

# Privacy Policy

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<b>Reference number:</b>	POL 095
<b>Approval date:</b>	17 October 2022
<b>Policy owner:</b>	Chief Operating Officer
<b>Next review:</b>	September 2029

The collection of personal and health information from Councillors, employees, volunteers, contractors, ratepayers and members of the public is required in order for Council to perform its statutory functions and to allow the effective provision of services.

Council respects the privacy of its residents, customers and employees and has prepared its Privacy Policy in accordance with the relevant legislation and accompanying regulations.

This Policy sets out the relevant requirements to promote the protection of personal and health information and the protection of privacy and provides the foundation for Council's Privacy Management Plan.

## Purpose

Wagga Wagga City Council aims to:

- Maintain the highest possible integrity for services provided by the Council.
- Safeguard its assets, including people, information, property and financial resources.
- Ensure Council deals with personal and health information in a manner which complies with the requirements of the legislation and promotes the protection of privacy.
- Inform Council's stakeholders and customers of their rights with regard to personal or health information collected by Wagga Wagga City Council.
- Demonstrate transparent and responsible information management processes aligned with accepted best practice standards and methods.

## Scope

This Policy applies to all personal or health information collected, maintained and/or used by Council officials.

## Policy Provisions

Council is committed to ensuring the adequate protection of all personal and health information that is collected and held by Council.

Delegated Council staff will apply the following general principles, based on the 12 Information Protection Principles outlined in the Privacy and Personal Information Protection Act 1998 (PPIPA).

The principles are a legal obligation for Council which describe what an NSW government agency must do when it collects, stores, uses and discloses personal and health information. Modifications and exceptions to the following general principles are set out in detail in Council's Privacy Management Plan:

- **PPIPA Principle 1 - Lawful**

Council will collect personal information for a lawful purpose and only if it is directly related to Council's activities and necessary for that purpose.

- **PPIPA Principle 2 – Direct**

Council will ensure that the information is collected directly from the person concerned, unless consent from the person has been given otherwise. Parents and guardians can give consent for minors.

- **PPIPA Principle 3 – Open**

Council will inform the person as soon as is practicable that the information is being collected, why it is being collected and who will be storing and using it. Council will also inform the individual how they can view and amend this information once collected.

- **PPIPA Principle 4 – Relevant**

Council will ensure that the information is relevant, accurate, up-to-date and not excessive. The collection of information will not unreasonably intrude into the personal affairs of the individual.

- **PPIPA Principle 5 – Secure**

Information must be stored securely, not kept any longer than necessary and disposed of appropriately. It will be protected from unauthorised access, use or disclosure.

- **PPIPA Principle 6 – Transparent**

Council will ensure that individuals are provided with enough details about what personal information is being held, how it is being stored and what rights they have to access it.

- **PPIPA Principle 7 – Accessible**

Council will allow access for individuals to their personal information, without unreasonable delay or expense.

- **PPIPA Principle 8 – Correct**

Council will allow individuals to update correct or amend personal information where necessary.

- **PPIPA Principle 9 – Accurate**

Council will take all reasonable steps to ensure that personal information is accurate before using it.

- **PPIPA Principle 10 – Limited**

Council will only use personal information for the purpose for which it was collected, for a directly related purpose, or for a purpose to which the individual has given consent. Personal information can also be used without the individual's consent in order to deal with a serious and imminent threat to any person's health or safety.

- **PPIPA Principle 11 – Restricted**

Council will only disclose personal information with the individual's consent or if they are informed at the time of collection that it would be disclosed. Council may also disclose personal information if it is for a related purpose and it is considered that the individual would not object. Personal information can also be used without consent to deal with a serious and imminent threat to any person's health or safety.

- **PPIPA Principle 12 – Safeguarded**

Council cannot disclose sensitive personal information without consent, for example information about an individual's ethnic or racial origin, political opinions, religious or philosophical beliefs, health or sexual activities or trade union membership. Council is only allowed to disclose sensitive information without an individual's consent in order to deal with a serious and imminent threat to any person's health or safety.

### **Access to Personal and Health Information**

Individuals can seek access to view or amend their own personal and health information under s14 of PPIPA and s26 of Health Records and Information Privacy Act 2002 (HRIPA). Forms are available in Council's Privacy Management Plan, on Council's website, or details can be sought direct from Council. Proof of identity is required to access and/or amend personal or health information.

Another means to view personal information held by Council is for the individual to submit a GIPAA application in accordance with the Public Access to Information Policy (POL 108).

### **Disclosure of Personal Information**

Disclosure of personal information in Public Registers and other Council Registers to third parties is covered in Council's Privacy Management Plan in more detail. Council will comply with the relevant legislation in regard to the disclosure of Privacy Information. Personal Information will be provided at Council's discretion, only where it would be in the public interest to do so.

### **Requesting a Review**

An internal review can be requested from Council in relation to a privacy matter or against a decision, where requested in writing, addressed to the General Manager.

Alternatively, a complaint may be made to the Privacy Commissioner.

If the person is not satisfied with the internal review, or it is not completed within 60 days, an application can be made to the NSW Civil & Administrative Tribunal (NCAT).

The Information and Privacy Commissioner can be contacted at:

Email: [ipcinfo@ipc.nsw.gov.au](mailto:ipcinfo@ipc.nsw.gov.au)  
Phone: 1800 472 679  
Mail: GPO Box 7011  
Sydney NSW 2001  
Office: Level 17  
201 Elizabeth Street  
Sydney NSW 2000  
Website: <http://www.ipc.nsw.gov.au>

Information about NCAT is available on the following website <http://www.ncat.nsw.gov.au>

### **Policy Implementation Guidelines**

The principles set out in this policy will be implemented through the provisions of Council's Privacy Management Plan.

### **Legislative Context**

The collection, use, storage and disclosure of personal and health information is governed by the *Privacy and Personal Information Protection Act 1998 (PPIPA)* and the *Health Records Information and Privacy Act 2002 (HRIPA)*.

The Government Information (Public Access) Act 2009 (GIPAA) allows for public access to government information, which can include personal information. GIPAA is not intended to replace provisions of other Acts which allow for access i.e. viewing personal information under PPIPA or health information under HRIPA.

Council must also have regard to the Privacy Code of Practice for Local Government, its Privacy Management Plan prepared under s33 of the PPIPA, and any other relevant provisions or guidelines.

### **Related Documents**

- Privacy Management Plan
- Public Access to Information (POL 108)
- Agency Information Guide
- Councillors and Staff Interaction Policy (POL 089)
- Code of Conduct

## Definitions

Term	Definition
Personal Information	Personal information is any information or opinion about an identifiable person. This includes records containing your name, address, sex, etc., or physical information like fingerprints, body samples or a person's DNA.
Health Information	Health information is a specific type of <i>personal information</i> . Health information includes personal information that is information or an opinion about the physical or mental health or a disability of an individual.
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 on payment of a fee).
Privacy Management Plan	Regulates the collection, use and disclosure of, and the procedures for dealing with, personal information held by Council.

## Revision History

Revision number	Council resolution	Council meeting date
1	Res No: 07/489.10	17 December 2007
2	Res No: 09/077	27 July 2009
3	Res No: 12/275	24 September 2012
4	Res No: 13/224.1	26 August 2013
5	General Manager Approval	August 2016
6	E-Team	25 July 2017
7	Res No: 17/279	28 August 2017
8	General Manager Approval under delegated authority	10 April 2019
9	Res No. 22/354	17 October 2022