



Policy Title	Privacy Management Plan
Related Documentation	Access to Information Policy Access to Information webpage Information Management Authorised Statement Agency Information Guide Data Breach Policy Corporate Document Development and Review Procedure Councillor's Access to Information and Interaction with Staff Policy
Relevant Legislation	<i>Privacy and Personal Information Protection Act 1998</i> <i>Health Records and Information Privacy Act 2002</i> <i>Government Information (Public Access) Act 2009</i> <i>Government Information (Public Access) Regulation 2018</i> <i>Local Government Act 1993</i> <i>Local Government (General) Regulation 2005</i> <i>Environmental Planning and Assessment Act 1979</i> <i>Companion Animals Act 1998</i> <i>State Records Act 1998</i> <i>Public Interest Disclosures Act 2022</i>
Responsible Officer	Manager Governance and Risk

Policy details may change prior to review date due to legislative changes, therefore this document is uncontrolled when printed.

Contents

Objectives.....	2
Policy Statement	2
Scope.....	2
Legislative Context	2
Effectiveness of this Policy	2
PART 1 - INTRODUCTION TO PERSONAL AND HEALTH INFORMATION	3
PART 2 - PUBLIC REGISTERS	6
PART 3 - POLICIES AND LEGISLATION	9
PART 4 - INFORMATION PROTECTION PRINCIPLES AND HEALTH PRIVACY PRINCIPLES	11
PART 5 - DISTRIBUTION OF THIS POLICY.....	15
PART 6 - COMPLAINTS AND PROCEDURES FOR INTERNAL REVIEW.....	16
PART 7 - SPECIFIC EXEMPTIONS IN THE PPIP ACT AND HRIP ACT RELEVANT TO COUNCIL	17
PART 8 - WHO CAN YOU CONTACT	18

DATA AND DOCUMENT CONTROL

Division: City Governance Section: Governance and Risk Record No: CDO-24/278	Adopted Date: 09/07/2019 Revised Date: 14/05/2024 Minute Number: 119 Review Date: 30/06/2028	Page: 1 of 18
---	---	----------------------

Objectives

The objective of this Policy is to explain how Campbelltown City Council (Council) manages personal information in accordance with NSW Privacy laws. This includes the:

- *Privacy and Personal Information Protection Act 1998* (the PPIP Act)
- *Health Records and Information Privacy Act 2002* (the HRIP Act)

This Policy explains who our community may contact about:

- the personal information collected and held by Council,
- how a person can access their own information and seek to amend it, and
- how privacy complaints are handled.

Additionally, this Policy is used to educate Council staff about how to deal with personal information. This helps ensure that Council complies with our legislative obligations.

Policy Statement

Council respects and values the privacy rights of our community. We are committed to building good privacy practices into our decision making, as well as the design and structures of our information systems, business processes and services.

Scope

This Policy and the principles of the PPIP Act and HRIP Act apply to:

- the public,
- Council staff,
- Councillors,
- Council owned businesses and
- Council Committees (including those which may be established under section 355 of the *Local Government Act 1993* [the LG Act]).

The meaning of Council staff, for the purposes of this Policy includes permanent (whether full-time or part-time), temporary and casual employees together with agency contractors, consultants, volunteers, trainees, apprentices, and students on work placement.

Legislative Context

Council is required to prepare, implement, and maintain a Privacy Management Plan under section 33 of the PPIP Act and it must include information on:

- how Council develops policies and practices to ensure compliance with the PPIP Act and the HRIP Act,
- how these policies and practices are communicated within Council,
- Council's internal review process, and
- anything else Council considers relevant in relation to privacy and the personal and health information we hold.

Effectiveness of this Policy

This Policy will be reviewed every two years. It will be reviewed earlier if any legislative or administrative changes affect the management of personal and health information by Council. This review period is in accordance with Council's adopted Corporate Document Development and Review Procedure.

PART 1 – INTRODUCTION TO PERSONAL AND HEALTH INFORMATION

1.1 What is Personal Information?

Personal information is defined in section 4 of the PPIP Act as any information or opinion about a person where that person's identity is apparent or can be reasonably ascertained from that information or opinion.

1.2 What is not Personal Information?

There are some kinds of information that are not personal information, this includes:

- information about a person who has been dead for more than 30 years,
- information about a person that is contained in a publicly available publication,
- Information or an opinion about a person's suitability for appointment or employment as a public sector official, and
- information about a person that is contained in a public interest disclosure as defined in the *Public Interest Disclosure Act 2022* (the PID Act), or that has been collected while dealing with a voluntary public interest disclosure in accordance with Part 5, Division 2 of the PID Act.

1.3 What is Health Information?

Health information is a more specific type of information and is defined in section 6 of the HRIP Act. Health information includes information or an opinion about a person's physical or mental health or a disability, or a person's express wishes about the future provision of health services to him or her or a health service provided to a person.

Examples of health information include:

- a psychological report,
- blood test,
- x-rays and x-ray report,
- results from drug and alcohol testing, and
- information about a person's medical appointments

Health information can also include some personal information that is collected to provide a health service, such as a name and telephone number.

1.4 Collection of Personal and Health Information

Council collects personal and health information in a variety of ways in order to preform services and functions. Council assesses the level of personal information that is appropriate to be collected on a case-by-case basis.

Personal and health information may be collected from:

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

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

Council has a range of functions requiring or involving the collection of personal information, including:

- levying and collecting of rates,
- providing services, for example, 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,
- providing funding grants,
- maintaining the non-residential register of electoral information,
- employment, and
- fitness for work.

1.5 Personal and Health Information held by Council

Personal and/or health information is considered to be held by Council if:

- Council is in possession or control of the information, or
- the information is in the possession or control of a person employed or engaged by Council in the course of such employment or engagement, or
- the information is contained in a state record of which Council is responsible under the *State Records Act*.

The Council holds personal information concerning Councillors, such as but not limited to:

- personal contact information,
- complaints and disciplinary matters,
- disclosure of interest returns, and
- entitlements to fees, expenses, and facilities.

The Council holds personal and health information concerning its customers, ratepayers, and residents, in records such as but not limited to:

- rates records,
- customer requests, complaints, and claims,
- library lending records,
- fitness records,
- community service utilisation e.g. Community Transport,
- CCTV footage,
- donation, grant, and sponsorship applications,
- submissions and information collected as part of Council's community engagement and consultation activities,
- public access forum applications, and
- development applications and related submissions.

The Council holds personal and health information concerning its current and former employees in records such as but not limited to:

- recruitment material,
- pre-employment medical information,
- workers compensation investigations,
- public interest disclosure investigations,
- leave and payroll data,
- personal contact information,
- performance management plans,
- disciplinary matters,
- drug and alcohol testing results,
- disclosure of interest returns, and
- wage and salary entitlements.

1.6 Unsolicited Information

DATA AND DOCUMENT CONTROL		
Record No: CDO-24/278	Page: 4 of 18	

Unsolicited information is personal, or health information received by Council in circumstances where Council has not asked for or required the information to be provided. It includes unnecessary or irrelevant information received.

Such information is not deemed to have been collected by Council but the access, storage, use and disclosure Information Protection Principles and Health Privacy Principles in this Policy will apply to any such 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 submissions and be made available for release to the public.

1.7 Applications for Access to own Personal or Health Information

Section 14 of the PPIP Act, requires Council to provide a person with access to their own personal or health information. This must be done by Council without excessive delay or expense.

Additionally, Section 15 of the PPIP Act requires Council, to make any appropriate amendments (whether by way of corrections, deletions or additions) to a person's personal and/or health information, at the request of the person that the information relates to. This is to ensure that the personal information held by Council:

- a) is accurate, and
- b) in consideration of the purpose for which the information was collected, the intended use of the information and to any purpose that is directly related to that use, that the information be relevant, up to date, complete and not misleading.

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 or changes to information.

Where a person makes an application for access under the PPIP Act, which is involved or complex, and requires a formal determination, Council will provide a response within 20 working days of the application being made.

Written applications for access to a person's own personal information can be sent to Council's Privacy Contact Officer. The contact information can be found in Part 8 below.

1.8 Accessing or Amending other People's Personal or Health Information

Council is restricted from giving people, businesses or other corporations, access to someone else's personal and health information unless that person provides Council with written consent. An "authorised" person must confirm their identification to act on behalf of someone else by providing proof of identity a valid power of attorney to act on the person's behalf.

There may be other reasons Council may be 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 person, to find a missing person or for compassionate reasons.

Council will not give a person access to another person's personal or health information for any private matter, unless:

- non-compliance with the Information Protection Principles and Health Privacy Principles is lawfully authorised or required by legislation, or
- to comply with a court order.

PART 2 - PUBLIC REGISTERS

Part 6 of the PPIP Act governs how Council should manage personal and health information contained in public registers.

2.1 Definition of a Public Register

A public register is defined in section 3 of the PPIP Act, it is a register of personal information that is required by law to be made, or is made, publicly available or open to the public for inspection (whether or not on payment of a fee).

Council holds public registers under the *Local Government Act 1993* (the LG Act) including:

- Land Register
- Records of Approvals
- Register of Disclosures of Interests

Note – this is purely indicative. Council may, by virtue of its own practice, hold other public registers, to which the PPIP Act applies.

Council holds public registers under the *Environmental Planning and Assessment Act 1979* (the EPA Act):

- Register of consents and certificates
- Record of building certificates

Council holds a public register under the *Protection of the Environment Operations Act 1997* (the POEO Act):

- Public register of licences

Council holds a public register under the *Impounding Act 1993*:

- Record of impounding

Council holds public registers under the *Government Information (Public Access) Act 2009*:

- Contracts with the private sector valued from \$150,000
- Register of Formal Access Applications decided by Council (Disclosure Log)

The purpose for each of these public registers is set out in this Policy.

2.2 Disclosure of Personal Information Contained in Public Registers

Section 57 of the PPIP Act provides that, Council staff must not disclose any personal information held on public registers unless the information is to be used for a purpose relating to the purpose of the register. A person seeking access to another person's personal information contained in a public register will be requested to provide a statutory declaration to Council verifying their intended use of the information.

Disclosure of personal and health information held by Council that is not contained in a public register must comply with the Information Protection Principles and Health Privacy Principles as outlined in this Policy.

2.3 Purposes of Public Registers

In the following section, by way of guidance only, what might be called the "primary" purpose (or "the purpose of the register") has been specified for each identified register. In some cases, a "secondary purpose" has also been specified, by way of guidance as to what might constitute "a purpose relating to the purpose of the register".

Land Register

The primary purpose is to identify all land vested in Council, or under its control.

DATA AND DOCUMENT CONTROL		
Record No: CDO-24/278	Page: 6 of 18	

The secondary purpose includes a consideration of public accountability as to the land held by Council. Third-party access is therefore a secondary purpose.

Records of Approvals

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

Register of Disclosures of Interests

The primary purpose of this register is to 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.

Register of consents and certificates

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

Record of building certificates

The primary purpose is to identify all building certificates.

Public register of licences

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

Record of impounding

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

2.4 Secondary purpose of all Public Registers

Council aims to be open and accountable, and 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. Disclosure of specific records from public registers would normally be permitted.

Requests for access, copying or the sale of the whole or a substantial part of a public register 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.

2.5 Other Registers

Council may keep other registers that are not public registers. The Information Protection Principles, Heath Privacy Principles, this Policy, the Privacy Code of Practice for Local Government (the Code), and the PPIP Act apply to the use and disclosure of information in those registers.

A register that Council keeps that is not a public register is the rates record and Council's position on this record is as follows:

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, a disclosure on a 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".

Public access to the rates record will only be granted where the purpose of the access is to obtain information necessary for a statutory purpose which places a legal obligation on Council to comply. Such as, where Council must notify relevant landowners of development applications and other matters where Council is required or wishes to consult its local community.

2.6 Applications for Suppression of Personal Information in a Public Register

Section 58 of the PIPP Act, provides that a person may request to have their personal information removed or not placed on a public register. A person may do this by submitting an application in the form of a Statutory Declaration.

Council will suppress the information, if we are satisfied that the safety or well-being of any person would be affected by not suppressing the person’s personal information. Council will suppress the information in accordance with the request unless Council is of the opinion that the public interest in maintaining public access to the information outweighs any individual interest in suppressing the information.

The information may still be used in the exercise of Council functions, but it cannot be disclosed to third parties.

PART 3 – POLICIES AND LEGISLATION

There are Policies in addition to this Policy, and legislation that affect how Council processes personal information and directly relate to this Policy. These have been explained below:

Legislation:

- **Environmental Planning and Assessment Act 1979 (“EP&A Act”)**

The EPA Act contains provisions that require Council to make development applications and accompanying information publicly available and provides a right for people to inspect and make copies of elevation plans during the submission period.

View the EP&A Act here:

[Environmental Planning and Assessment Act 1979 No 203 - NSW Legislation](#)

- **Health Records and Information Privacy Act 2002 (“HRIP Act”)**

The HRIP Act governs both the public and private sector in NSW. It contains a set of 15 Health Privacy Principles and sets up a complaints mechanism to ensure agencies abide by them.

View the HRIP Act here:

[Health Records and Information Privacy Act 2002 No 71 - NSW Legislation](#)

- **Privacy and Personal Information Protection Act 1998 (“PIIP Act”)**

In addition to the requirements covered in this Privacy Management Policy, the PPIP Act makes the following provisions:

- Public sector officers, are prohibited from disclosing personal information, that is collected and held by a NSW Government agency, where the disclosure of the information is not within the scope their official duties.

This provision relates to corrupt or irregular disclosure of personal information that staff may have access to at work and not inadvertent failure to follow procedures or guidelines.

Corrupt or irregular disclosure can include intentionally disclosing or using personal information accessed in doing our jobs for an unauthorised purpose, or to offer to supply personal information that has been disclosed unlawfully. Offences can be found listed in sections 62-68 of the PPIP Act, are considered serious and may, in some cases, lead to imprisonment.

- Part 6A of the PPIP Act establishes the NSW Mandatory Notification of Data Breach (“MNDB”) scheme. This scheme places obligations on NSW public sector agencies in relation to the management of data breaches.

View the PPIP Act here:

[Privacy and Personal Information Protection Act 1998 No 133 - NSW Legislation](#)

- **Government Information (Public Access) Act 2009 (“GIPA Act”)**

The GIPA Act provides the framework for how the public can access a NSW public sector agencies records. This framework identifies rights of access, limitations to these rights, and obligations on an agency in relation to making information available to the public.

View the GIPA Act here:

[Government Information \(Public Access\) Act 2009 No 52 - NSW Legislation](#)

- **Government Information (Public Access) Regulation 2018 (“GIPA Regulation”)**

DATA AND DOCUMENT CONTROL		
Record No: CDO-24/278	Page: 9 of 18	

The GIPA Regulation expands on the GIPA and provides more descriptive details of open access information. Additionally, the GIPA Regulation identifies reporting requirements on NSW public sector agencies.

View the GIPA Regulation here:

[Government Information \(Public Access\) Regulation 2018 - NSW Legislation](#)

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

The definition of personal information under the PPIP Act excludes information contained in a public interest disclosure. This means that a person cannot seek review of the use or disclosure of a public interest disclosure or be prosecuted for unauthorised disclosure of public interest disclosure information under the PPIP Act.

However, this plan is still able to address strategies for the protection of personal information disclosed under the PID Act.

The PID Act is available for viewing at www.legislation.nsw.gov.au – further information can be obtained from the NSW Ombudsman at www.ombo.nsw.gov.au

View the PID Act here:

[Public Interest Disclosures Act 2022 No 14 - NSW Legislation](#)

Policies:

- **Access to Information Policy**

Public access to information and documents held by Council is facilitated by Council’s Access to Information policy. This policy has regard to the GIPA Act, Government Information (Public Access) Regulation 2009 and the LG Act.

This Privacy Management Policy should be read in conjunction with the:

- Access to Information Policy,
- Privacy Code of Practice for Local Government, and
- Council’s Information Guide.

- **Data Breach Policy**

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

A data breach occurs when there is a failure that has caused or has the potential to cause unauthorised access to personal information held by Council, whether in physical or electronic information format.

View Council Policies here:

[Council documents, policies, strategies, plans and publications - Campbelltown City Council \(nsw.gov.au\)](#)

PART 4 - INFORMATION PROTECTION PRINCIPLES AND HEALTH PRIVACY PRINCIPLES

Information Protection Principles (IPP's)

Health Protection Principles (HPP's)

4.1 How Council implements the IPP's and the HPP's

IPP 1 and HPP 1 Lawful collection

Council will collect personal and/or health information that is reasonably necessary for a lawful purpose that is directly related to its functions and/or activities. The personal and health information that Council may collect include:

- names,
- residential address,
- phone numbers,
- email addresses,
- signatures,
- medical certificates,
- photographs, and
- video footage (CCTV).

IPP 2 and HPP 2 Direct collection

Personal information will be collected directly from the person concerned, 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.

Council may collect personal information by:

- phone,
- written correspondence to Council,
- email,
- facsimile,
- on Council forms, or
- in person.

IPP 3 and HPP 3 Requirements when collecting

When collecting personal information, 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 and included on forms where personal or health information is collected.

When collecting health information, 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 and HPP 4 Relevance of collection

Personal and health information collected will be relevant to Council's functions and services, accurate, up-to date, complete and not excessive. The collection will not unreasonably intrude into the individual's personal affairs.

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

IPP 5 and HPP 5 Secure storage

Council will store personal 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, and will 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 and HPP 6 Transparent access

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.).

Council will provide reasonable details about what personal and/or health information is stored about an individual if they receive an access application from the individual which the information relates to.

IPP 7 and 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 by way of implementation of appropriate procedures for access to this information.

IPP 8 and 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.

Changes of name, address and other minor amendments require appropriate supporting identification or 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.

IPP 9 and HPP 9 Accurate use of information collected

Considering the purpose for which the information is proposed to be used, Council will ensure that personal and health information is accurate before using it. Council will ensure that the information it proposes to use is the most recent information kept on file, is not unreasonably out of date or where it is reasonable and necessary to do so, write to the individual to whom the information relates to confirm the accuracy of the information.

IPP 10 and 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, a secondary purpose includes investigation of suspected unlawful activity, to exercise complaint handling functions or investigative functions.

IPP 11 and 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.

Additionally, a secondary purpose includes investigation of suspected unlawful activity, to exercise complaint handling or investigation functions.

IPP 12 Special limits on disclosure

Council will not disclose sensitive personal information relating to an individual's:

- ethnic or racial origin
- political opinions
- religious or philosophical beliefs
- trade union membership
- health or sexual activities unless the disclosure is necessary to prevent a serious or imminent threat to the life or health of the individual concerned or another person.

Council will not disclose this information to any person or body that 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, or
- the disclosure is permitted under a Privacy Code of Practice.

Specific Health Information Privacy Principles

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

The specific Health Privacy Principles are:

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.

HPP 14 Transborder data flow

DATA AND DOCUMENT CONTROL		
Record No: CDO-24/278	Page: 13 of 18	

Health information must only be transferred outside NSW if Council reasonably believes that:

- the recipient is subject to laws or obligations substantially similar to those imposed by the HRIP Act, or
- consent has been given, or
- transfer is under a contract between Council and the individual, or
- transfer will benefit the individual, or
- to lessen a serious threat to an individual's health and welfare, or
- steps have been taken to ensure that the information will not be handled inconsistently with the HRIP Act, or
- transfer is permitted or required under any other law.

HPP 15 Cross-organisational linkages

Council will seek the express consent of individuals before participating in any system that links health records across more than one organisation. Health information or the disclosure of their identifier for the purpose of the health records linkage system will only be included if the person has given express consent.

4.2 How the Privacy Code of Practice for Local Government affects the IPPs

The Privacy Code of Practice for Local Government makes provisions from Councils to depart from IPP's.

View the Privacy Code of Practice for Local Government here:

[Privacy_Code_of_Practice_for_Local_Government_20_December_2019.pdf \(nsw.gov.au\)](https://www.nsw.gov.au/privacy/code-of-practice-for-local-government-20-december-2019)

PART 5 – DISTRIBUTION OF THIS POLICY

5.1 Compliance strategy

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

Councillors, employees, contractors, and volunteers will be regularly acquainted with the general provisions of the PPIP Act and HRIP Act and, in particular:

- this Policy,
- Council's Access to Information Policy,
- Council's Data Breach Policy,
- the Information Protection Principles,
- the Health Protection Principles,
- the Public Register provisions,
- the Privacy Code of Practice for Local Government, and
- any other applicable Code of Practice.

5.2 Communication strategy

Council informs its employees, Councillors, and the community of their rights under the PPIP Act and this Policy by:

- publishing this Policy and associated documents on Council's website together with a link to the Information & Privacy Commission website, and
- including privacy statements on application forms and invitations for community engagement.

PART 6 – COMPLAINTS AND PROCEDURES FOR INTERNAL REVIEW

6.1 Internal Review

Section 53 of the PPIP Act provides that if a person is not satisfied with Council's conduct in relation to their privacy request, disclosure of personal information on a public register or believe Council is contravening a privacy principle or privacy code of practice they can make an application for internal review of Council's conduct or decision by writing to Council's Privacy Contact Officer.

The written application must be addressed to Council, include a return postal address in Australia and be received by Council within six months of the individual becoming aware of the conduct or decision that is the subject of the application.

6.2 How does the process of Internal Review operate?

The Privacy Contact Officer will appoint a Reviewing Officer to conduct the internal review. The Reviewing Officer will report their findings to the Privacy Contact Officer.

The review is to be completed within 60 calendar days of receipt of the application. The applicant will be notified of the outcome of the review within 14 calendar days of its determination.

Section 54 of the PPIP Act provides that the NSW Privacy Commissioner will be notified by the Privacy Contact Officer of a review application as soon as is practicable after it is received. Council will brief the NSW Privacy Commissioner on the progress of an internal review and notify them of the outcome.

The NSW Privacy Commissioner may make submissions to Council in relation to the subject matter of the application for internal review. Council may, if it deems it appropriate, ask the NSW Privacy Commissioner to conduct the internal review.

6.3 What happens after an Internal Review?

Section 55 of the PPIP Act provides that if the applicant remains dissatisfied with the outcome of a review, an application may be made to the NSW Civil and Administrative Tribunal for a review of Council's conduct.

6.4 Alternative to lodging an application for internal review

If a person does not want to lodge an application for internal review with Council, they may contact the Privacy Commissioner directly through the Information and Privacy Commission.

PART 7 - SPECIFIC EXEMPTIONS IN THE PPIP ACT AND HRIP ACT RELEVANT TO COUNCIL

There are a number of exemptions from compliance with the PPIP Act and HRIP Act that apply directly to Council.

These relate to situations where:

- information is collected in connection with proceedings (whether commenced or not) before any Court or Tribunal,
- information is collected for law enforcement purposes,
- information is used for a purpose reasonably necessary for law enforcement purposes or to protect the public revenue,
- Council is authorised or required by a subpoena or search warrant or other statutory instrument,
- Council is investigating a complaint that may be referred or made to an investigative agency,
- Council is permitted by a law or statutory instrument not to comply,
- compliance would prejudice the interests of the individual to whom the information relates,
- the individual to whom the information relates has given express consent to Council not to comply, and
- disclosure is permitted under the Privacy Code of Practice for Local Government.

PART 8 – WHO CAN YOU CONTACT

Campbelltown City Council

Privacy Contact Officer
Manager, Governance and Risk
Phone: (02) 4645 4000
Fax: (02) 4645 4387
Email: council@campbelltown.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)

Address: 86 - 90 Goulburn St
Sydney NSW 2000
Phone: 1300 006 228

END OF POLICY STATEMENT