taken to contain the breach and minimise any resulting damage;

20.4.2. **Evaluate** – the type of data involved in the breach will be assessed, and the risks associated with the breach, to determine next steps. This will include an assessment of who is affected by the breach, what was the cause of the breach, and any foreseeable harm to the affected individuals/organisations;

20.4.3. **Notify** – individuals/organisations affected by the breach will be notified as soon as possible to enable them to take any steps required to protect themselves, and to advise them of their rights to lodge a complaint with the Privacy Commissioner. Council's default position is to voluntarily report data breaches of Personal information to the Privacy Commissioner;

20.4.4. **Act** – any additional action identified to mitigate risks will be implemented;

20.4.5. **Prevent** – preventive efforts will be put into action based on the type and seriousness of the breach.

## PART F – ABOUT COUNCIL

### 21. COUNCIL'S RESPONSIBILITIES

- 21.1.** Established in 1860, Council is constituted as a body politic of the State under section 220 of the LG Act and comprises of two parts – the elected Representatives (**Councillors**) and the administration (**staff**).
- 21.2.** Council has responsibilities under the LG Act and other Commonwealth and NSW legislation, including but not limited to the EP&A Act, *the Public Health Act 2010* (NSW), the *Companion Animals Act 1998* (NSW), the *Roads Act 1993* (NSW), the PPIP Act, the *State Records Act 1998* (NSW) and the GIPA Act.
- 21.3.** Under the LG Act, Council's functions can be grouped into the following categories:
- 21.3.1. To provide for development in the local area;
  - 21.3.2. To provide for local services and facilities that benefit ratepayers, residents and visitors;
  - 21.3.3. To provide for the welfare and wellbeing of the local community;
  - 21.3.4. To establish and support organisations and programs targeting the local community and economy;
  - 21.3.5. To represent and promote the interests of ratepayers and residents;
  - 21.3.6. To protect the environment and improve local amenity;
  - 21.3.7. To attract and provide infrastructure for commerce, tourism and industry;
  - 21.3.8. To engage in long-term strategic planning on behalf of the local community.
- 21.4.** In order to exercise the above functions, Council may collect Personal and Health information from its customers, ratepayers, residents and other third parties contained in the following records:
- 21.4.1. Rates records and records of property ownership;
  - 21.4.2. Development Applications and associated Certificates, Complying Development Certificates and submissions;
  - 21.4.3. Section 68 applications, Building Line Variations, Building Information Certificates, Swimming Certificates of Compliance and driveway applications;
  - 21.4.4. Planning Proposals;
  - 21.4.5. Road closure applications;
  - 21.4.6. Rezoning applications;
  - 21.4.7. Customer requests and Complaints made to Council;
  - 21.4.8. Membership applications for the Cessnock Performing Arts Centre, Hunter Valley Visitor's Information Centre, Libraries and other Council facilities and events;
  - 21.4.9. Right of burial transfer applications;
  - 21.4.10. Petitions;
  - 21.4.11. Booking systems for community halls, parks and other recreational facilities, tourist operators; and
  - 21.4.12. Insurance claims made with Council (various types of Health information).
- 21.5.** Council also holds information concerning:



- 21.5.1. **Councillors**, such as:
  - i. Personal contact information;
  - ii. Complaints and disciplinary matters;
  - iii. Pecuniary interest returns;
  - iv. Entitlements to fees, expenses and facilities;
- 21.5.2. **Staff**, such as:
  - i. Recruitment material;
  - ii. Leave and payroll data;
  - iii. Personal contact information;
  - iv. Performance management plans;
  - v. Disciplinary matters;
  - vi. Pecuniary interest returns;
  - vii. Secondary employment;
  - viii. Wage and salary entitlements; and
  - ix. Health information (medical certificates and workers compensation claims).

## **22. PROMOTING THIS PLAN**

**22.1.** Council promotes the principles of this plan through its executive leadership team, staff and public awareness.

### **22.2. The Executive Leadership Team (ELT)**

22.2.1. ELT is committed to accountability and transparency in relation to Council's compliance with the PPIP Act and HRIP Act.

22.2.2. ELT reinforces transparency and compliance with these Acts by:

- i. Endorsing this plan and making it publicly available on Council's website;
- ii. Identifying privacy issues when implementing new systems;
- iii. Ensuring all staff are aware of sound privacy management practices.

### **22.3. Council staff**

22.3.1. Council ensures its staff is aware of and understands this plan, particularly how it applies to its functions and operations. To this end, Council has developed this plan in a practical way so that staff members understand what their privacy obligations are, how to manage Personal and Health information in their work and what to do if they are unsure.

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

- i. Publishing this plan in a prominent place of Council's Intranet and website;
- ii. Including this plan as part of induction and providing training as required;
- iii. Providing refresher, specialised and on-the-job privacy training;
- iv. Highlighting and promoting this plan at least once a year (e.g. during Privacy Awareness Week).

22.3.3. When staff have questions about how to manage Personal and Health information under this plan, they may consult their manager, the Governance Team or Council's Privacy Contact Officer (see Part D above). Councillors need to contact the General Manager or Privacy Contact Officer for assistance.

#### **22.4. Public Awareness**

22.4.1. This plan is a guarantee of service to stakeholders on how Council manages Personal and Health information. Because it is integral to Council's operations, this plan is easy to access on Council's website and easy to understand. In addition, Council is required to make this plan publicly available as open access information under the GIPA Act.

22.4.2. Council promotes public awareness of this plan by:

- i. Writing the plan in plain English;
- ii. Publishing it on Council's website;
- iii. Providing hard copies of the plan free of charge on request;
- iv. Referring to the plan in other policies and protocols
- v. Telling people about the plan when answering questions about how Council manages Personal and Health information.

## **PART G – ADMINISTRATION**

### **23. ROLES AND RESPONSIBILITIES**

#### **23.1. General Manager or their delegate**

- 23.1.1. Ensure this plan is accurate and up to date.
- 23.1.2. Ensure Council meets its obligations under the PPIP Act, HRIP Act and this plan.
- 23.1.3. Appoint a Privacy Contact Officer.
- 23.1.4. Determine requests for the suppression of Personal Information.
- 23.1.5. Conduct internal reviews about Council's Privacy Contact Officer or their delegate, or the Mayor in accordance with this plan.
- 23.1.6. Conduct internal reviews in accordance with this plan where Council's Privacy Contact Officer or their delegate, the Mayor or Councillors were initially involved.

#### **23.2. Privacy Contact Officer or their delegate**

- 23.2.1. Assist the General Manager to meet their responsibilities pursuant to the PPIP Act, HRIP Act and this plan.
- 23.2.2. Create awareness about this plan.
- 23.2.3. Coordinate steps to ensure Council complies with the PPIP Act, HRIP Act and this plan.
- 23.2.4. Coordinate requests for the suppression of Personal Information.
- 23.2.5. Assess and determine applications to access or amend Personal Information.
- 23.2.6. Conduct internal reviews in accordance with this plan.
- 23.2.7. Is responsible for reporting data breaches to the Privacy Commissioner.
- 23.2.8. Provide advice on matters relating to privacy and Personal Information.

#### **23.3. Governance Team**

- 23.3.1. Provide assistance to the Privacy Contact Officer and the General Manager as required.
- 23.3.2. Provide advice on matters relating to privacy and Personal Information.

#### **23.4. All Council Officials**

- 23.4.1. Collect, store, access and disclose Personal Information in accordance with this plan and clauses relating to Personal Information contained in Council's Code of Conduct.
- 23.4.2. Report breaches of Personal Information to the Privacy Contact Officer and Governance.
- 23.4.3. Always include privacy disclaimers/disclosures when collecting Personal Information.

#### **23.5. Compliance, monitoring and review**

- 23.5.1. The Privacy Contact Officer is responsible for the compliance, monitoring and review of this plan

## 23.6. Reporting

23.6.1. Council reports the number of privacy complaints received in its annual report.

## 23.7. Records management

23.7.1. Staff must maintain all records relevant to administering this policy in accordance with Council's Records Management Policy.

## 24. POLICY DEFINITIONS

<b>Collection of Personal Information</b>	means the way in which Council acquires Personal or Health information, which can include a written or online form, a verbal conversation, a voice recording, or a photograph.
<b>Council</b>	means Cessnock City Council
<b>Council Official</b>	means Councillors and their delegates, Council staff, volunteers, consultants and contractors
<b>Disclosure of Personal Information</b>	occurs when Council makes known to an individual or entity Personal or Health information not previously known to them
<b>Health Information</b>	means information or an opinion about a person's physical or mental Health or disability, or a person's express wishes about the future provision of his or her Health services or a Health service provided or to be provided to a person; see the definition in section 6 of the HRIP Act
<b>Personal Information</b>	means – information or an opinion (including information or an opinion forming part of a database and whether or not recorded in a material form) about an individual whose identity is apparent or can reasonably be ascertained from the information or opinion, including such things as an individual's fingerprints, retina prints, body samples, or genetic characteristics. Exclusions to the definition of Personal Information are contained in section 4(3) of the PPIP Act and includes Health information; (see the definition at section 4 PPIP Act and s4(3) PIPP Act and section 5 of the HRIP Act)
<b>Privacy Principles</b>	The Information Protection Principles ( <b>IPPs</b> ) set out in Division 1 of Part 2 of the PPIP Act and the Health Principles set out in Schedule 1 of the HRIP Act. The Privacy Principles set out the minimum standards for all NSW public sector agencies when handling Personal and Health information. Within these principles lawful exemptions are provided.
<b>Public Register</b>	means a register of Personal Information that is required by law to be made, or is made, publicly available or open to public inspection (section 3 of the PPIP Act)

## 25. POLICY ADMINISTRATION

<b>Business Group</b>	Corporate and Community Services
<b>Responsible Officer</b>	Director Corporate Community Services
<b>Associated Procedure (if any)</b>	NIL
<b>Policy Review Date</b>	Three years from date of adoption unless legislated otherwise
<b>Document Number</b>	DOC2014/005148
<b>Relevant Legislation (reference specific sections)</b>	<ul style="list-style-type: none"> <li>▪ <i>Privacy and Personal information Protection Act 1998 (NSW)</i></li> <li>▪ <i>Health Records Information Protection Act 2002 (NSW)</i></li> <li>▪ <i>Government Information (Public Access) Act 2009 (NSW)</i></li> <li>▪ <i>State Records Act 1998 (NSW)</i></li> <li>▪ <i>Privacy Code of Practice for Local Government 2019 (NSW)</i></li> </ul>
<b>Relevant desired outcome or objectives</b>	Civic Leadership and Effective Governance Objective 5.3 Making Council more responsive to the community.
<b>Related Policies / Protocols / Procedures / Documents</b>	<ul style="list-style-type: none"> <li>▪ Records Management Policy (DOC2019/038769)</li> <li>▪ Security Breach Protocol (DOC2017/051587)</li> <li>▪ Council Fees and Charges</li> <li>▪ <a href="#">NSW Government policy statement and guidelines for the establishment and implementation of CCTV in public spaces</a></li> <li>▪ <a href="#">IPC's Voluntary Data Breach Notification suite of resources</a></li> </ul>

## 26. POLICY AUTHORISATIONS

No.	Authorised Function	Authorised Business Unit / Role(s)
	Amend customer details Council holds such as name, address, contact number, email address in accordance with this plan and relevant legislation	General Manager Privacy Contact Officer Corporate Governance Officer or delegate
	Amend specific Personal or Health Information Council holds in accordance with this plan and relevant legislation	General Manager or delegate Privacy Contact Officer or delegate Governance Team Human Resources Team
	Process and determine applications seeking access to Personal Information under the PPIP and HRIP Act, including seeking access to information contained in Council's Public Registers and CCTV in accordance with this plan and relevant legislation	General Manager or delegate Privacy Contact Officer or delegate Governance Team
	Determine requests for the suppression of Personal Information in accordance with section 739 of the LG Act	General Manager
	Approve requests for Trans-border Data Flow to State or Commonwealth Agencies in accordance with this plan and relevant legislation	General Manager or delegate Privacy Contact Officer or delegate

Process and determine requests for internal reviews in accordance with this plan and relevant legislation	General Manager or delegate Privacy Contact Officer or delegate
Liaise with the Privacy Commissioner and other external agencies/bodies in relation to external reviews in accordance with this plan and relevant legislation	General Manager or delegate Privacy Contact Officer or delegate Governance Team
Report data breaches to the Privacy Commissioner in accordance with this plan and relevant legislation	General Manager or delegate Privacy Contact Officer or delegate Governance Team

## 27. POLICY HISTORY

Revision	Date Approved / Authority	Description Of Changes
1	06 March 2013 (PM17/2013) 18 September 2013 (PM91/2013 – 581)	New Plan Adopted
2	17 June 2020 CC48/2020	Complete overhaul/review and inclusion of 2019 Privacy Code of Practice for Local Government

## 28. APPENDICES

- 28.1. **APPENDIX 1 – APPLICATION FOR AN INTERNAL REVIEW RELATING TO THE MANAGEMENT OF YOUR PERSONAL INFORMATION FORM**
- 28.2. **APPENDIX 2 – STATUTORY DECLARATION TO ACCESS PERSONAL INFORMATION CONTAINED IN COUNCIL'S PUBLIC REGISTERS**
- 28.3. **APPENDIX 3 – REQUEST AND STATUTORY DECLARATION TO SUPPRESS PERSONAL INFORMATION CONTAINED IN COUNCIL'S PUBLIC REGISTERS**

## APPENDIX 1 – APPLICATION FOR AN INTERNAL REVIEW RELATING TO THE MANAGEMENT OF YOUR PERSONAL INFORMATION FORM

You can use this form to make a complaint relating to the management of your personal information under:

- s53 of the [Privacy and Personal Information Protection Act 1998](#) (PPIPA) or
- s21 of the [Health Records and Information Privacy act 2002](#) (HRIPA).

The types of complaints may include:

- disclosure of your personal information to another person;
- failure to protect your personal information;
- refusing access to your personal information;
- storage of your personal information; and/or
- accuracy of your personal information.

If you need assistance in filling out this form please visit the Council's privacy page for more information of visit Council's Administration Building.

Please note: it is not a requirement under the PPIP Act or the HRIP Act that you complete an application form. This form is designed to assist us in correctly identifying the nature of the conduct you are complaining about and determine whether a breach has occurred.

If you choose not to complete this form, you must still make a written request for an internal review and describe the conduct in sufficient detail to allow us to determine if there has been a breach.

<b>Section 1: Applicant's details</b>		
Title		
First name		
Last name		
Postal address		
Telephone number		
Email address		
Is this complaint on behalf of someone else?	<input type="radio"/> YES	<input type="radio"/> NO - Go to section 2
Title		
First name		
Last name		
Postal address		
Telephone number		
Email address		
Relationship to applicant		
Is the person capable of making the complaint by him/herself?		

<input type="radio"/> YES	<input type="radio"/> NO	<input type="radio"/> UNSURE
<b>Section 2: Details of the complaint</b>		
<b>1. What is the specific conduct you are complaining about?</b>		
<p>"Conduct" can include an action, a decision, or even inaction by Council. For example the "conduct" in your case might be a decision to refuse you access to your personal information, or the action of disclosing your personal information to another person, or the inaction of a failure to protect your personal information from being inappropriately accessed by someone else.</p>		
<b>2. Please select which of the following information handling practices are relevant to your complaint</b>		
<b>(you may select more than one option): *</b>		
<input type="radio"/>	Collection of my personal or health information	
<input type="radio"/>	Security or storage of my personal or health information	
<input type="radio"/>	Refusal to allow me access or find out about my own personal or health information	
<input type="radio"/>	Accuracy of my personal or health information	
<input type="radio"/>	Use of my personal or health information	
<input type="radio"/>	Disclosure of my personal or health information	
<input type="radio"/>	Other	
<input type="radio"/>	Unsure	
<b>3. Describe the type of information involved (eg name, age, address, health information etc):</b>		
<b>4. When did the conduct you are complaining about occur? (use dates if possible):</b>		
<b>5. When did you become aware of this conduct:</b>		
<b>6. You need to lodge this application within six months of the date at Q.4. If more than 6 months has passed from the date you became aware of the conduct, you will need to ask for special permission to lodge a late application.</b>		
<b>7. What effect did the conduct have on you:</b>		



<b>8. What effect might the conduct have on you in the future:</b>
<b>9. What would you like to see Council do about the conduct? (for example: an apology, a change in policies or practices, compensation, training for staff etc):</b>

Purpose and signature:

I understand that this form will be used by Council to process my request for an internal review. I understand and accept that details of my application (including my personal information) will be referred to the Privacy Commissioner in accordance with our obligation to notify under section 54(1) of the Privacy and Personal Information Protection Act; or section 21 of the Health Records and Information Privacy Act; and that the Privacy Commissioner will be kept advised of the progress and outcome of the internal review.

\_\_\_\_\_  
Applicant's name

\_\_\_\_\_  
Applicant's signature

Date: \_\_\_\_\_

### Privacy Disclosure

**Purpose:** The information on this form is being collected for the purpose it was intended.

**Intended Recipients:** Officers of Cessnock City Council

**Supply:** The supply of information is voluntary.

**Consequence of non-provision:** The information provided on this form will only be used for the purposes of processing of the complaint.

**Storage:** Your personal information will be kept in Council's Information Management System in accordance with the relevant legislation. Council's address is 62-78 Vincent Street CESSNOCK NSW 2325

**Access/Correction:** You may correct or update your personal information by contacting Council's Privacy Contact Officer on 4943 4100 or by sending an email to [council@cessnock.nsw.gov.au](mailto:council@cessnock.nsw.gov.au).





### APPENDIX 3 – REQUEST AND STATUTORY DECLARATION TO SUPPRESS PERSONAL INFORMATION CONTAINED IN COUNCIL’S PUBLIC REGISTERS

To the General Manager, Cessnock City Council

In reference to my personal information:

I, \_\_\_\_\_ of \_\_\_\_\_  
*Full name* *Address*

request that my personal details be omitted or removed from Council’s public registers.

The disclosure of my personal information would place or places my personal safety or that of members of my family at risk.

The following are particulars of the relevant risk:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

\_\_\_\_\_  
[signature of applicant]

\_\_\_\_\_  
[date]

**Note:**  
1 This request must be verified by statutory declaration by the person making the request or by another person. The form of statutory declaration on the back of this form may be used for this purpose.  
2 Resident electors who wish to have their address or other matter removed from the electoral roll must make an application to the Australian Electoral Commission or the State Electoral Office.

Integrity, Respect, Teamwork, Accountability and Excellence

## STATUTORY DECLARATION

I \_\_\_\_\_ of \_\_\_\_\_,  
*Full name* *Address*

do solemnly and sincerely declare as follows:

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and I make this solemn declaration conscientiously believing the same to be true, and by virtue of the provisions of the *Oaths Act 1900*.

Declared at: \_\_\_\_\_

.....on...../...../.....20.....  
*[signature of declarant]* *[date]*

in the presence of an authorised witness, who states:

I, \_\_\_\_\_, a Solicitor/Justice of the Peace, certify the following matters  
*witness name* *circle one*

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 not known the person for at least 12 months, but I have confirmed the person's identity using an identification document and the document I relied on was \_\_\_\_\_  
*[insert description of document, for example licence or passport]*

.....on...../...../.....20.....  
*[signature of authorised witness]* *[date]*

**PRIVACY**

**Purpose:** The information on the form is being collected for the purpose of omission or removal of your place of living from the pecuniary interest returns in accordance with section 739 of the *Local Government Act 1993 (NSW)*.

**Intended recipients:** General Manager of Cessnock City Council

**Supply:** Legally

**Consequence of non-provision:** If you do not supply the information, your form will not be processed and your place of living cannot be removed from the register.

**Storage and security:** The form will be kept in Council's document management system in accordance with the relevant legislation.

**Access:** You may correct or update your information by contacting Council's Privacy Contact Officer on 4943 4100.