

Privacy Management Plan

7th edition



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Summary guide for staff

Council staff should generally:

- collect information directly from an individual
- only collect information that Council needs
- only use information for a purpose directly related to the reason for which the information was collected
- keep information accurate, up-to-date, not misleading and secure
- ensure that forms and applications (or verbal or other communications) used to obtain information include our template privacy notice
- give an individual prompt access to their information
- correct an individual's information on request if they provide supporting information (and, if corrections are substantial, they apply in writing with reasons for the corrections)
- be careful not to disclose an individual's information unless required or permitted
- recognise that privacy rights can override disclosure under the GIPA Act
- ask why a person is seeking information before disclosing an individual's information on a public register
- understand that an individual can apply to prevent disclosure of their personal information
- refer any issues to the Privacy Contact Officer.

There is detailed information in this plan relevant to the above points including exceptions and modifications. Staff should make themselves familiar with the plan.

If staff require further advice, please contact the Coordinator Governance & Information on telephone number 9839 6996 or the Privacy Contact Officer on 9839 6435.

Introduction

Blacktown City Council will handle personal and health information in a fair and reasonable manner, consistent with legislative obligations and our requirement to be open and accountable in the conduct of public functions.

Our legislative obligations include compliance with the:

- *NSW Privacy & Personal Information Protection Act 1998* (referred to as the Information Protection Act)
- *NSW Health Records & Information Privacy Act 2002* (referred to as the Health Privacy Act).

The legislation sets out principles that apply to the handling of personal and health information. The principles are also modified by other legislation, codes of practice approved by the Attorney General such as the Privacy Code of Practice for Local Government and any directions or guidelines issued by the NSW Privacy Commissioner and (in respect of health information) approved by the Minister for Health.

Under the Acts, it is an offence if we intentionally disclose or use personal information for an unauthorised purpose, or offer to supply personal information that has been unlawfully disclosed.

This plan

We are required to have this Privacy Management Plan under section 33 of the Information Protection Act. It explains:

- the type of information we hold
- how we comply with the privacy principles for the collection, notification, storage, use, access and disclosure of personal information
- how you can access information and how we deal with requests
- exemptions that we may apply when dealing with personal information
- how we manage a data breach of personal information
- how we promote privacy
- your review rights and complaints.

This plan applies to all functions of our organisation, in particular to:

- our councillors
- our employees (including consultants and contractors)
- volunteers
- Blacktown Venue Management Ltd (a Council owned business)
- members (including community members) of advisory committees and sub-committees, park committees, neighbourhood committees
- Western Sydney Regional Organisation of Councils' regional committees involving our delegates.

Information collected and held by us

Personal information

Personal information is information or an opinion about an individual whose identity is apparent or can reasonably be ascertained from the information or opinion. This information can be on a database and does not necessarily have to be recorded in material form.

We hold personal information on our systems that includes:

- Councillors
 - personal contact information
 - complaints, compliments and disciplinary matters
 - pecuniary interest returns
 - entitlements to fees, expenses and facilities.
- Customers, ratepayers and residents
 - names and home addresses of individuals
 - property ownership details (including rates records) and information about concessions
 - personal information relevant to development applications and objections
 - information concerning contact with us on provision of services
 - bank account details
 - information concerning children attending child care centres and their families
 - information related to law enforcement activities
 - biographical information held for citation in speeches, awards or other forms of recognition
- Employees
 - recruitment material
 - leave and payroll data
 - personal contact information
 - performance management plans
 - disciplinary matters
 - pecuniary interest returns
 - wage and salary entitlements and payments including bank account

Personal or health information does not include:

- information about a person who has been dead for 30 years or longer
- information about a person's suitability for appointment or employment as a public sector official. Information of this kind will continue to be handled by us in an appropriately sensitive manner
- information about an individual that is contained in a document kept in a library, art gallery or museum for the purposes of reference, study or exhibition
- information in a publicly available publication, including:
 - An advertisement containing personal information in a local, city or national newspaper.
 - Books or magazines that are printed and distributed broadly to the general public.
 - Personal information on the internet.
 - Directories including the White Pages, the NSW Electoral Roll and information about property ownership available to any member of the public from the NSW Land Registry Services.
 - Council's business papers (or part of) that is available to the general public.
 - Personal information that may be part of a public display on view to the general public.

Health information

Health information is personal information about the physical or mental health or a disability of an individual, or a health service provided or to be provided to an individual.

We do not currently provide a health service of the kind referred to in Health Privacy Act. We do, however, collect, hold and use health information including information about the health status of:

- Some residents and ratepayers where the information is acquired while carrying out Council functions
- Children attending the day care centres
- Staff (such as medical certificates and workers compensation claims), where relevant to their employment

and in that respect we are required to comply with the Health Privacy Principles.

Unsolicited information

Unsolicited information is personal or health information received by us when we have not asked for or required the information to be provided.

This information is not subject to the collection principles in either of the Acts but the storage, use and disclosure principles will apply to any record of such information we retain.

We treat identifying particulars of complainants on a confidential basis. However, identity may become apparent in the course of conducting an investigation into certain types of complaints, or in the event of court proceedings.

How we comply with the principles

Both the Information Protection Act and the Health Privacy Act include principles that apply to the handling of personal and health information.

The Health Privacy Act includes 15 principles, most of which are the same or similar to the 12 information privacy principles in the Information Protection Act.

A summary of the principles of each Act and how we comply with them is set out in the table below. The full text of the principles can be viewed in the Acts.

		Information protection principle	Health privacy principle
Collection			
Lawful	We will only lawfully collect personal and health information that is reasonably necessary for a lawful purpose that is directly related to our functions and activities. For e.g. our Authorised Officers will only record a private conversation when all parties consent.	1	1
Direct	We collect information directly from the person concerned, but may collect from others where: <ul style="list-style-type: none">• the individual has authorised collection from someone else, for e.g. from a nominated employment referee• the information relates to a person under 16 years. Information is collected from a parent or guardian• the information relates to the health of a child under 18 years. Information is collected from a person having parental responsibility	2	3

	<ul style="list-style-type: none"> • direct collection would prejudice the individual to whom the information relates • information is provided to us under legislative requirements or collection is required by another Act, e.g. information from the NSW Land Registry Services about transfers of property and associated matters is allowed under the Local Government Act. • information is collected in connection with proceedings before a court or tribunal • it is unreasonable or impracticable in the circumstances to collect health information directly from the individual. If such information is collected from someone other than the person concerned, we will take reasonable steps to ensure that the person concerned is notified, except where collected in line with Guidelines issued by the Privacy Commissioner. <p>We are required by law to undertake pre-employment screening, including collection of information for people working with children.</p>		
<p>Open</p>	<p>We will take reasonable steps to inform people why their information is being collected, what it will be used for, and to whom it will be disclosed. We also inform people how their information can be accessed and amended, and any possible consequences of not providing the information.</p> <p>We will ensure that relevant forms and applications include a statement that addresses these matters.</p> <p>Information collected will usually be available to Council officers responsible for dealing with the matters, including Councillors where our governing body needs to be informed or involved in decision making.</p> <p>Our website includes a privacy statement and conditions for use disclaimer.</p> <p>Any collection of personal information by use of security video cameras or other devices will be accompanied by appropriate signage as required by law. Staff have been provided with notice regarding surveillance in line with the <i>NSW Workplace Surveillance Act 2005</i>.</p> <p>We are not required to give notice of collection where the individual has dispensed with the requirement, it would prejudice the interests of the individual to whom the information relates or the information is collected for law enforcement purposes.</p>	<p>3</p>	<p>4</p>
<p>Relevant</p>	<p>We will take reasonable steps to ensure that personal or health information collected is relevant and accurate, is not excessive and does not unreasonably intrude into people's personal affairs.</p> <p>We will in normal circumstances rely on the provider of the information regarding accuracy and completeness, although in special circumstances some verification processes may be necessary or appropriate.</p>	<p>4</p>	<p>2</p>

Storage

<p>Secure</p>	<p>We store information securely, protect it from loss, unauthorised access, use, modification or disclosure and against all other misuse, and dispose of it securely.</p> <p>Security of information, including use of passwords, is managed through our Communication Devices and Social Media policy (Staff), Records Management Policy, Code of Conduct and contractual arrangements.</p> <p>Information is not kept longer than 2 years unless necessary for the purposes for which it may lawfully be used and in line with the provisions of the State Records Act. Any disposal of records is carried out in accordance with the approved disposal schedule: GA 39 – General Retention and Disposal Authority for Local Government Records.</p> <p>We destroy credit card details on confirmation of receipt of payment</p> <p>We take steps to prevent unauthorized use or disclosure of information if it is necessary for Council contractors or agents to access information in connection with the provision of a service.</p> <p>We will include in our documents concerning employment (Code of Conduct) and in any contractual arrangements, provisions that ensure that staff, contractors and agents are aware of their obligations regarding the handling of personal or health information obtained in the course of their employment or engagement.</p>	<p>5</p>	<p>5</p>
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Access and accuracy

<p>Transparent</p>	<p>We are transparent about the information we hold and why we use it.</p> <p>We will respond to requests about whether we hold information relating to a person, the nature of that information, the main purposes for which the information is used, and rights to access the information.</p> <p>Should a person seek information generally about the nature of any information held, we may ask for advice on the types of dealings they have had with us to assist in the identification of relevant files and various parts of our information and data systems.</p> <p>We will not reveal whether the Australian Security Intelligence Organisation (ASIO) has requested, or been provided with, information about a person.</p>	<p>6</p>	<p>6</p>
<p>Accessible</p>	<p>We allow people access to their information on receipt of a written request without unreasonable delay (within 21 days) or expense.</p> <p>Staff members have rights of access to their personnel file in line with council policy.</p> <p>We must consider any provisions that impose conditions or limitations on the release of information under the <i>Government Information (Public Access) Act 2009</i> (the GIPA Act) or the <i>Work Health and Safety Act 2011</i> or <i>Work Health and Safety Regulations 2017</i>, when</p>	<p>7</p>	<p>7</p>

	<p>responding to a request.</p> <p>Where an individual's personal and health information is contained in documents that also contain information about others, any application for access will need to be made and processed under the GIPA Act.</p> <p>We will not reveal whether ASIO has requested, or been provided with, information about a person.</p>		
Correct	<p>We allow people to update, correct or amend their information if necessary, to ensure information is accurate, relevant, up-to-date, complete and not misleading.</p> <p>Changes of name, address and other minor amendments, require appropriate supporting documentation. Where substantive amendments are involved, a written application will be required. The application should set out the grounds on which changes are sought.</p> <p>We may refuse to update our records if we are not satisfied that they are incorrect or incomplete. If we refuse a request for amendment, the individual may request a notation to be added to the record.</p> <p>If information in a Council record is amended, the person is entitled, if practicable, to have previous recipients of that information notified of the amendments.</p>	8	8
Use			
Accurate	<p>We endeavor to take reasonable steps to ensure that information is relevant, accurate, up-to-date, complete and not misleading before using it.</p>	9	9
Limited	<p>We will only use personal information for the purpose it was collected, unless the person has consented to another use or:</p> <ul style="list-style-type: none"> the other purpose is directly related to the purpose for which the information was collected the use is necessary to prevent or lessen a serious and imminent threat to the life or health of any person the use is reasonable necessary for law enforcement purposes or protection of public revenue the information is to be used for a reason as specified under 'Exemptions, directions and codes of practice' section of this plan <p>We may use information for a variety of purposes, e.g. the names and addresses of individual property owners kept as part of our rates to:</p> <ul style="list-style-type: none"> notify adjoining owners of proposed developments identify companion animal ownership evaluate road openings and obstructions evaluate tree preservation orders investigate parking controls evaluate land dedications and laneway status notify residents and ratepayers of our services and activities. 	10	10

We maintain a database of email addresses for the delivery of rates notices, employee payroll advice and for other special purposes. These data bases may be used for a variety of other purposes such as newsletters.

We may use personal information about suppliers, for the purpose of verifying account details of suppliers prior to payment being made, to reduce the risk of errors or fraud.

We will only use health information for the purpose for which it was collected; a directly related purpose that the person would expect; with the consent of the individual; to lessen or prevent a threat to the life, health or safety of any person or a threat to public health or safety; for law enforcement purposes where an offence may have been committed; where required by another act or law; or in accordance with the Guidelines issued by the Minister for Health regarding the use of information for research or training purposes.

Council owned businesses, committees and private contractors or consultants will be contractually bound to comply with this principle. Where any seek to use personal information collected for one purpose for another purpose, they must obtain written consent from the person.

Disclosure

Restricted/ Limited

We do not disclose personal information without consent, to a person (other than the individual to whom the information relates) or other body, **unless:**

- the disclosure is directly related to the purpose for which the information was collected and we have no reason to believe that the individual concerned would object to the disclosure
- the individual concerned is reasonably likely to have been aware, or has been made aware in accordance with the Act, that information of that kind is usually disclosed to that other person or body
- we believe on reasonable grounds that the disclosure is necessary to prevent or lessen a serious and imminent threat to the life or health of any person
- the individual expressly consents to the disclosure for e.g. we may provide information about an employee or former employee to a potential employer, or verifying details concerning wages to a financial institution
- the disclosure is made in connection with proceedings for an offence, law enforcement purposes, the protection of public revenue or to investigate an offence where there are reasonable grounds to believe an offence may have been committed
- the Director-General of ASIO requests information to exercise ASIO's functions
- the information is disclosed for a reason as specified under 'Exemptions, directions and codes of practice' section of this plan.

We may, at our discretion, agree to disclose personal information to an adjoining neighbour for the purposes of serving a fencing notice

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under the *Dividing Fences Act 1991*, provided the neighbour completes a statutory declaration to satisfy us that this is the purpose for disclosure.

We may disclose personal information about suppliers, for the purpose of verifying account details of suppliers prior to payment being made, to reduce the risk of errors or fraud.

We will publish information on development applications on our website, as open access information under the *Government Information (Public Access) Act 2009* and Government Information (Public Access) Regulation 2018 and to meet our requirements under the Environmental Planning and Assessment Act 1979 and Environmental Planning and Assessment Regulation 2021.

Any information disclosed by us to another public sector agency, must not be used or disclosed for a purpose other than the purpose for which the information was disclosed.

We will only disclose health information where this is consistent with the purpose for which it was collected; a directly related purpose that the person would expect; with the consent of the individual; to lessen or prevent a threat to the life, health or safety of any person or a threat to public health or safety; for law enforcement purposes where an offence may have been committed; where required by another act or law; or in accordance with the Guidelines issued by the Minister for Health regarding the use of information for research or training purposes.

<p>Safeguarded</p>	<p>We do not disclose sensitive personal information without consent, for example, ethnicity or racial origin, political opinions, religious or philosophical beliefs, health or sexual activities or trade union membership, unless the disclosure is necessary to lessen or prevent a serious and imminent threat to the life or health of any person.</p> <p>We will not disclose this information to any person or body that is outside of NSW or to a Commonwealth agency unless:</p> <ul style="list-style-type: none"> • the recipient of the information is subject to similar information privacy principles or laws regarding personal information, or • it is necessary for the performance of a contract between the individual and council or for the conclusion or performance of a contract between council and a third party which is in the interests of the individual, or • it is for the benefit of the individual and it is impracticable to obtain their consent, but if we could they would be likely to give it • it is necessary for law enforcement purposes to investigate an offence or where there are reasonable grounds to believe an offence may have been or may be committed, or • we have taken reasonable steps to ensure the information disclosed will not be held, used or disclosed by the recipient in a way that is inconsistent with the information protection principles • the information is disclosed for a reason as specified under 'Exemptions, directions and codes of practice' section of this plan. 	<p>12 -</p>
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Identifiers and anonymity

Not identified	We do not use unique identifiers for health information.	-	12
Anonymous	We do not currently provide a health service.	-	13

Transferrals and linkages

Controlled	We will only transfer health information outside of NSW or to a Commonwealth Government agency where satisfied that this is required by law, or otherwise in accordance with the Health Privacy Act.	-	14
Authorised	We do not currently use a health records linkage system.	-	15

Accessing information

Ways to access information

We allow people (including staff) to access their own information on receipt of a written request.

People may also:

- view information we hold in our Public registers
- apply to access information that involves others under the *Government Information (Public Access) Act 2009* (the GIPA Act).

Public registers

A public register is a register:

- required by law to be available for public inspection
- we choose to make available for public inspection.

We are required by law to maintain a number of public registers and to make them available for public inspection. Some of these registers contain personal or health information as defined in the Acts, and we are therefore obliged to ensure that access to the personal information contained in public registers is for a reason consistent with the purpose of the register.

Our public registers include:

- Rates record
- Delegations Register
- Register of Burials
- Records of Approvals
- Land Register
- Register of Consents and Certificates for development applications including Complying Development Certificates and Building Certificates
- Register of Licences under the Protection of Environment (Operations) Act 1997
- Register of Contributions imposed by us in connection with approval of development

- Record of Impounding under the Impounding Act 1993
- Contracts Register
- Register of Pecuniary Interests
- Disclosures Log under the GIPA Act.

Any person may inspect a public register at our office and copy an entry or page but section 57 of Information Protection Act imposes very stringent controls over disclosure of personal information in a public register. We can also only disclose personal information in a public register under the GIPA Act if it also complies with the Information Protection Act.

We reserve the right to require a person seeking access to provide information about the purpose for which the information will be used (and may require a supporting statutory declaration). If access is given, we may require an undertaking not to use the information for any other purpose.

If the public register is not one prescribed in Schedule 1 of the GIPA Regulation 2018 as “open access information”, there must also be no overriding public interest against disclosing the information under the GIPA Act.

The Privacy Code of Practice for Local Government modifies Council’s responsibilities concerning public registers. In particular:

- we will not require a person to provide a reason for inspecting Council’s pecuniary interest register or any register in which Council records declarations made by councillors or designated officers under Chapter 14 Part 2 Divisions 3 or 4 of the Local Government Act 1993
- we may provide access to the whole or substantial part of a public register if names and addresses are removed or Council is satisfied that the person requesting the information is to be used for the purpose for which the register is kept, for example, for building certificates, s.149G of the Environmental Planning and Assessment Act 1979 must be complied with.

Primary purpose

Council considers the following to be the primary purposes of the major public registers:

Local Government Act 1993

Section 53 - Land register

The primary purpose is to 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. Third party access is therefore a secondary purpose.

Section 113 - Records of approvals

The primary purpose is to identify all approvals granted under the LGA.

Section 450A - Register of pecuniary interests

The primary purpose of this register is to determine whether or not a Councillor or a member of a council committee has a pecuniary interest in any matter with which Council is likely to be concerned. There is a corresponding public accountability purpose and third party access is a secondary purpose.

Section 602 - Rates record

The primary purpose is to record the value of a parcel of land and record rate liability in respect of that land. The secondary purpose includes recording the owner or lessee of each parcel of land. For example, that a disclosure on a section 603 (of the LGA) rating certificate that a previous owner was a pensioner is considered to be allowed, because the secondary purpose is “a purpose relating to the purpose of the register”.

Environmental Planning and Assessment Act 1979

Section 100 – Register of consents and approvals

The primary purpose is to identify applications for development consent and other approvals, confirm determinations on appeal and identify applications for complying development certificates.

Section 149G – Record of building certificates

The primary purpose is to identify all building certificates.

Protection of the Environment (Operations) Act 1997

Section 308 – Public register of licences held

The primary purpose is to identify all licences granted under the Act.

Impounding Act 1993

Section 30 & 31 – Record of impounding

The primary purpose is to identify any impounding action by Council.

Secondary purpose of all public registers

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

Council will make an assessment about the minimum amount of personal information that is required to be disclosed.

Other purposes

We will allow a person to access their own personal information in a public register to confirm those details if the person can prove their identity to Council.

A part of a register that is not published can still be treated as a public register. For example, when Council advertises a development application, the published address may identify the owner. However, the personal information that has not been published and any applications not advertised or that have been rejected or withdrawn (and also not published) are treated as a public register under PPIPA. Registers should not be published on the internet.

Applying to prevent disclosure of personal information

Under section 58 of Information Protection Act, a person whose personal information is contained (or proposed to be contained) on a public register may request to have the information:

- removed from, or not placed on, the register as publicly available
- not disclosed to the public.

If we are satisfied that the safety or well-being of any person would be affected by not suppressing the personal information as requested, we must suppress the information in line with the request unless we are of the opinion that the public interest in maintaining public access to the information outweighs any individual interest in suppressing the information.

Any information that is removed from, or not placed on, a public register under this section may be kept on a register for other purposes.

Under s.739 of the Local Government Act 1993, a person whose personal information is located in a place other than a public register may request Council to suppress the information where the material discloses or would disclose the person's place of living if the person considers that the disclosure would place the safety of the person or the person's family at risk. This requires a statutory declaration.

When in doubt, Council will decide in favour of suppressing the information.

Requests should be in writing and addressed to the Chief executive Officer. We may require supporting documentation before making a decision.

Government Information (Public Access) Act 2009

Our obligations to provide access to documents under this Act are determined by the provision for considerations against disclosure of personal information. Any application for information will be determined by balancing the public interest considerations for and against disclosure of the information.

This applies to access to documents that would reveal confidential sources of information, legal advice, information concerning the personal affairs of other persons and other documents that are subject to public interest considerations under the Act.

Informal and Formal applications to access information forms are available on our website.

Exemptions, directions and codes of practice

Exemptions to the principles

Compliance with the principles is subject to certain exemptions under Part 2 Division 3 of the Information Protection Act and Schedule 1 of the Health Privacy Act. If one of those exemptions apply, we need not comply.

The exemptions are:

- where the collection, use or disclosure of personal information is to another public sector agency and is reasonably necessary for law enforcement purposes
- where compliance might detrimentally affect or prevent our complaint handling or investigative functions (for e.g. we may indirectly collect information or use information collected for another purpose to carry out an investigation)

- where disclosure of personal information is made to another investigative agency to assist them in exercising their investigative functions, or to a complainant where it is necessary to report the progress, outcome and any action taken as a result of the complaint (Note: 'investigative agency' is defined at s.3 of the Information Protection Act.)
- where we are lawfully authorised or required not to comply with the principle or where non-compliance is 'necessarily implied' or 'reasonably contemplated' under an Act or any other law, for example:
 - the GIPA Act requires Council to make specified documents available for public inspection; some documents must be made available, including development applications and associated documents while others are subject to disclosure unless on balance this would be contrary to the public interest; submissions and objections to development applications and the name of the owner of a particular property in certain circumstances are made available on these grounds
 - the Local Government Act 1993 also provides for the provision to a member of the public of various certificates and notices concerning a particular property
 - we may also be required by other laws to provide some information to Centrelink and other organisations such as the Australian Tax Office and the Australian Bureau of Statistics
 - we must also notify the Department of Family and Community Services of a child at risk under the Children and Young Persons (Care and Protection) Act 1998
- documents are subpoenaed for production in a Court, or authorised or required by search warrant or other statutory instrument. Personal information may be contained in those documents
- where the person expressly consents to such non-compliance
- where the collection, use or disclosure of information is exchanged with another public sector agency, to allow them to respond to correspondence from a Minister or member of Parliament, refer inquiries between agencies, and enable the auditing of accounts or performance of an agency
- where the collection, use or disclosure of personal information is reasonable necessary for the purpose of research in line with section 27B of the Information Protection Act and the statutory guidelines issued by the Privacy Commissioner
- where the use or disclosure of information 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) or a public sector agency under the administration of the Premier for the purpose of informing the Minister (or Premier) about any matter within the Minister's (or Premier's) administration.

Privacy Code of Practice for local government

The Privacy Code of Practice, approved by the Attorney General, modifies some of the privacy principles.

- **Collection** Where it is reasonable necessary, we may indirectly collect, use and disclose personal information to confer an award, prize or similar form of personal recognition on the person about whom the information relates.
- **Use** We may use personal information for a purpose other than the purpose for which it was collected where the use is in pursuit of the City's lawful and proper functions, and where the information is reasonable necessary for the exercise of those functions.

- **Restricted/limited** We may disclose personal information to another NSW public sector agency or public utility where the agency has approached Council in writing, Council is satisfied that the information is to be used for proper and lawful function/s, and that the information is reasonably necessary for the exercise of that agency's function, for example, electricity and water utilities and the State Electoral Commission seek details from Council of property owners in particular localities.

Council where requested by a potential employer, may confirm that a current or former employee works or has worked for Council, the duration of that work and the position occupied. This does not extend to providing a reference as to suitability for the position unless we have the person's consent.

Directions and guidelines

The Privacy Commissioner may issue guidelines or public interest directions with the approval of the Minister, to waive or modify the requirements for a public sector agency or organisation, to comply with the principles.

The Privacy Commissioner has issued statutory guidelines on

- the collection, use or disclosure of personal information for research
- notification requirements when health information is collected from a third party
- the use and disclosure of health information for training or research purposes.

Directions and guidelines can be accessed from the website of the Privacy Commissioner.

Promoting privacy

We will promote best practice around privacy by:

- making this plan and related application forms publicly available
- including information on privacy obligations on our website and intranet
- producing a brochure to inform members of the public and others about our information handling practices. It will sometimes be impracticable to specifically refer to these matters in counter transactions, interviews or telephone conversations.
- ensuring our databases of personal and health information are kept current and accurate
- considering privacy issues when reviewing our procedures and systems
- ensuring that displays of records in public areas (including computer screens) adequately protect personal and health information.
- reviewing agreements with external providers and other documents to ensure appropriate compliance with the Acts
- developing and implementing an ongoing program to educate our staff on the requirements of the Acts and how to manage personal and health information
- reporting on internal reviews to the Information and Privacy Commission
- publishing details of privacy related issues that have been dealt with during the year in our annual report.

Review rights and complaints

Council's Privacy Contact Officer can assist with inquiries about privacy issues and can be contacted on telephone number 9839 6535.

Individuals (or their authorised representatives) have the right (under part 5 of the Information Protection Act) to seek an internal review if they think that we have breached their privacy under either the Information Protection or Health Privacy Acts.

Any complaints (or queries) on the use of personal information or requests for an internal review must be made within 6 months of the complainant being first aware of the issue. We may accept a complaint at a later time.

Requests must be in writing and addressed to:

Chief Executive Officer Blacktown City Council
P.O. Box 63
Blacktown NSW 2148
Email: council@blacktown.nsw.gov.au

Any complaint should provide sufficient detail of the alleged infringement to enable review of the matter.

The internal review process

Our Privacy Contact Officer will conduct the review, unless the complaint is about the Officer. In this case, an alternative suitably qualified Review Officer will be appointed.

An internal review checklist has been prepared by the Office of the Privacy Commissioner NSW and can be accessed from its website <http://www.ipc.nsw.gov.au>.

The investigation will be done promptly, normally within 60 days. If the review is not completed within 60 days, the applicant may seek an external review.

We may conclude that there has been no breach of the privacy principles, that any breach was justified by a relevant exemption that applies to our handling of the information, or that there has been an unjustified breach. Any finding of a breach may result in a formal apology, remedial action including payment of monetary compensation, an undertaking that the conduct will not re-occur, or administrative changes.

We inform the NSW Privacy Commissioner when complaints have been received and then provide a draft of our internal review report to enable the Privacy Commissioner to make a submission on our findings.

External reviews

NSW Civil and Administrative Tribunal

A complainant who is not satisfied with the outcome of an internal review can have the matter considered by the NSW Civil and Administrative Tribunal, which will hear the matter and impose its own decision and may award compensation.

The Tribunal can hear a privacy case about our handling of personal or health information after it has first been through an internal review or the timeframe has been exceeded.

Contacts details for the NSW Civil and Administrative Tribunal are:

In person/postal address: Level 10, John Maddison Tower
86-90 Goulburn Street, Sydney NSW 2000
Telephone: 1300 006 228

Information and Privacy Commission

Any person may complain about the way in which we have carried out our functions under the law directly to the Information and Privacy Commission as follows:

In person: Level 15, McKell Building, 2-24 Rawson Place, Haymarket NSW 2000
Post: GPO Box 7011, Sydney NSW 2001
Telephone: 1800 472 679
Email: ipcinfo@ipc.nsw.gov.au

Role of the Privacy Contact Officer

Council's Right to Information Officer is the Privacy Contact Officer who is the person responsible for managing privacy related issues. This involves provision of information and advice about legislative obligations and the privacy implications of new projects, plans, initiatives or policies; dealing with inquiries from members of the public; managing or undertaking investigations of complaints; and reviewing Council policy, procedures and this Plan.

Internet contact forms, rates notices, application forms, or written requests by which personal information is collected by Council must be referred to the Privacy Contact Officer before they are adopted or used.

The Privacy Contact Officer will also provide the following advice:

- whether the personal information is collected for a lawful purpose
- if that lawful purpose is directly related to a function of Council
- whether or not the collection of that personal information is reasonably necessary for the specified purpose

The Privacy Contact Officer will refer any complex concerns of a legal nature to a Council solicitor for legal advice.

Mandatory notification of data breach scheme

Our Data breach policy outlines how we will respond to and manage data breaches including how we will notify individuals whose data has been breached.

Our policy is supported by a Data breach response plan that documents the steps we will take to quickly and effectively respond to and manage data breaches and manage the risk of any harm to affected individuals.

Any person can notify an actual or suspected data breach by contacting our Privacy Officer by email to Privacy.Officer@blacktown.nsw.gov.au or contacting us on (02) 5300 6000.

What is a data breach?

An incident in which there has been a failure that has caused or has the potential to cause, unauthorised access to, unauthorised disclosure of, or loss of, personal information held by Council in physical or electronic form. Examples include:

- unauthorised access by employees to view records of a person without having a legitimate purpose to access the information
- personal information is compromised during a cyber attack
- a system update results in the unintended publication of customers records containing personal information on our website
- we release personal information to the wrong person
- accidental loss or theft of an employee's device that contains personal information

How we will respond to a data breach

Our Privacy Officer will immediately assess breach reports and determine the risk of the data breach.

Where required our Data breach response committee will convene to implement our Data breach response plan and take appropriate actions to contain a breach and assess whether the breach is a high-risk breach.

Our Privacy Officer will notify the NSW Privacy Commissioner and affected individuals of a data breach that is likely to result in serious harm to an individual whose personal information has been breached.

Questions and answers

The following Question and Answer section provides information how we will respond to a request to access certain personal information contained in registers.

<p>1. Can Council sell bulk lists of home owners?</p>	<p>No. Council has adopted a policy not to provide bulk lists of home owners. Rates records held by us are designated as a public register. We are entitled to allow the use of the personal information only for the purposes under the Local Government Act 1993 identified in this Plan. The information may be used to notify adjoining owners of any development proposals as we are required to do under <i>the Environmental Planning and Assessment Act 1979</i>.</p>
<p>2. Can Council allow public inspection of the register of pecuniary interests?</p>	<p>Yes. The GIPA Act provides for this and anyone can inspect the register which has personal information contained in it. A person may also be provided with a copy of a single entry or page from the pecuniary interests register.</p>
<p>3. Can Council provide details of the owner of the property next door where the owner does not reside at the property?</p>	<p>Yes. As the property information records are not a public register (as referred to above), there are strict 'public interest' rules applied before the information is released.</p> <p>Where safety and the risks to life or injury are the issue, the information may be given, subject to the credentials of the person making the enquiry being established. Item 3 in the Table under s.14 of the GIPA Act limits the public interest considerations against disclosure.</p>
<p>4. If I make a submission on a development proposal, can someone obtain my personal details?</p>	<p>Yes. The applicant and any other interested party are entitled to view submissions (including personal details) received as a result of public consultation or exhibition. The office of the NSW Ombudsman is very strongly in favour of disclosure of the documents including personal information (name and address of objector) as it is in the public interest in overcoming objections to development proposals.</p> <p>Our notification letters contain a statement informing you that anyone may access your submission, including your personal information.</p> <p>Words along the following lines are generally used:</p> <p>'It is advised that your submission, including any personal information, may be inspected and copied by any person (including the development applicant) who requests access to submissions from the public. However, you may make a written request that Council not disclose your personal details when providing any access to your submission. Any such request should state the reason/s why you want your personal details suppressed so Council's Officers can determine whether your reason/s for suppression outweighs the public interest in maintaining public access to the information you provide'.</p> <p>'It is important to note that your submission may be made public as it may form part of a public report. Confidentiality cannot be guaranteed as legislation provides measures for possible access to certain documents by the applicant and members of the public.'</p> <p>Disclosure of personal information of submitters only applies to</p>

	<p>development proposals that haven't been determined. Personal information contained in submissions about determined proposals will be provided under PPIPA subject to the public interest considerations against disclosure in the GIPA Act.</p> <p>Refer to 'Applying to prevent disclosure of your information' above.</p>
<p>5. Apart from development proposals, can someone obtain my personal details in other situations?</p>	<p>Yes. There are situations where Council must make information available to others. For example, we may write to you to ask for submissions about a rezoning, a heritage listing or a new bike path. Submissions may be publicly accessible at least while a matter is being considered.</p> <p>Similar to development applications, our notification letters should contain a statement informing you that anyone may access your submission, including your personal information.</p> <p>Words along the following lines are generally used:</p> <p>'It is important to note that your submission could appear in a document available to the general public. Confidentiality cannot be guaranteed as legislation provides measures for possible access to certain documents by the applicant and members of the public.'</p> <p>Refer to 'Applying to prevent disclosure of your information' above.</p>
<p>6. Can I inspect the register of development applications and determinations?</p>	<p>Yes. The Environmental Planning & Assessment Act 1979 requires Council to make a register available to the public. The Environmental Planning & Assessment Regulation 2000 sets out what details are to be kept in the register and also requires us to make the register publicly available. Third party access to the register is 'a purpose relating to the purpose of the register'. Therefore, there is no inconsistency between privacy legislation and planning legislation.</p>
<p>7. What are the obligations of Council's contractors, consultants, committees and Council owned businesses?</p>	<p>Anyone engaged by Council as a private contractor or consultant that involves the collection of personal information must agree not to collect personal information by any unlawful means. For example, in debt recovery actions, commercial agents should be bound by contract.</p> <p>We will seek to bind each of these bodies or persons by contract to comply with Information Protection Act. Where any of them collect personal information on our behalf or in relation to their activities, they will be required to:</p> <ul style="list-style-type: none"> • obtain a written authorisation and consent to that collection • notify the persons from whom the information is collected about the intended recipients and other matters required by Information Protection Principle 3. <p>Council owned businesses, committees and private contractors or consultants must comply with this Plan, the Code and Information Protection Act under the terms of their incorporation by Council or by contract.</p>

Responsibilities and approvals

Policy number	P000480.7
Category	Information and Records Management
File number	F17/1859, F23/1661
Reports	CS380130, CS430180
Date created	5/07/2000
Version	7
Last review	3/11/2023
Approval	Council.
Next review	2024
Owner	Director Corporate Services
Responsible Officers	Manager Procurement & Governance
Related policies	Data breach policy Records management policy Code of Conduct
Related delegations	4.2 Requests for government and personal information
Related law	<i>Government Information (Public Access) Act 2009, Government Information (Public Access) Regulation 2018, Local Government Act 1993, Independent Commission Against Corruption Act 1988, Public Interest Disclosure Act 2022, State Records Act 1998 and State Records Regulation 2015.</i>
Related documents	N/A.
Attachments	N/A