

PRIVACY MANAGEMENT POLICY

STRATEGIC POLICY

Responsible Department: Cabonne Services

Responsible Section: Governance & Corporate Performance

Responsible Officer: Department Leader - Governance & Corporate Performance

Objective

Council has, as a matter of policy, adopted a Privacy Management Plan which outlines policies and practices to ensure compliance with the Privacy and Personal Information Protection Act 1988.

The Privacy and personal Information Protection Act 1988 (the "PIPPA"). Requires all councils to prepare a Privacy Management Plan outlining their policies and practices to ensure compliance with the requirements of that Act and the Health Records and Information Privacy Act 2002 (the HRIPA).

The object of this plan is to inform:

- The community about how their personal information will be used, stored and accessed after it is collected by the Council; and
- Council staff of their obligations in relation to handling personal information and when they can and cannot disclose, use or collect it.

Introduction

The Privacy and Personal Information Protection Act 1998 (the "PPIPA") requires all councils to prepare a Privacy Management Plan outlining their policies and practices to ensure compliance with the requirements of that Act and the Health Records and Information Privacy Act 2002 (the HRIPA).

Policy

The Privacy and Personal Information Protection Act 1998 (PPIPA") provides for the protection of personal information and for the protection of the privacy of individuals. Council has developed, under Section 33 of the PPIPA a Privacy Management Plan (the "Plan") to deal with:

- The devising of policies and practices to ensure compliance by the Council with the requirements of the PPIPA and the Health Records and Information Privacy Act 2002 ("HRIPA");

- The dissemination of those policies and practices to persons within the Council;
- The procedures that the Council proposes for internal review of privacy complaints;
- Such other matters as are considered relevant by the Council in relation to privacy and the protection of personal information held by it.

This Plan has been prepared for the purpose of section 33 of the PPIPA.

PPIPA provides for the protection of personal information by means of 12 Information Protection Principles. Those principles are listed below:

Principle 1 - Collection of personal information for lawful purposes

Principle 2 – Collection of personal information directly from individual

Principle 3 – Requirements when collecting personal information

Principle 4 – Other requirements relating to collection of personal information

Principle 5 – Retention and security of personal information

Principle 6 – Information about personal information held by agencies

Principle 7 – Access to personal information held by agencies

Principle 8 – Alteration of personal information

Principle 9 – Agency must check accuracy of personal information before use

Principle 10 – Limits on use of personal information

Principle 11 – Limits on disclosure of personal information

Principle 12 – Special restrictions on disclosure of personal information

Those principles are modified by the Privacy Code of Practice for Local Government (“the Code”) made by the Attorney General. To date there has been no Health Records and Information Privacy Code of Practice made for Local Government.

The Privacy Code has been developed to enable Local Government to fulfil its statutory duties and functions under the Local Government Act 1993 (the “LGA”) in a manner that seeks to comply with the PPIPA.

The Plan is developed to implement this policy and outlines how the Council will incorporate the 12 Information Protection Principles into its everyday functions.

Responsibilities

General Manager: responsibilities referred to within the Plan.

Administration Manager: responsibilities attributed to the Public Officer and those assigned to the role of the Privacy Contact Officer referred to within the Plan.

Others: includes councillors, employees, contractors, consultants and members of s355 committees have the responsibilities included in the relevant legislation and this Plan.

Definitions

HRIPA: Health Records and Information Privacy Act 2002

LGA: Local Government Act 1993

PPIPA: The Privacy and Personal Information Protection Act 1998

The Code: The Privacy Code of Practice for Local Government

The Plan: The Privacy and Personal Information Protection Plan

Related Documents

Local Government Act 1993

Privacy and Personal Information Protection Act 1998

Health Records and Information Privacy Act 2002

Government Information (Public Access) Act 2009

The Privacy and Personal Information Protection Plan

Privacy Code of Practice for Local Government June 2010 – located in council’s Electronic Record Management System (ref Doc ID: 456297)

OLG Director General’s guidelines re Companion Animals Register – refer to Office Local Government Website

History

Minute No.	Summary of Changes	New Version Date
00/07/6	First adopted	17 July 2000
10/02/17	Readopted by Council	15 February 2010
	Not further reviewed as advice received that the Division of Local Government, Department of Premier and Cabinet and the Office of the NSW Privacy Commissioner are currently	Email dated 11 April 2011 (doc ID 233565 refers)

	reviewing the Model Privacy Management Plan for Local Government	
13/09/30	Readopted as per s165(4)	17 September 2013
13/10/10	Updated based on the release of a new Model Privacy Management Plan for Local Government by the DLG January 2013.	15 October 2013
15/02/11	Updated with addition of timeframes for review by the Administrative Decisions Tribunal – see 6.3	24 February 2015
18/07/14	Section on State Records Act removed as it has been repealed. Section 24(4) of the PPIPA updated. Section (c1) added to Health Privacy Principles 10 and 11. Readopted as per s165(4)	24 July 2018
22/11/15	Transferred to new policy template and position titles changed to reflect organisational restructure Readopted as per s165(4)	22 November 2022