



WAVERLEY  
COUNCIL

# Privacy Management Plan



<b>Department</b>	Governance
<b>Approved by</b>	ELT
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<b>Next revision date</b>	Four years from the date of approval or as required due to legislative or regulatory changes
<b>Relevant legislation</b>	<p>Privacy and Personal Information Protection Act 1998 (PIIP Act)</p> <p>Health Records and Information Privacy Act 2002 (HRIP Act)</p> <p>Government Information (Public Access) Act 2009 (GIPA Act)</p> <p>Government Information (Public Access) Regulation 2009,</p> <p>Independent Commission Against Corruption Act 1988</p> <p>Public Interest Disclosures Act (PID Act) 2022</p> <p>State Records Act 1998</p> <p>State Records Regulation 2015</p> <p>Independent Commission Against Corruption Act 1988</p> <p>Crimes Act 1900</p>
<b>Related policies/ procedures/guidelines</b>	<p>Information Protection Principles (IPPs)</p> <p>Data Breach Policy</p> <p>Information Security Policy</p>
<b>Related forms</b>	

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## 1. Background

This Privacy and Management Plan (PMP) was developed to meet the legislative requirements for public sector agencies in New South Wales as outlined in Privacy and Personal Information Protection Act 1998 (PPIP Act) and the Health Records and Information Privacy Act 2002 (HRIP Act). These Acts mandate the development of policies, procedures, and protocols to manage information assets effectively, responsibly and transparently. By ensuring compliance with these requirements, the PMP enhances the security, accessibility and quality of the information used by Council in its daily functions and activities. This supports better decision-making, operational efficiency, and risk management. The Plan was developed following the guidelines provided by the Information and Privacy Commission NSW (IPC).

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## 2. Purpose

The purpose of this Privacy Management Plan (PMP) is to explain how Waverley Council manages personal and health information in accordance with NSW privacy laws. This includes:

- [Privacy and Personal Information Protection Act 1998 \(PPIP Act\)](#)
- [Health Records and Information Privacy Act 2002 \(HRIP Act\)](#)

The PMP also explains who you should contact questions about the information collected and retained by Council, how to access and amend your stored information and what to do if Council may have breached the PPIP or HRIP Acts.

Additionally, the PMP is used to train Council staff about how to deal with personal information. This helps to ensure that Council complies with the PPIP Act, the HRIP Act and the GIPA Act.

Please refer to [Appendix A](#) for more information about NSW's privacy laws.

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## 3. Scope

This PMP includes requirements outlined in s33(2) of the PPIP Act including:

- information about how Council develops policies and practices in line with the state's information and privacy acts
- how Council disseminates these policies and practices within the organisation and trains its staff in their use
- Council's internal review procedures
- anything else Council considers relevant to the PMP in relation to privacy and the personal and health information it holds.

## 4. Content

### 4.1. Policy and procedure development

Council is required to outline how policies and practices are developed to ensure compliance with privacy legislation requirements. This Plan includes several specific elements of Council privacy protection framework. Policies and practices are developed by:

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- **Examining Changes:** Analysing changes in the legislative, policy, or operational environment for their impacts on Council’s privacy management.
- **Regular Reviews:** Conducting regular reviews of privacy policies to ensure they remain effective and up-to-date.
- **Privacy Implications:** Considering the privacy implications of changes to policies and systems and making necessary procedural adjustments.

When developing new privacy management policies or procedures or amending them in a way that would change how personal and health information is managed, Council ensures compliance with the PPIP Act and HRIP Act.

#### 4.2. Data Breach Policy

Separate from this PMP, Council has a Data Breach Policy that sets out Council procedures for managing a data breach, including the assessment and notification requirements for the Mandatory Notification of Data Breach Scheme under PIPPA.

#### 4.3. Promoting the PMP

Council promotes the principles of the PMP through its Executive Leadership Team, staff and public awareness.

##### Executive Leadership Team

Council Executive Leadership Team (ELT) is committed to transparency and accountability in respect of Council’s compliance with the PPIP Act and the HRIP Act.

The ELT reinforces transparency and compliance with these Acts by:

- endorsing the PMP and making it publicly available on Council website.
- identifying privacy issues when implementing new systems.
- ensuring all staff are aware of sound privacy management practices.

##### Council staff

Council ensures its staff are aware of and understand this PMP, particularly how it applies to the work they do. With this in mind, Council has written this Plan in a practical way so 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.

Council makes its staff members aware of their privacy obligations by:

- publishing the PMP in a prominent place on its website
- including the PMP in induction packs and offering training as required
- providing refresher, specialised and on-the-job privacy training
- highlighting and promoting the PMP
- when staff members have questions about how to manage personal and health information under the PMP, they may consult their manager or Privacy Officer

## Public awareness

The PMP is a guarantee of service to stakeholders on how Council manages personal and health information. Because it is central to how Council does business, this Plan is easy to access on Council website and easy to understand.

Additionally, Council is required to make this Plan publicly available as open access information under the GIPA Act.

Council promotes public awareness of its PMP by:

- writing the plan in plain English
- publishing it on its website
- providing hard copies of the plan free of charge on request
- referring to the Plan in its privacy notices
- telling people about the Plan when answering questions about how Council manages personal and health information.

### 4.4. Contacting Council

For further information about this Plan, the personal and health information Council holds, or any other concerns, please contact Council's Privacy Officer. In particular for information regarding:

- how Council manages personal and health information
- requests for access to and amendment of personal or health information
- guidance on broad privacy issues and compliance
- requests to conduct internal reviews about possible breaches of the PPIP Act and HRIP Act (unless the subject of the review is the conduct of the Privacy Officer)

Council's contact information is provided below:

E-mail: [info@waverley.nsw.gov.au](mailto:info@waverley.nsw.gov.au)

Phone: (02) 9083 8000

Mail: PO Box 9, Bondi Junction NSW 1355

Visit: Customer Service Centre at 55 Spring St, Bondi Junction, NSW 2022 (9am - 5pm Monday to Friday) or Bondi Pavilion Customer Service (Welcome Centre) at Queen Elizabeth Drive, Bondi Beach NSW 2026 (10am - 4pm Monday to Sunday).

## 5. How Council collects personal and health information

Council collects and receives people's personal and health information in a variety of ways in order to perform its services and functions.

We collect and store different types of information about you when you create an account, buy tickets from our ticketing agents, attend our events, contact us, and use our websites, Wi-Fi, applications and social media.

The collection of this information may be in writing, email, through Council's website, over the phone or in person at Customer Service Centre.

Council aims to tell customers how it will manage their personal information when they seek our assistance. However, under the privacy laws Council does not give people details of personal or health information it receives about third parties unless legally required to do so.

This section explains ways in which Council collects personal and health information during its business activities.

### **5.1. Enquiries, requests, complaints and feedback**

Council handles enquiries, requests and complaints about Council's functions, services and activities.

These enquiries are made by people:

- over the phone
- in writing (e-mail, letter, online form)
- in person (at Customer Service Centre and at events).

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.

If someone writes to Council, a full copy of whatever is sent is generally kept by Council in its electronic document management system. 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, without recording details.

The provision of any personal information is entirely voluntary, and, in that respect, personal information may be provided that is unsolicited. Council recognises that some people may wish to remain anonymous, however, clear information regarding the consequences of remaining anonymous must be provided.

Council's telephones will display the number of the person who called, except for private/silent numbers. Telephone conversations with our Customer Service Centre may be recorded but are deleted after one month.

If someone has an enquiry that cannot be answered straight away, a Council staff member will offer to take the person's name and telephone number so someone in the office can respond.

#### **5.1.1. Feedback**

When people communicate with Council, although not requested, they may decide to give us personal information, such as contact details, personal opinions, stories, experiences and backgrounds. They may also give us personal information about other people. Council may ask for further personal information, but only to clarify the issue being raised.



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

## **5.2. Surveys**

Council conducts surveys and consults on its services. 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.

Third party providers may also distribute surveys on behalf of Council. Council ensures that these providers have appropriate privacy policies in place applying the relevant privacy principles and the information is collected in a secure environment. When people give Council responses to surveys, they may decide to give us personal information, such as contact details, personal opinions, stories, experiences and backgrounds. They may also give us personal information about other people. Council may ask for further personal information, but only to clarify the issue being raised.

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

## **5.3. Council staff and recruitment**

Council collects personal and/or health information from its staff members as part of the recruitment process, including working with children check, criminal background check and psychometric testing. Council will never ask for more personal information than is required for that purpose.

### **5.3.1. Staff**

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, unplanned absences, workplace health and safety and to help Council operate with transparency and integrity.

In the exercise of its functions Council collects and manages personal information about its staff including but not limited to:

- medical conditions and illnesses
- next of kin and contact details
- education
- contacting staff members or next of kin about unexplained absences
- performance and development information
- family and care arrangements
- secondary employment
- conflicts of interest
- financial information for payroll purposes
- employment history.

Information collected by Council is retained, to the extent necessary and managed securely.

### **5.3.2. Recruitment**

When people apply for jobs at Council, they send us personal information, including their name, contact details and work history. Council gives this information to the convenor of the interview panel for that particular position (as stated in the job advertisement) in electronic or hard copy files.

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 People and Culture Department, the relevant HR Business Partners and members of the interview panel. Interview panels may include persons not employed by Council. Convenors store this information securely. The People and Culture Department, retains information relating to applicants and eligibility lists in accordance with retention period requirements.

Successful applicants are invited to fill out various forms in order to commence employment at Council. These forms require further personal and health information, such as the applicant's bank account details, tax file number, emergency contacts and any impairment or reasonable workplace adjustment they may require..

These forms also encourage people to provide sensitive personal information, such as information about cultural and language background, sexual orientation, etc in order to collect data about the wider NSW public sector. Disclosing this information is voluntary.

These forms are sent to People and Culture Department to be used for employment purposes, such as payroll and setting up personnel files. People and Culture team at Council keeps copies of this information in secure storage areas.

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

When members of the public visit Council, a visitor book is used to record the names of people who enter the office. Council collects this information for workplace health and safety purposes. The visitor book is stored in accordance with Council's procedures.

## **5.5. Communications and stakeholder engagement**

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

Council keeps subscriber, mailing and contact lists that contain personal information from people who have asked to be included on these lists. No personal information is collected without consent and those who provide their information are advised as to how Council will manage it.

The information generally collected includes name, email addresses and telephone numbers. Council relies on people to provide accurate personal information, and our staff are careful to enter the information correctly.

### **5.5.2. Council events and information sessions**

Council holds community events, information sessions and participates in events held by other agencies or organisations.

During these events, Council may collect general information such as the number of visitors, questions visitors asked, what resources were provided and general demographic information such as gender.

Depending on the event, Council may intentionally or unintentionally collect health information or sensitive personal information about someone.

Sometimes, Council seeks voluntary completion of surveys to help us identify current issues.

Council may also seek feedback from customers on their experience with Council in resolving their complaint, enquiry, or other matters.

### **5.5.3. Website publishing, photography, filming and media**

Council owns and maintains a number of websites. Its primary website is used to promote Council's functions, services and activities. Council does not publish personal or health information on the website without permission.

Website data is stored on secure servers.

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 computer network.

## **6. How information is managed by Council**

This section describes how Council uses, discloses and stores personal and health information in alignment with its main types of services and functions.

### **6.1. Use of personal information**

Council uses the information it collects to:

- conduct reviews and complaints
- refer a complaint to a relevant authority
- advise Councillors, our staff and our stakeholders on recurring trends and issues
- educate members of community about particular issues through published reports.

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.

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 People and Culture Department 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.

## **6.2. Disclosure of personal information**

### **6.2.1. Enquiries and complaints**

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.

Council does not disclose information about a particular enquiry to anyone without the consent of the enquirer.

### **6.2.2. GIPA Act**

The GIPA Act restricts Council from disclosing any information to an applicant requesting a review or complainant where the agency claims there is an overriding public interest against disclosure and has decided not to release the information. This often includes personal information.

## **6.3. Storage and security of information**

Council stores personal information electronically or in hard copy files. Council practices a 'clean desk' approach, which means hard copy case files are secured at the end of the day or when not in use.

### **6.3.1. Systems, databases and information management**

All of the Council's electronic information is stored securely in compliance with Council's Information Security Policy.

### **6.3.2. Physical security**

Most Council records are electronic. When not being used, hard copy files and sensitive information are securely stored. Secure printing is used in Council.

Council staff members have unique user accounts and passwords to access our computer systems. In accordance with Council's information security policy, our staff do not give out passwords to anyone or let anyone else use their computer login.

Older hard copy files are archived in a secure storage facility in compliance with the State Records Act 1998. For sensitive documents that need to be destroyed, Council uses locked bins from which the documents are securely destroyed.

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

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:

- asking for evidence of their information handling processes
- inserting a privacy clause into our contracts.

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.

An external entity that may manage or collect personal information on behalf of Council includes:

- companies providing information technology and human resources systems and support
- a secure shredding company in order to carry out the destruction of sensitive documents
- temporary staff procured from providers under government contracts
- event management companies in order to host events and manage registrations
- independent contractors
- IT contractors.

## **7. How to access and revise your information**

Everyone has the right to access the 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.

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.

There is no fee to access or amend your personal and/or health information.

To access and revise your personal information, email the Privacy Officer at [info@waverley.nsw.gov.au](mailto:info@waverley.nsw.gov.au)

### **7.1. Accessing or amending other people's information**

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.

However, s26 under 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.

Likewise, under s7 and s8 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.

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.

## **8. Your rights**

### **8.1. Requesting an internal review**

You have the right to seek an internal review under the PPIP Act if you believe Council has breached the PPIP Act or HRIP Act relating to your personal and/or health information. You cannot seek an internal review for a breach of someone else's privacy unless you are the authorised representative of the other person.

Applications for an internal review must be made in writing and 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.

## 8.2. The internal review process

You can request an internal review by emailing the Privacy Officer at [info@waverley.nsw.gov.au](mailto:info@waverley.nsw.gov.au)

The Privacy Officer will conduct the internal review unless the internal review is about the conduct of the Privacy Officer. In this case, the relevant Director or General Manager will conduct the internal review.

Council aims to:

- acknowledge receipt of an internal review within **5 working days**
- complete an internal review within **60 calendar days**.

The Privacy Officer will inform you of the progress of the internal review and if it is likely to take longer than first expected.

You can expect the Privacy Officer to respond to you in writing within **14 calendar days** of deciding the outcome of the internal review. This is a requirement under Section 53 (8) of the PPIP Act.

If you disagree with the outcome of the internal review or are not notified of an outcome within **60 calendar days**, you have the right to seek an external review.

## 8.3. The Privacy Commissioner's role in internal reviews

An agency must notify the Privacy Commissioner 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 the IPC in relation to the matter.

The Privacy Commissioner is entitled to make submissions to the agency with his or her view on the matter.

## 8.4. Requesting an external review

If you are unhappy with the outcome of the internal review conducted by Council or do not receive an outcome within 60 days, you have the right to seek an external review by the NSW Civil and Administrative Tribunal (NCAT).

You have **28 calendar days** from the date of the internal review decision to seek an external review under Section 53 of the *Administrative Decisions Review Act 1997 (NSW)*.

To request an external review, you must apply directly to the NCAT, which has the power to make binding decisions on an external review.

To apply for an external review or to obtain more information about seeking an external review, including current forms and fees, please contact the NCAT:

**Website:** <http://www.ncat.nsw.gov.au/>

**Phone:** 1300 006 228

**Visit/post:** Level 9, John Maddison Tower, 86-90 Goulburn Street, Sydney NSW 2000

The NCAT cannot give legal advice, however the NCAT website has general information about the process it follows and legal representation.

#### **8.5. Other ways to resolve privacy concerns**

Council 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.

Please keep in mind that you have **six months** from when you first became aware of the potential breach to seek an internal review. This six months' time frame continues to apply even if attempts are being made to resolve privacy concerns informally. Please consider this time frame when deciding whether to make a formal request for internal review or continue with informal resolution.

#### **8.6. Media enquiries**

Council also deals with media enquiries. Council does not provide personal and/or health information to the media in response to their enquiries without consent.

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## Review

At least four years from the date of approval or as required due to legislative or regulatory changes.

## Definitions

**Collection** – (of personal information) 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.

**Disclosure** – (of personal information) occurs when Council makes known to an individual or entity personal or health information not previously known to them.

**Exemptions from compliance with Information Protection Principles (IPPs)** – (general, specific and other exemptions) are provided both within the principles (and under [Division 2](#) and [Division 3](#) of Part 2 of the PPIP Act).

**Health information** – 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 at [S6 HRIP Act](#).

**Investigative agencies** – any of the following: Information and Privacy Commission (IPC), Audit Office of NSW, the Ombudsman NSW, the Independent Commission Against Corruption (ICAC) or the ICAC inspector, the Office of Local Government (OLG), Local Government NSW (LGNSW), and any other regulatory agencies.

**Law enforcement agencies** – any of the following: the NSW Police Force or the police force of another State or Territory, the NSW Crime Commission, the Australian Federal Police, the Australian Crime Commission, the Director of Public Prosecutions of NSW or another State or Territory or of the Commonwealth, Department of Communities and Justice, Office of the Sherriff of NSW.

**Personal information** – 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 s4(3) of the PPIP Act and includes health information; (see the definition at [s4 PPIP Act](#) and [s4\(3\) PPIP Act](#) and [s5 of the HRIP Act](#)).

**Privacy principles** – the Information Protection Principles set out in Division 1 of Part 2 of the PPIP Act and 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.

**Public register** – a register of personal information that is required by law to be, or is made, publicly available or open to public inspection, whether or not upon payment of a fee.

Note: public register exemptions are provided for in clause 7 of the Privacy and Personal Information Protection Regulation 2014.



**Privacy obligations** – the information privacy principles and any exemptions to those principles that apply to Council, which is a public sector agency.

**Staff** – any person working in a casual, temporary, or permanent capacity in Council, including consultants and contractors.

## Appendices

### Appendix A: About NSW's privacy laws

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

#### The PPIP Act and personal information

The PPIP Act sets out how Council must manage **personal** information.

#### About personal information

Personal information is defined in s4 of the PPIP Act and is essentially any information or opinions about a person where that person's identity is apparent or can be reasonably ascertained.

Personal information can include a person's name and address, details about their family life, their sexual preferences, financial information, fingerprints and photos.

There are some kinds of information that are not personal information, such as information about someone who has been dead for more than 30 years, information about someone that is contained in a publicly available publication, or information or an opinion about a person's suitability for employment as a public sector official. Health information is generally excluded here as it is covered by the HRIP Act.

#### Information protection principles (IPPs)

Part 2, Division 1 of the PPIP Act contains 12 IPPs with which Council must comply. Below is an overview of the principles as they apply to Council

#### Collection

1. Council collects personal information only for a lawful purpose that is directly related to Council functions and activities.
2. Council collects personal information directly from the person concerned.
3. Council informs people why their personal information is being collected, what it will be used for, and to whom it will be disclosed. Council will tell people how they can access and amend their personal information and any possible consequences if they decide not to give their personal information to us.
4. Council ensures personal information is relevant, accurate, is not excessive and does not unreasonably intrude into the personal affairs of people.

#### Storage

5. Council stores personal information securely, keeps it no longer than necessary and destroys it appropriately. Personal information is protected from unauthorised access, use, or disclosure.

#### Access and accuracy

6. Council is transparent about any personal information that is stored, what it is used for and

the right to access and amend it.

7. Council allows people to access their own personal information without unreasonable delay or expense.
8. Council allows people to update, correct, or amend their personal information where necessary.
9. Council makes sure that personal information is relevant and accurate before using it.

### **Use**

10. Council only uses personal information for the purpose it was collected for unless the person consents to the information being used for an unrelated purpose.

### **Disclosure**

11. Council will only disclose personal information with people's consent unless they were already informed of the disclosure when the personal information was collected.

12. Council does not disclose, without consent, sensitive personal information, such as ethnicity or racial origin, political opinions, religious or philosophical beliefs, health or sexual activities, or trade union membership.

### **Exemptions to the IPPs**

Part 2, Division 3 of the PPIP Act contains exemptions that may allow Council to not comply with IPPs in certain situations. Some examples include:

- Council is not required to comply with IPPs 2-3, 6-8, or 10-12 if the Council is lawfully authorised or required not to do so
- Council is not required to comply with IPP 2 if the information concerned is collected in relation to court or tribunal proceedings.

Council does not use the other exemptions on a regular basis as they are not usually relevant to the work or functions of Council. However, if another exemption was to be used, the Council aims to be clear about the reasons for using it.

Privacy codes of practice and public interest directions can modify the IPPs for any NSW public sector agency. These are available on the IPC [website](#).

There are public interest directions that may allow Council:

- to be exempt from the IPPs when transferring enquiries to another NSW public sector agency
- to disclose personal information collected for research purposes.

## Appendix B: Public registers

The PPIP Act also governs how NSW public sector agencies should manage personal information contained in public registers (Part 6 – Public Registers).

Council ensures that information provided in its public registers are accurate and up-to date. Information from Council public registers can only be disclosed if it aligns with the purpose of the register.

In line with Government Information (Public Access) Act 2009 (GIPA Act) Council maintain several types of registers that must be publicly available. Some of these include:

### Contracts Register:

- This register includes details of contracts worth \$150,000 or more. Information about these contracts is available to the public, detailing the nature of the contract, parties involved, and value. For contracts valued at \$5 million or more, a full copy of the contract is included in the register.

### Returns of Interest:

- This register records the pecuniary interests of the Councillors and designated persons to ensure transparency in potential conflicts of interest.

### Delegations Register:

- This register lists all delegations of authority by Council to other persons or bodies to ensure that decision-making powers are transparently documented.

### Policy Register:

- This includes all Council policies that affect the public to provide transparency on how decisions are made and to ensure public awareness of council operations and governance. Council ensures that information provided in its public registers are accurate and up-to date. Information from Council public registers can only be disclosed if it aligns with the purpose of the register.

Under Privacy Code of Practice for Local Government (2019) Council allows any person to inspect a publicly available copy of a public register in Council premises and copy a single entry or a page of the register without needing to provide a reason. Council does not require any person to provide a reason for inspecting Council's pecuniary interest register or any register that shows the interests declared by Councillors or designated persons.

## Suppression of Personal Information

Individuals are informed in case of inclusion of their personal information in public registers maintained by Council. Privacy and Personal Information Protection Act 1998 allows a person to request Council to either: suppress personal information from a public register, or not disclose this information to the public.

A person can request Council to not publish their personal information if they consider that the safety or wellbeing of a person would be affected by the information being placed on the public register or released by Council. To be eligible to do this, a person must be able to demonstrate that the safety or well-being of any person would be affected by not suppressing the personal information as requested.

Council will suppress the information in accordance with the request unless Council is of the opinion that the public interest in maintaining public access to the information outweighs any individual interest in suppressing the information.

When in doubt, Council will favour suppression. This is in accordance with Section 58(2) of the PPIP Act and Section 739 of the Local Government Act 1993 (LGA). Any information that is suppressed from the public register may still be kept for other purposes.

Application for suppression must be made in writing and outline the reasons for the request. Council may require supporting documentation where appropriate.

It is not compulsory for the complainant to use the form or any particular format, so long as their request is in writing by emailing the Privacy Officer at [info@waverley.nsw.gov.au](mailto:info@waverley.nsw.gov.au).

## Appendix C: The HRIP Act and health information

The HRIP Act sets out how Council must manage health information.

### About health information

Health information is a more specific type of personal information and is defined in s6 of the HRIP Act. Health information can include information about a person's physical or mental health, such as a psychological report, blood test, an X-ray, or even information about a person's medical appointment. It can also include personal information that is collected to provide to a health service, such as a name and contact number on a medical record.

### Health Privacy Principles (HPPs)

Schedule 1 of the HRIP Act contains 15 HPPs that Council must comply with. Below is an overview of the principles as they apply to Council.

#### Collection

1. Council collects health information only for lawful purposes that are directly related to its functions and activities.
2. Council makes sure health information is relevant, accurate, is not excessive and does not unreasonably intrude into the personal affairs of people.
3. Council collects health information directly from the person concerned.
4. Council informs people why their health information is being collected, what it will be used for and to whom it will be disclosed. Council will tell people how they can access and amend their health information and any possible consequences if they decide not to give their health information to Council.

#### Storage

5. Council stores health information securely, keeps it no longer than necessary and destroys it appropriately. Health information is protected from unauthorised access, use, or disclosure.

#### Access and accuracy

6. Council is transparent about the health information stored about people, what the information is used for and the right to access and amend it.
7. Council allows people to access their own health information without unreasonable delay or expense.
8. Council allows people to update, correct, or amend their health information where necessary.
9. Council makes sure the health information is relevant and accurate before using it.

#### Use

10. Council only uses health information for the purpose it was collected for, unless the person consents to the information being used for an unrelated purpose.

#### Disclosure

11. Council will only disclose health information with people's consent, unless they were already informed of the disclosure when the health information was collected.

### Identifiers and anonymity

12. Council does not use unique identifiers for health information, as they are not needed to carry out Council's functions.

13. Council allows people to stay anonymous where it is lawful and practical.

### Transfers and linkage

14. Council does not usually transfer health information outside of NSW.

15. Council does not currently use a health records linkage system and does not anticipate using one in the future. However, if one were to be used, Council would not use one without people's consent.

### Exemptions to the HPPs

Exemptions are located mainly in Schedule 1 of the HRIP Act and may allow Council to not comply with HPPs in certain situations.

For example, Council is not required to comply with HPPs 4-8 and 10 if the Council is lawfully authorised, required, or permitted not to comply with them.

Council does not use the other exemptions on a regular basis as they are not usually relevant to Council's work. However, if an exemption were used, Council aims to be clear about the reasons for using it.

Health privacy codes of practice and public interest directions can modify the HPPs for any NSW public sector agency. These are available on the IPC [website](#). Currently, there are none that are likely to affect how Council manages health information.

### Offences

Offences can be found in Part 8 of the HRIP Act. It is an offence for Council to:

- intentionally disclose or use any health information about an individual to which the official has or had access to in the exercise of his or her official functions
- offer to supply health information that has been disclosed unlawfully
- attempt to persuade an individual to refrain from making or to withdraw an application pursuing a request for access to health information or a complaint to the Privacy Commissioner or Tribunal
- by threat, intimidation, or false representation require another person to give consent or to do, without consent, an act for which consent is required.





## Appendix D: Other applicable laws

This section contains information about the other laws that affect how the Council complies with the IPPs and HPPs.

- **Crimes Act 1900**

Under this law, Council must not access or interfere with data in computers or other electronic devices unless it is authorised to do so.

- **Government Information (Public Access) Act 2009 (GIPA Act) and Government Information (Public Access) Regulation 2009**

The GIPA Act provides a mechanism to access your personal information or other information. An application can be made to Council to access information that Council holds. Sometimes, this information may include personal and/or health information.

If a person has applied for access to someone else's information, Council will take steps to consult with people who might have concerns regarding disclosure of their personal information. Council will provide notice of the decision to ensure that people who might want to object to the release of information have time to apply for a review of the decision to release information.

- **Independent Commission Against Corruption Act 1988**

Under this law, Council staff cannot misuse information obtained in the course of doing their jobs.

- **Public Interest Disclosures Act 2022 (PID Act)**

The PID Act sets in place a system to encourage public officials to report wrongdoings. The General Manager is responsible for receiving complaints made as public interest disclosures about government information contraventions and personal information privacy contraventions, as provided for under the PID Act.

The definition of personal information under the PPIP Act excludes information contained in a public interest disclosure. This means that 'personal information' received or collected under the PID Act is not subject to the IPPs or HPPs.

The PID Act requires Council to not disclose information that might identify or tend to identify a person who has made a public interest disclosure. Council's Public Interest Disclosure (PID) Policy includes the Council's procedures to protect the information received in relation to public interest disclosures.

- **State Records Act 1998 and State Records Regulation 2015**

This law sets out when Council can destroy its records. It also authorises the State Records Authority to establish policies, standards and codes to ensure that NSW public sector agencies manage their records appropriately.