

ITEM 7 POST EXHIBITION - PRIVACY MANAGEMENT PLAN

Council is required to have a Privacy Management Plan under s33 of the *Privacy and Personal Information Protection Act 1998* (PIIP Act). The Plan must include:

- information about how Council develops policies and practices in line with the state's information and privacy legislation
- 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 Plan in relation to privacy and the personal and health information it holds.

An updated Privacy Management Plan that provides more clarity and assurance to customers, residents and ratepayers on how, when and why Council collects and stores personal information, with particular emphasis on emerging technologies, has recently been on public exhibition.

RECOMMENDATION

The Privacy Management Plan be adopted.

REPORT AUTHORISATIONS

Report of: Todd Hopwood, Manager Governance and Customer Service

Authorised by: Renee Campbell, Director Corporate Services - Connected + Engaged City

ATTACHMENTS

- 1 2021 Privacy Management Plan

BACKGROUND

Council has had a Privacy Management Plan in place for more than 20 years in satisfaction of the requirements of the *Privacy and Personal Information Protection Act 1998* (PIIP Act). The Plan is reviewed on a regular basis to ensure it remains contemporary and to allow for the continual changing methods of collection of personal information by council as systems and practices modernise and automate.

PROPOSAL

The updated Privacy Management Plan ensures that Council's demonstrated commitment and approach to privacy remains contemporary and is presented in a format that is readily understood from the reader/public viewpoint. The updated draft plan includes detailed information on the handling of personal information in newer and emerging activities such as social media, the Internet of Things and the use of QR Codes for visitor recording.

It is not possible or practical to have the Plan cover every type of collection/use of personal information undertaken by Council, so the Plan provides a general approach of how council collects and manages personal information of customers, residents and ratepayers.

The plan also provides additional details specifically in relation to the following areas / activities via which Council collects personal information:

- Requests for Service, Enquiries and Correspondence
- Complaints and Regulatory Functions
- Development Assessment and Land Use Planning
- Staff and Recruitment

- Visitors and members of the public (incl. QR Codes)
- Communications and stakeholder engagement
- Council Website and Service Providers
- Personal Contact Details
- Social Media
- The Internet of Things

The updated plan also includes new sections on how Council will handle any future data breaches in council systems as well as emphasising that council will take a 'privacy by design' approach to achieve compliance with privacy laws by ensuring that the privacy impacts of any new project or system development/implementation are thoroughly considered prior to implementation to allow issues of concern or risk to be addressed early in the process.

CONSULTATION AND COMMUNICATION

The draft Privacy Management Plan has been on public exhibition from 1 March to 29 March, 2021 to allow public comment on the key document that demonstrates to the public how council collects, stores and manages personal information.

During the exhibition period the webpage for the policy exhibition was visited 16 times, with 3 copies of the document being downloaded, however no submissions were received by the end of the exhibition period.

There are no changes recommended to the Privacy Management Plan, as a result of the public exhibition period, however, one additional change has been made to the exhibited copy of the policy to provide greater clarity around the management of personal information of staff. The following dot point has been added to the list of personal information about its staff that council collects on page 7 of the Plan:

- *details and copies of licences essential to the performance of an officer's role*

Further public consultation on the above amendment is not considered necessary, as the change only relates to the handling of staff information.

In accordance with s33(5) of the PPIP Act a copy of the updated Privacy Management Plan, once formally adopted by Council, will be provided to the NSW Privacy Commissioner.

PLANNING AND POLICY IMPACT

This report contributes to the delivery of Our Wollongong 2028 objective "*Our council is accountable, financially sustainable and has the trust of the community*".

It specifically delivers on core business activities as detailed in the Governance and Administration Service Plan 2020-21.

SUSTAINABILITY IMPLICATIONS

The adoption and implementation of an effective Privacy Management Plan is a critical component of Council achieving its sustainability goals. Effective privacy management practices will ensure that Council is efficient and innovative in how it collects and utilises its information to assist in achieving its strategic objectives while protecting personal and private information of staff, customers, and ratepayers.

RISK MANAGEMENT

The collection, handling and disposal of personal, private and medical information of customers, ratepayers and residents is an area of high risk for Council. Breaches of privacy can have a significant impact on individuals and a significant reputational impact on Council. This plan provides assurance to the community and Council that the appropriate collection and stringent protection of personal, private

and medical information is a priority of Council and that appropriate steps have been taken by Council to minimise the risk of privacy breaches.

FINANCIAL IMPLICATIONS

There are no direct financial implications that arise from the proposed alterations to the Privacy Management Plan.

CONCLUSION

The draft updated Privacy Management Plan presented for adoption provides clarity and assurance to customers, residents and ratepayers on how, when and why council collects and stores personal information and that it is handled appropriately at all times.

WOLLONGONG CITY COUNCIL

Privacy Management Plan

APRIL 2021





PRIVACY MANAGEMENT PLAN

Adopted by COUNCIL: : [TO BE COMPLETED BY GOVERNANCE]

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PRIVACY MANAGEMENT PLAN**Wollongong City Council****1 PURPOSE**

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

2 POLICY INTENT

Council is committed to embedding privacy best practice into all business practices and decision making. Council recognises that considering the impact on privacy of any new service, initiative or information system prior to design and implementation is key to this commitment.

Whilst the main objective of this plan is to enshrine best practice in everything we do, the plan also aims to ensure Council's compliance with:

1. Privacy and Personal Information Protection Act 1998 (PPIP Act)
2. Health Records and Information Privacy Act 2002 (HRIP Act).

Council is required to have a PMP under s33 of the PPIP Act which must include:

- information about how Council develops policies and practices in line with the state's information and privacy legislation
- 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 Plan in relation to privacy and the personal and health information it holds.

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

3 WOLLONGONG 2028 OBJECTIVES

This Plan relates to the Goal 4 in *Our Wollongong 2028 - Community Strategic Plan* – “We are a connected and engaged community”. In particular the following objectives:

Objective 4.1 Residents have easy and equitable access to information, and play an active role in the decisions that affect our city

Objective 4.3 Our Council is accountable, financially sustainable and has the trust of the community.

4 POLICY**4.1 What is Personal and Health Information?*****Personal information***

Personal information is defined in s4 of the PPIP Act as 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.

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What is not personal information under the PPIP Act?

There are some kinds of information that are not personal information, these include:

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

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

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

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 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 to a person.

Health information can include, for example, 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.

4.2 Why do we Collect Personal and Health Information?

Council collects personal information in a variety of ways in order to efficiently perform the services and functions we deliver to the City of Wollongong. Council assesses the level of personal information that is appropriate to be collected in relation to each function undertaken with a view to minimise the amount of such information we collect and manage.

Personal and health information may be collected from:

- members of the public
- NSW and Commonwealth public sector agencies
- businesses
- non-government organisations
- employees
- medical professionals.

Contractors acting on Council's behalf may also collect personal information. Council includes clauses in its contracts that require contractors to comply with relevant privacy obligations.

Council has a range of functions involving the collection of personal / health information, including:

- levying and collecting rates
- providing services, for example, child-care, libraries and waste collection
- consultation with the community, businesses and other stakeholders
- assessing development and major project applications
- recording, investigating and managing complaints and allegations
- site inspections and audits
- incident management
- enforcing regulations and legislation
- issuing approvals, consents, licences and permits

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- providing grant funding
- maintaining the non-residential register of electoral information
- employment practices, including assessing fitness for work.

4.3 How do we Collect Personal and Health Information?

Council collects personal information in a variety of ways including:

- incident reports
- medical assessment reports
- submissions
- application forms
- CCTV footage
- financial transaction records
- contracts
- customer enquiries and correspondence
- telematics
- web services and smart devices (the Internet of Things)
- contact tracing under NSW Public Health Orders.

Unsolicited information

Unsolicited information is personal, or health information provide to Council in circumstances where Council has not asked for or required the information to be provided. Such information is not deemed to have been collected by Council but the access, storage, use and disclosure Information Protection Principles in this Plan will apply to any such information, whilst Council continues to hold this information.

Personal information contained in petitions received in response to a call for submissions or unsolicited petitions tabled at Council meetings will be treated the same as any other submission and may be made available for release to the public.

Personal or health information disclosed publicly and recorded for the purposes of webcasting at Council Meetings is not deemed to have been collected by Council. Retention and Use Principles of this information will apply to such information in Council's possession; however Disclosure Principles will not apply as the information was voluntarily disclosed with the prior knowledge that it would be recorded, broadcast via the internet to the public and made available by Council for public viewing.

Privacy Protection Notice

Under s10 of the PPIP Act, when we collect personal information from an individual, such as their name, address, telephone number or email address, Council must take such steps as are reasonable in the circumstances to ensure that, before the information is collected or as soon as practicable after collection, the individual is made aware of:

- the purposes for which the information is being collected
- the intended recipients of the information
- whether the supply of the information is required by law or is voluntary
- any consequences for the individual if the information (or any part of it) is not provided
- ways the individual can access and correct the information.

Where possible, individuals providing personal information will be given the opportunity to consent to the terms of the provision of the information via a Privacy Protection Notice.

Council staff are encouraged to consult with the Privacy Officer or the Information Management section to ensure that each collection of personal information, and any accompanying Privacy Protection Notice is appropriate and complies with our privacy requirements.

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4.4 Personal and Health Information Held by Council

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

Councillors

Council holds personal information concerning Councillors, such as:

- Personal contact information
- Complaints and disciplinary matters
- Pecuniary interest returns
- Entitlements to fees, expenses and facilities.

Customers, ratepayers and residents

Council holds personal and health information in its records such as:

- Rates records
- Development applications and related submissions
- Library lending records and special needs statements
- Leases, licences and agreements
- Waste services records
- Customer requests
- Fitness testing records
- Burial and cremation records
- Financial records
- Donation, grant and sponsorship applications
- Photos of vehicle registration plates
- Responses to clean up notices regarding health issues
- Youth health information for excursions
- Membership, financial details, member fitness medical records – Leisure Centres and Golf Clubs
- Childcare information, immunisation, illness and accident records
- Community service utilisation e.g. Community Transport
- Age & disability support records including health records
- Submissions and information collected as part of Council's community engagement and consultation activities
- Public access forum applications
- CCTV footage.

Employees, volunteers and contractors

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

- Personal contact information
- Recruitment material
- Pre-employment medical information
- Bank account details
- Wage and salary entitlements
- Leave and payroll data
- Employee immunisation records and medical certificates
- Volunteers' medical information
- Disclosure of interest returns
- Workers' compensation investigations

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- Public interest disclosure investigations
- Performance management plans
- Disciplinary matters.

4.5 How we Manage Personal and Health Information Collected and Held by Council

As outlined elsewhere in this Plan Council collects and manages information from a multitude of sources and will always do so in accordance with the PPIP Act. We also endeavour to make as much information available, to individuals whose information we collect/hold, at the time of collection. Additional information is detailed below for services / functions that frequently collect personal information or manage significant amounts of personal information or data.

Requests for Service, Enquiries and Correspondence

Council receives a significant number of requests for service, as well as general enquiries and correspondence, and a certain amount of personal information is required to be collected to allow Council to perform these functions. These requests for service and enquiries are made by people:

- over the phone (Council does not record telephone conversations; however, it does have a voicemail service)
- in writing (e-mail, letter, fax, online form)
- in person (at Council's Customer Service Centre or other facilities).

Council determines the appropriate level of personal information to be collected for each type of service request and enquiry to allow sufficient information to be an accurate record of the issue and assistance given, but we will not collect unnecessary personal and/or health information.

If Council receives written correspondence, a full copy of whatever is sent is generally kept in Council's electronic document management system. The provision of any personal information is entirely voluntary, and in that respect personal information may be provided that is unsolicited.

Telephone conversations are not electronically recorded. If someone has an enquiry that cannot be answered straight away, the Council staff member will offer to take the person's name and telephone number or email address, so that another officer of Council can respond.

Complaints and Regulatory Functions

Council receives complaints from members of the public to investigate potential non-compliances with legislation, development consents, operating approvals etc. The majority of these investigations are handled in accordance with the relevant legislation governing Council's activities in particular functions.

Council recognises that some people may wish to remain anonymous, however, clear information regarding the consequences of remaining anonymous must be provided. For example, Council may not be able to properly investigate or consider a complaint or review a matter if sufficient information about the matter is not received.

To appropriately investigate most matters, Council officers may be required to collect personal information from those parties involved, including names and address, but may also involve detailed correspondence or witness statements for complicated matters.

Council endeavours to maintain the confidentiality of complainants wherever possible, however, at times Council may be required to provide personal information of complainants to other parties due to legislative or court requirements.

Development Assessment and Land Use Planning

Anyone with an interest in a Development Application is welcome to make a submission - or give feedback - about a proposed development, but this must be done in writing. Any submissions made are public documents, and other people can view them on request, so make sure you read Council's privacy

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statement before you comment on a Development Application. The up to date privacy statement is available on Council's website.

Staff and Recruitment

Council collects personal and/or health information from staff members as well as part of our recruitment process. Council will never ask for more personal information than is required for that purpose.

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, workplace health and safety and to help Council to operate with transparency and integrity. Information collected by Council is retained, to the extent necessary and managed securely. 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
- performance and development information
- family and care arrangements
- secondary employment
- conflicts of interest
- banking details for payroll purposes
- employment history
- details and copies of licences essential to the performance of an officer's role

Recruitment

When people apply for jobs at Council, they send us personal information, including their name, contact details and work history. Council provides this information to the interview panel for that particular position in electronic or hard copy files. The personal information is only used for the purposes of the recruitment process. After recruitment is successful applicants are required 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 disabilities that may impact their work. These forms are sent to the Organisational Development Unit to be used for employment purposes, such as payroll and setting up personnel files and the information is retained in secure storage systems.

Visitors and members of the public (incl. QR Codes)

When consultants, contractors and members of the public visit a Council facility they may be required to sign in to the premises. The record of entry maybe recorded in a physical sign-in register or via a digital QR Code check-in process. During periods of health emergencies, such as during a pandemic Council may provide check-in data for a facility to NSW Health, or any other relevant government agency, for the purposes of maintaining and supporting community health and safety. Council may restrict entry or refuse provision of a service if the check-in process is not observed. Any check-in data collected by Council will be held securely and destroyed on a regular basis in accordance with provisions under the *State Records Act 1998* and Council's Corporate Records Management Policy. Check-in data collected by the Service NSW QR Code Check-In system will not be held by Council and will be held and stored by Service NSW.

Communications and stakeholder engagement***Subscriber, mailing and contact lists***

Council offers residents and interested stakeholders the opportunity to stay up to date on the activities of Council via electing to subscribe to various e-newsletters produced by Council. These services are on an opt-in basis and personal contact information is supplied to Council voluntarily by subscribers. No personal

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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 names and email addresses and in some cases areas of interest.

The main lists that collect and hold personal information are:

- Council e-news
- Botanic Garden
- City Centre
- Business and Economic Development
- Community Events
- Have Your Say
- Jobs at Council
- Libraries
- Sport and Recreation
- Wollongong Art Gallery
- Works and maintenance
- Youth Services.

All lists are kept separate from each other and each is used solely for the purpose intended. Anyone can subscribe or unsubscribe themselves from newsletter lists or contact 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.

Community engagement and public consultation

Council regularly undertakes public consultation to help guide our decision-making and the provision of services. Council conducts the majority of its public consultation activities via our "[Join the Conversation](#)" website. We collect information from you when you register to use this site. This includes your email address and additional demographic information as provided by you on the registration form. We collect information about your usage of the site, such as pages visited, documents downloaded, etc. We collect this information in order to:

- analyse and interpret it to help meet our objectives and obligations;
- communicate information to you about engagement opportunities, events and other initiatives; and
- respond to enquiries and otherwise engage with stakeholders.

Council Website and Service Providers

Council engages a number of service providers who provide software, website, internet services and computer systems through which Council may collect, store or process your personal information. On occasion our providers may have access to your personal information to facilitate services on behalf of Council. Council ensures that our providers adhere to the same legislative requirements in relation to Privacy as well as meet the requirements of this Plan.

Cookies

Council uses 'cookie' technology to collect additional website usage data and to improve its services. A cookie is a small piece of text sent to your browser by Council's website. This helps your website to remember your preferences and it makes your next visit easier and the site more useful to you. Council uses cookies for the following purposes:

- to better understand how you interact with our services
- to monitor aggregate usage by our users and web traffic routing on our services
- to improve our services.

Most internet browsers automatically accept cookies. You can restrict that by editing your browser's options to stop accepting cookies or to prompt you before accepting a cookie from the websites you visit.

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Council engages service providers who assist Council in the distribution and communication of a variety of Council communication requirements. These may include printing and distribution of Council rate notices and Council newsletters etc. To facilitate this our service providers are required to have access to personal information of residents and ratepayers to facilitate distribution of these materials on behalf of Council. Council ensures that our providers adhere to the same legislative requirements in relation to Privacy as well as meet the requirements of this Plan.

Social Media

We use social networking services such as Twitter, Facebook and YouTube, in addition to traditional methods, to connect with our audience. These include responding to customer enquiries in real time and promoting Council services and facilities. Our use of social media sites also involves listening to social trends and issues that relate to Council services and events. We use various tools to view public social media and website commentary in which Council's accounts may not necessarily be tagged – and engage directly with members of the public to provide information or a better level of customer service. In doing so, we may temporarily collect and store personal information.

To protect privacy and the privacy of others, please do not include any personal information including phone numbers and email addresses. Please do not share personal information about others. Any personal information collected by Council will be handled in line with this Plan. The social networking service will also handle your personal information for its own purposes. These sites have their own privacy policies and we recommend you read these also.

The Internet of Things

The Internet of Things (IoT) is a broad term that generally refers to physical devices connected to the internet that collect, share or use data. IoT devices and the data they collect can provide convenience, efficiency and insights into essentially every aspect of our world. For Council, in coming years, the IoT will provide many benefits and has the potential to generate great public value. These large collections of data can, in many cases, constitute personal, health and sensitive information.

Given the passive nature of many IoT devices it can be difficult for individuals to ascertain if their personal information is being collected by an IoT device. For example if "smart bin" technology is introduced it is not possible to have a privacy collection notice on every bin in the city. Council will provide details of what data it collects and what the data will be used for and who it will be shared with, for future IoT devices as they are established. However, this will most likely occur via centralised methods, such as the Council website, rather than at each device or collection point. Council will not use any personal information without permission and will use collated and de-identified data instead.

4.6 Public Registers

Under the PPIP Act a public register is a register of personal information that is required by law to be made, or is made, publicly available or open to public inspection. Enquiries about public registers can be made via Council's website.

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

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Council's public registers include:

Register	Primary purpose of the Register is to:
<i>Contracts Register</i>	Identify all contracts over the value of \$150,000 entered into by Council
<i>Development Contributions Register</i>	Details of all contributions to Council required to be made by a developer of land with the Wollongong LGA
<i>Graffiti Removal Register</i>	Records the work carried out by Council under the Graffiti Control Act 2008
<i>Investments Register</i>	Details of all investments currently held by Council
<i>Land register</i>	Identify all land vested in Council, or under its control. The secondary purpose includes a consideration of public accountability as to the land held by Council.
<i>Planning Agreements Register</i>	Identify all agreements Council enters into with another party in relation to a proposed development
<i>Public register of licences</i>	Identify all licences granted under the <i>Protection of the Environment Operations Act 1997</i> .
<i>Record of building certificates</i>	Identify all building certificates.
<i>Records of approvals</i>	Identify all approvals granted under the LGA.
<i>Record of impounding</i>	Identify any impounding action by Council.
<i>Register of disclosures of interests</i>	Determine whether or not a Council official has a pecuniary interest in any matter with which the Council is likely to be concerned. There is a corresponding public accountability purpose and third-party access is a secondary purpose.
<i>Register of consents and certificates</i>	Identify applications for development consent and other approvals, confirm determinations on appeal and identify applications for complying development certificates.

Secondary purpose of all public registers

Due to the general emphasis on local government processes and information being open and accountable, it is considered that a secondary purpose for which all public registers are held by Council includes the provision of access to members of the public. Therefore, disclosure of specific records from public registers would normally be considered to be allowable under section 57 of PPIPA.

However, requests for access, copying, or the sale of the whole or a substantial part of a Public Register held by Council will not necessarily fit within this purpose. Council will make an assessment as to the minimum amount of personal information that is required to be disclosed with regard to any request and may seek a statutory declaration to satisfy itself as to the intended use of the information.

Suppression of personal information

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 details from a public register should be made in writing to the Public Officer.

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4.7 How to access and amend personal information

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

How do I access my own personal or health information?

Individuals wanting to access Council's records to confirm or amend their own personal or health information, such as updating contact details can do so by contacting Council either in person or in writing. Council will take steps to verify the identity of the person requesting access to information.

How do I amend my own personal or health information?

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

- The full name, date of birth and contact details of the person making the request
- State whether the application is under the PPIP Act or HRIP Act
- Explain what personal or health information the person wants to amend
- Confirmation of the applicant's identity.

Accessing or amending other people's personal or health information

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

There may be other reasons Council is authorised to disclose personal and health information, such as in the event of a serious and imminent threat to the life, health and safety of the individual, to find a missing person or for compassionate reasons.

4.8 Data Breaches

A data breach occurs when there is a failure that has caused or has the potential to cause unauthorised access to Council's physical or electronic information or data, such as:

- accidental loss or theft of information or equipment on which such information is stored
- unauthorised use, access to or modification of data or information systems to gain unauthorised access or make unauthorised changes to data or information
- accidental or unauthorised disclosure of personal information (e.g. email containing personal information sent to incorrect recipient)
- personal information published or posted on Council's website without consent
- access to data by an authorised user for unauthorised reasons (e.g. an employee looking up information in a system for personal reasons in breach of the Code of Conduct)
- accidental disclosure of user login details through phishing
- malware infection
- disruption to or denial of IT services.

A data breach most commonly, but not exclusively, results in unauthorised access to, or the unauthorised collection, use, or disclosure of personal information.

How we will manage a data breach

The Chief Information Officer will be promptly informed of any data breach and will assist in the assessment and management of the breach, including any reporting under NSW's voluntary data breach reporting scheme, in accordance with the Information and Privacy Commission's [Voluntary Data Breach Notification guidelines](#).

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Council will determine whether personal information has been accessed and/or disclosed to determine what response should be taken. Council's default position is to voluntarily report data breaches to the Privacy Commissioner.

4.9 Review rights and the complaint process

Council encourages individuals to try to resolve privacy issues with us informally before going through the formal review process to allow speedier resolution of concerns. Any person who may have a privacy concern they can contact Council by phone for advice or for referral to the Privacy Contact Officer. Alternatively write or email Council with any concerns and Council will respond providing advice on the best course of action.

Internal Review

Individuals have the right to seek an internal review under Part 5 of the PPIP Act if they believe that the City has breached the PPIP Act or HRIP Act relating to their own personal and health information. Individuals cannot seek an internal review for a breach of someone else's privacy, unless they are an authorised representative.

An application for internal review must be made to Council in writing within 6 months of when the affected person first became aware of the conduct or decision that is the subject of the application.

How does the process of Internal Review operate?

The Privacy Contact Officer or their delegate will conduct the internal review. If the internal review is about the conduct of the Privacy Contact Officer, the General Manager will appoint another person to conduct the internal review. The reviewing officer will refer to the Privacy Commissioner's guidance materials when carrying out an internal review.

Council will acknowledge receipt of an internal review within 5 working days and complete an internal review within 60 calendar days.

Once the review is completed, Council may take no further action, or it may do one or more of the following:

- make a formal apology
- take remedial action
- provide undertakings that the conduct will not occur again
- implement administrative measures to reduce the likelihood of the conduct occurring again

Within 14 days of completing an internal review, Council will notify the applicant of the following:

- the findings of the review
- the action proposed to be taken by Council and the reasons for taking that action (if any)
- the right of the applicant to have those findings, and Council's proposed action, administratively reviewed by the NSW Civil and Administrative Tribunal.

The role of the Privacy Commissioner in the review process

The Privacy Commissioner has an oversight role in how privacy complaints are handled and is entitled to make submissions to Council regarding internal reviews. If Council receives an internal review application, it will:

- notify the Privacy Commissioner of the application as soon as practicable
- keep the Privacy Commissioner informed of the progress of the internal review
- inform the Privacy Commissioner of the findings of the review and the action proposed to be taken by Council in relation to the matter.

An individual can also make a complaint directly to the [Privacy Commissioner](#) about an alleged breach of their privacy.

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External review by the NSW Civil and Administrative Tribunal (NCAT)

If the applicant disagrees with the outcome of an internal review or is not notified of an outcome within 60 days, they have the right to seek an external review and may make application to the NSW Civil and Administrative Tribunal (NCAT) for a review of Council's conduct.

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

4.10 Promoting Privacy

Compliance strategy

During induction, and on a regular basis, all employees will be made aware of this Plan and it will be made available for on Council's Intranet and Council's website.

Council officials will be regularly acquainted with the general provisions of the PPIPA and HRIPA and, in particular, this Plan, the Information Protection Principles, the Public Register provisions, the Privacy Code of Practice for Local Government, and any other applicable Code of Practice.

Communication Strategy

Council will promote awareness of this plan and rights under PPIPA, HRIPA and this Plan to Council officials by:

- Providing an overview at inductions and including a copy of the plan in induction packs
- Publishing the plan on our internal and external websites
- Offering training sessions on a regular basis as required
- Providing specialised and on-the-job training to key groups
- Promoting the plan regularly through newsletters, all staff emails, online staff forums and initiatives such as Privacy Awareness Week.

Promoting the Plan to the Community

Council promotes public awareness of this Plan to the community by:

- Making it publicly available and publishing it on our website
- Writing the Plan in plain English
- Telling people about the Plan when they enquire about personal and health information
- Provide a link on our website to the Information & Privacy Commission website and distributing copies of literature available on that site
- Including privacy statements on application forms and invitations for community engagement
- Publishing a Privacy Handout advising how to access information on an individual's rights under PPIPA, HRIPA and this Plan.

4.11 Privacy Impact Assessments

Council will endeavour to take a 'privacy by design' approach to ensure compliance with privacy laws. Council will ensure that the privacy impacts of any new project or system development/implementation are thoroughly considered prior to implementation to allow issues of concern or risk to be addressed early in the process.

Council will develop and implement an appropriate process for the assessment of privacy impacts of any new project or system development/implementation. The process will be guided by the NSW Privacy Commissioner's ["Guide to Privacy Impact Assessments"](#). A Privacy Impact Assessment shall be conducted whenever personal or health information will be collected, stored, used or disclosed in any project.

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5 LEGISLATIVE REQUIREMENTS

This Privacy Management Plan addresses the requirements of the *Privacy and Personal Information Protection Act 1998* and the *Health Records and Information Privacy Act 2002*. Please refer to "Appendix A" for more information about NSW's privacy laws, the Information Protection Principles and how these directly relate to the activities of Council.

6 REVIEW

This Plan will be reviewed every two years from the date of adoption. It will be reviewed earlier if any legislative or administrative changes affect Council's management of personal / health information.

7 REPORTING

Section 54 of the PPIP Act requires Council, as soon as practicable after receiving an application for an internal privacy review, to notify the NSW Privacy Commissioner of the application, and keep the Commissioner informed of the progress of the internal review, and inform the findings of the review and of the action proposed to be taken by the Council in relation to the matter.

The responsibility for providing such notifications to the NSW Privacy Commissioner lies with the Manager Governance and Customer Service as Council's Privacy Contact Officer.

8 ROLES AND RESPONSIBILITIES

The Manager Governance and Customer Service, as the appointed the Privacy Contact Officer, will be the Responsible Officer for the Policy and will coordinate the following functions in relation to the Policy:

- Maintaining appropriate records relating to the Privacy Management Plan and its application
- Keeping the Plan current, and undertaking regular reviews of both the Plan and associated procedures
- Train and educate relevant employees with respect to the Plan and privacy in general and ensure documents, tools, templates and user guides are current and readily available.
- Provision of advice and ensuring adherence with the Plan and relevant legislation.

General Manager

The General Manager has the responsibility for appointing an appropriate officer as Council's Privacy Contact Officer to manage the day-to-day activities in relation to the appropriate collections, use and storage of personal and private information of customers and ratepayers. As at the adoption of this Plan the Manager Governance and Customer Service is the appointed officer of Council to fulfill the duties of the Privacy Contact Officer.

IMT – Information Manager

The IMT Information Manager shall prepare an appropriate process for the assessment of privacy impacts of any new project or system development/implementation. The process should be guided by the NSW Privacy Commissioner's "[Guide to Privacy Impact Assessments](#)". A Privacy Impact Assessment shall be conducted whenever personal/health information will be collected, stored, used or disclosed in a project.

Divisional Managers

Divisional Managers are responsible for ensuring their Division adheres to the requirements of this Plan and provide guidance in respect of the importance of protecting the privacy and the personal information of customers and ratepayers collected and held by Council.

Divisional Managers should ensure that the privacy impacts of any new project or system development/implementation are thoroughly considered prior to implementation to allow issues of concern or risk to be addressed early in the process. Divisional Managers are to ensure that any adopted Privacy Impact Assessment process or procedure is followed whenever personal or health information will be collected, stored, used or disclosed in a project.

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Staff

Staff shall adhere to the requirements of this Plan and be cognisant of the significant impact that can occur to individuals if their privacy is breached in any way or their personal information is not handled in accordance with this Plan and relevant legislation.

Staff should only access the personal information of a customer or ratepayer if it is a direct requirement of their role and should never release personal or private information to another person without prior approval by their supervisor. If any doubt exists in relation to any privacy issue, including appropriateness of collecting, using or sharing personal and private information than staff should contact the Privacy Contact Officer immediately for direction.

9 RELATED POLICIES & PROCEDURES

Code of Conduct
CCTV Policy and Code of Practice
Compliance and Enforcement Policy
Corporate Records Management Policy
Information Classification and Handling Standard

10 CONTACT DETAILS

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

All communication should be addressed to:

The Privacy Contact Officer
Wollongong City Council
Locked Bag 8821, Wollongong DC NSW 2500
Phone: 02 4227 7111
Email: Council@wollongong.nsw.gov.au
Website: www.wollongong.nsw.gov.au

Information & Privacy Commission
GPO Box 7011
SYDNEY NSW 2001
Phone: 1800 472 679
Email: ipcinfo@ipc.nsw.gov.au
Web: www.ipc.nsw.gov.au

NSW Civil and Administrative Tribunal (NCAT)
Level 10, John Maddison Tower
86-90 Goulburn Street
SYDNEY NSW 2000
Phone 02 9377 5859 Or 1300 006228

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APPROVAL AND REVIEW		
Responsible Division	Governance and Customer Service	
Date/s adopted	<i>EMC</i> [updated by policy owner]	<i>Council</i> [To be inserted by Governance]
Date of previous adoption	25 June 2018	
Date of next review	April 2023	

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APPENDIX A: ABOUT NSW'S PRIVACY LAWS

This section contains a general summary of how the Council must manage personal and health information under the PPIP Act, the HRIP Act and other relevant laws. For more information, please refer directly to the relevant legislation or contact the Council.

The PPIP Act and personal information

The PPIP Act sets out how the 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 and Health Privacy Principles

This section contains a general summary of how we must manage personal and health information under the PPIPA and HRIPA and other relevant laws.

PPIPA provides for the protection of personal information by means of 12 Information Protection Principles and HRIPA provides for the protection of health information by means of 15 Health Information Protection Principles.

Council complies with the Information Protection Principles (IPPs) prescribed under PPIPA and Health Privacy Principles (HPPs) prescribed under HRIPA as follows:

IPP 1 & HPP 1 Lawful Collection

Council will only collect personal and/or health information for a lawful purpose as part of its proper functions. Council will not collect any more information than is reasonably necessary to fulfil its proper functions.

Such personal and health information may include names, residential address, phone numbers, email addresses, signatures, medical certificates, photographs and video footage (CCTV).

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

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

IPP 2 & HPP 2 Direct Collection

Personal information will be collected directly from the individual, unless that person consents otherwise. Parents or guardians may give consent for minors. Health information will be collected directly from the person concerned, unless it is unreasonable or impracticable to do so.

Collection may occur via phone, written correspondence to Council, email, facsimile, Council forms or in person.

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

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

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

IPP 3 & HPP 3 Requirements when collecting

Council will inform individuals that their personal information is being collected, why it is being collected and who will be storing and using it. Council will also inform the person how they can view and correct their information.

A Privacy Statement is published on Council's website, intranet, included on forms where personal or health information is collected and available as a handout to the public.

Council will inform persons why health information is being collected about them, what will be done with it and who might see it. Council will also inform the person how they can view and correct their health information and any consequences if they do not provide their information. If health information is collected about a person from someone else, reasonable steps will be taken to ensure that the person has been notified as above.

IPP 4 & HPP 4 Relevance of collection

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

Council will in normal circumstances rely on the individual to supply accurate, complete information, although in special circumstances some verification processes may be necessary.

IPP 5 & HPP 5 Secure storage

Council will store personal and health information securely, for no longer than as required by the General Retention and Disposal Authorities for Local Government Records issued by State Records Authority of NSW. It will then be disposed of appropriately. It will be protected from unauthorised access, use or disclosure by application of appropriate access levels to Council's electronic data management system and staff training.

If it is necessary for the information to be given to a person in connection with the provision of a service to the Council (e.g. consultants and contractors), everything reasonably within the power of the Council is done to prevent unauthorised use or disclosure of the information.

IPP 6 & HPP 6 Transparent access

Council will provide reasonable detail about what personal and/or health information is stored on an individual. Council stores information for the purpose of carrying out its services and functions and in order to comply with relevant records keeping legislation.

Individuals have a right to request access to their own information to determine what, if any information is stored, how long it will be stored for and how it is stored (e.g. electronically with open or restricted access to staff, in hard copy in a locked cabinet etc).

Where Council receives an application or request by a person as to whether Council holds information about them, Council will undertake a search of its records to answer the enquiry. Council may ask the applicant to describe what dealings the applicant has had with Council in order to assist Council to conduct the search. Council will ordinarily provide a response to applications of this kind within 28 days of the application being made.

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

IPP 7 & HPP 7 Access to own information

Council will ensure individuals are allowed to access their own personal and health information without unreasonable delay or expense.

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

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

IPP 8 & HPP 8 Right to request to alter own information

Council will, at the request of a person, allow them to make appropriate amendments (i.e. corrections, deletions or additions) to their own personal and health information so as to ensure the information is accurate, relevant to the purpose for which it was collected, up to date and not misleading.

Changes of name, address and other minor amendments require appropriate supporting documentation. Where substantive amendments are involved, an application form will be required, and appropriate evidence must be provided as to why the amendment is needed.

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

IPP 9 & HPP 9 Accurate use of information collected

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

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

IPP 10 & HPP 10 Limits to use of information collected

Council will only use personal and health information for the purpose for which it was collected, for a directly related purpose or for a purpose for which a person has given consent. It may also be used without consent in order to deal with a serious and imminent threat to any person's life, health or safety, for the management of a health service, for training, research or to find a missing person.

Additionally, Council may use personal information to exercise complaint handling or investigative functions. The Code makes provision that Council may use personal information for a purpose other than the purpose for which it was created in the following circumstances:

- Where the use is in pursuance of Council's lawful and proper function/s and Council is satisfied that the personal information is reasonably necessary for the exercise of such function/s.
- 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.

IPP 11 & HPP 11 Restricted and Limited disclosure of personal and health information

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

Personal and health information may also be used without the individual's consent in order to deal with a serious and imminent threat to any person's life, health, safety, for the management of a health service, for training, research or to find a missing person.

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

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

Special limits on disclosure

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

- Ethnic or racial origin.
- Political opinions.
- Religious or philosophical beliefs.
- Trade union membership.
- Health or sexual activities.

Council will not disclose this information to any person or body who is in a jurisdiction outside New South Wales unless:

- A relevant privacy law that applies to the personal information concerned is in force in that jurisdiction.
- The disclosure is permitted under a Privacy Code of Practice.
- Council is requested by a potential employer outside NSW, it may verify that a current or former employee works or has worked for Council, the duration of that work, and the position occupied during that time. This exception shall not permit Council to give an opinion as to that person's suitability for a particular position with any potential employer unless Council is satisfied that the person has provided their consent for Council to provide a reference, which may include an opinion as to that person's suitability for the position for which he/she has applied.

Specific Health Information Privacy Principles

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

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

Health information is given a higher level of protection regarding use and disclosure than is other personal information. In addition to the principles, above, the following four additional principles apply specifically to health information:

HPP 12 Unique Identifiers

Council will only assign identifiers to individuals if the assignment of identifiers is reasonably necessary to enable the Council to carry out any of its functions efficiently.

HPP 13 Anonymity

Wherever it is lawful and practicable, individuals must be given the opportunity to not identify themselves when entering into transactions with or receiving any health service(s) from Council.

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HPP 14 Transborder data flow

Council will not transfer health information out of NSW without the individual's consent unless:

- Council is unable to obtain consent; it is of benefit to the individual and that they would likely give it.
- It is necessary for a contract with a third party.
- To help prevent a serious and imminent threat to life, health or safety of individuals.
- It is permitted by an Act or other law.
- The recipient is subject to protection laws similar to the HRIPA.

HPP 15 Cross-organisational linkages

Council does not participate in a system to link health records across more than one organisation at this time. If Council decided to use a system like this in the future, Council would make sure that the individual to whom the health information relates expressly consents to the link.

How the Privacy Code of Practice for Local Government affects the Information Protection Principles

With regard to IPPs 2, 3, 10 and 11, the Code makes provision for Council to depart from these principles where the collection of personal information is reasonably necessary when an award, prize, benefit or similar form of personal recognition is intended to be conferred upon the person to whom the information relates.

With regard to IPP 10, in addition to the above, the Code makes provision that Council may use personal information for a purpose other than the purpose for which it was collected where the use is in pursuance of Council's lawful and proper function/s and Council is satisfied that the personal information is reasonably necessary for the exercise of such function/s.

With regard to IPP 11, in addition to the above, the Code makes provision for Council to depart from this principle in the circumstances described below:

- 1 Council may disclose personal information to public sector agencies or public utilities on condition that:
 - i The agency has approached Council in writing.
 - ii Council is satisfied that the information is to be used by that agency for the proper and lawful function/s of that agency, and
 - iii Council is satisfied that the personal information is reasonably necessary for the exercise of that agency's function/s.
- 2 Where Council is requested by a potential employer, it may verify that a current or former employee works or has worked for Council, the duration of that work, and the position occupied during that time. This exception shall not permit Council to give an opinion as to that person's suitability for a particular position with any potential employer unless Council is satisfied that the person has provided their consent for Council to provide a reference, which may include an opinion as to that person's suitability for the position for which he/she has applied.

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

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- by threat, intimidation, or false representation require another person to give consent or to do, without consent, an act for which consent is required.

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.

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, including Councils, manage their records appropriately.