

# Cessnock City Council Privacy Management Plan

Date Adopted **16/11/2023**    Revision: **4**

Integrity, Respect, Teamwork, Accountability and Excellence

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# PART A – INTRODUCTION

## 1. OBJECTIVES

### 1.1. To inform the community:

- 1.1.1. about how your Personal Information will be used, stored and accessed after it is collected by Council; and
- 1.1.2. who you should contact with questions about the information collected and retained by Council, how to access and amend your stored information and what to do if you believe Council has breached the [Privacy and Personal Information Protection Act 1998 \(NSW\) \(PIIP Act\)](#) or [the Health Records and Information Privacy Act 2002 \(NSW\) \(HRIP Act\)](#).

### 1.2. To inform Council Officials of their obligations in relation to handling Personal Information and when they can and cannot disclose, use or collect it, in accordance with the PPIP Act, HRIP Act, the *Government Information (Public Access) Act 2009* (NSW) (**GIPA Act**), and the Privacy Code of Practice for Local Government (December 2019).

## 2. SCOPE

**2.1.** This Privacy Management Plan (**Plan**) applies to all Council Officials, including committee members, when collecting, receiving, using, storing, accessing, disclosing, archiving and/or destroying Personal Information.

**2.2.** This Plan covers requirements outlined in section 33(2) of the PPIP Act including:

- 2.2.1. Information about how Council develops policies and practices in line with the State's information and privacy Acts;
- 2.2.2. How Council disseminates these policies, protocols and practices within the organisation and educates Council Officials in their use;
- 2.2.3. Council's internal review procedures; and
- 2.2.4. Any other matter Council considers relevant to the Plan in relation to privacy and the Personal Information it holds.

**2.3.** In this Plan, a reference to Personal Information is also a reference to Health Information.

## 3. STATEMENT

As a government agency, Council is required to have a Privacy Management Plan in accordance with section 33 of the PPIP Act. Council is committed to supporting the broad object of the GIPA Act to advance a system of responsible and representative government that is open, accountable, fair and effective. Council is committed to ensuring that the community can access information Council holds easily and at the lowest reasonable cost.

## 4. WHAT IS PERSONAL AND HEALTH INFORMATION

### *About Personal Information*

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

## **About Health Information**

- 4.2. Health Information is a more specific type of Personal Information and is defined in section 6 of the HRIP Act. Health Information can include information about a person's physical or mental health such as a psychological report, blood test or an x-ray, results from drug and alcohol tests, and information about a person's medical appointments. It can also include some Personal Information that is collected to provide a health service, such as a name and telephone number.

## **General exclusions**

- 4.3. The following are general categories of information that are excluded from the scope of both the PPIP Act and HRIP Act:
- 4.3.1. Information about someone who has been deceased for more than 30 years;
  - 4.3.2. Information about someone that is contained in a publicly available publication such as information which is published in newspapers, books or on the Internet (including social media platforms), broadcast on radio or television or made know at a public event such as a community presentation;
  - 4.3.3. Information or an opinion about a person's sustainability for employment as a public sector official.

## **5. INFORMATION PRIVACY PRINCIPLES AND HEALTH PRIVACY PRINCIPLES**

### **Privacy Principles**

- 5.1. The [Information Privacy Principles \(IPPs\)](#) are 12 legal obligations contained in the PPIP Act that Council must comply with in handling Personal Information.
- 5.2. The [Health Privacy Principles \(HPPs\)](#) are 15 legal obligations contained in the HRIP Act and only relate to Health Information.
- 5.3. Privacy complaints or requests for reviews must relate to a breach of one or more of the IPPs or HPPs;
- 5.4. The IPPs and HPPs have exemptions and you should make yourself aware of these prior to making a privacy complaint to Council or requesting a review.

### **Collection**

- 5.5. When collecting Personal Information Council must ensure that the information is collected for a lawful purpose (IPP 1, HPP 1), that it is collected directly from the individual (IPP 2, HPP 3), that the individual is informed that their information is being collected and why (IPP 3, HPP 4), and that the information collected is relevant and accurate (IPP 4, HPP 2).

**Note:** See Part D below for Council's practice when collecting Personal Information.

### **Storage**

- 5.6. When storing Personal Information Council must ensure that it is secure (IPP 5, HPP 5).

### **Access and Accuracy**

- 5.7. Council must advise an individual of their rights to access their Personal Information, what information they are storing and why (IPP 6, HPP 6).
- 5.8. Council must also provide an individual with access to their Personal Information, however Council can charge reasonable fees for this (IPP 7, HPP 7).

**5.9.** Council must also allow an individual to correct or amend incorrect Personal Information (IPP 8, HPP 8).

**Note:** To see Council's specific processes for ensuring accuracy and permitting access see Part B below.

### **Use**

**5.10.** Council should ensure your information is accurate before using it (IPP 9, HPP 9).

**5.11.** Council should only use Personal Information for the purpose they advised under IPP 3 (IPP 10, HPP 10), unless:

- 5.11.1. the individual consents;
- 5.11.2. the purpose is directly related to the advised purpose and a reasonable person would expect their Personal Information to be used in such a manner; or
- 5.11.3. to prevent or lessen a serious or imminent threat to any person's health or safety.

**5.12.** HPP 10 has further exemptions for the use of Health Information that are unlikely to be relevant to Council activities, however you should review these before making a privacy complaint or requesting a review.

**Note:** To see how Council uses Personal Information see Part E below.

### **Disclosure**

**5.13.** Council should only disclose Personal Information with the consent of the individual (IPP 11, HPP 11) unless:

- 5.13.1. the individual was notified under IPP 3 when the information was collected that it would be so disclosed; or
- 5.13.2. the purpose is directly related to the advised purpose and there is no reason to believe the individual would object to the disclosure; or
- 5.13.3. the individual was notified under IPP 3 when the information was collected that information of that kind is usually disclosed; or
- 5.13.4. to prevent or lessen a serious or imminent threat to any person's health or safety.

**5.14.** HPP 11 has further exemptions for the disclosure of Health Information such as compassionate grounds or to find a missing person, you should review these before making a privacy complaint or requesting a review.

**5.15.** Council cannot disclose information about an individual's ethnic origin, race, sexual activities, trade union membership, political opinions, and religious or philosophical beliefs unless the individual consents or to deal with an imminent and serious threat to any person's health or safety (IPP 12).

**Note:** Council's procedures relating to disclosure, and the types of entities Council normally discloses to can be found in Part E below.

### **Anonymity**

**5.16.** When providing health services, unique identifiers should only be used if it is reasonably necessary to carry out functions efficiently (HPP 12).

**5.17.** Individuals should be given the option of receiving services anonymously where it is lawful and practicable to do so (HPP 13).

## **Sharing and Linking Health Data and Information**

- 5.18.** Council staff must not share Health Information with agencies and organisations outside of the jurisdiction of New South Wales (HPP 14) unless the Governance Team has confirmed in writing:
- 5.18.1. Such an organisation is subject to a law upholding principles substantially similar to the HPPs; or
  - 5.18.2. The individual has consented; or
  - 5.18.3. The transfer is necessary to implement pre-contractual measures in response to an individual's request; or
  - 5.18.4. The transfer is necessary to perform a contract with the individual; or
  - 5.18.5. The transfer is reasonably necessary to lessen or prevent a serious and imminent threat to the life, health or safety of a person, or a serious threat to public health or safety; or
  - 5.18.6. The transfer is permitted or required by an Act of New South Wales or the Australian Commonwealth or any other law.
- 5.19.** Council is not bound by any direct requirements regarding the linkage of health records (HPP 15).

## PART B – HOW TO ACCESS AND REVISE YOUR INFORMATION

### 6. AMENDING OR ACCESSING YOUR PERSONAL INFORMATION

- 6.1. Everyone has the right to access their Personal Information Council holds about them. Council does not require individuals to complete a specific form to request confirmation of whether Council holds their Personal Information – individuals can write to Council, via email or letter, enquiring about the nature of the information, the main purpose for which Council collected that information and their right of access pursuant to section 14 of the PPIP Act.
- 6.2. Individuals also have the right to amend their own Personal Information Council holds, for example, updating their contact details. There are two ways in which you can amend your Personal Information:
  - 6.2.1. By completing the relevant form on Council's [website](#) to amend your customer details such as your preferred name, email address or phone number; or
  - 6.2.2. By completing the relevant form on Council's website to amend more specific Personal Information, such as medical history or specialty reports.
- 6.3. Council is required to provide you with access to the Personal Information it holds and allow you to amend this information without excessive delay or expense.
- 6.4. There is no fee to amend your Personal Information however Council can charge a fee for you to access your Personal Information in accordance with Council's Fees and Charges.
- 6.5. Council will provide individuals with access to records containing their Personal Information in accordance with clauses 12.4-12.6 and provided the individual can confirm their identity by producing one or more of the following pieces of identification:
  - 6.5.1. Valid driver's license;
  - 6.5.2. Birth certificate or birth extract;
  - 6.5.3. Valid pension card or healthcare card issued by the Australian Government;
  - 6.5.4. Valid Medicare card;
  - 6.5.5. Valid student photo identification card (issued by an Australian tertiary education institution);
  - 6.5.6. Current and valid passport.

#### ***Amending your customer details***

- 6.6. To amend your name, your address and contact details, ownership details, gender details, regardless of whether you are acting in a personal or business capacity, complete the relevant form on Council's website, which can also be emailed to [council@cessnock.nsw.gov.au](mailto:council@cessnock.nsw.gov.au) or posted to 62-78 Vincent Street, Cessnock, NSW, 2325.
- 6.7. Council treats such requests with priority and will have them actioned **within 3 business days** of having received them.

### ***Amending specific Personal Information***

- 6.8. To amend specific Personal Information such as your employment details, records displaying your religious practices, etc, please complete the relevant [form](#) on Council's website which can also be emailed to [council@cessnock.nsw.gov.au](mailto:council@cessnock.nsw.gov.au) or posted to 62-78 Vincent Street, Cessnock, NSW, 2325.
- 6.9. Council treats such requests with priority and will have them actioned within **5 working days** of having received them.

### ***Accessing your Personal Information***

- 6.10. To access any records Council holds containing your Personal Information, please complete the "Access my Personal Information" form on our website. This form can also be emailed to [council@cessnock.nsw.gov.au](mailto:council@cessnock.nsw.gov.au) or posted to 62-78 Vincent Street, Cessnock, NSW, 2325.
- 6.11. In order for your application to be valid, the application should:
  - 6.11.1. include your name and contact details, including your postal address, telephone number and your email address;
  - 6.11.2. explain what Personal Information you want to access or amend; and
  - 6.11.3. explain how you want to access your information or amend it.
- 6.12. Council will acknowledge your application and advise you if it is valid or not **within 5 working days** of receiving your application. Where applications are invalid, we will provide assistance in how these can become valid.
- 6.13. Council typically responds in writing to applications for accessing Personal Information **within 20 working days**. Council will contact you if your request is likely to take longer than expected.
- 6.14. If you believe Council is taking an unreasonable amount of time to respond to your application for Personal Information, you are encouraged to contact Council to ask for an update or progress of your application.
- 6.15. If Council decides not to provide access to or amend your Personal Information, the reason will be clearly explained to you in writing or over the telephone, in accordance with Council's established practices or legislative requirements.
- 6.16. You also have the right to make a formal application to access information under the GIPA Act. For more information, please refer to Council's [website](#).

### ***Accessing or amending other people's information***

- 6.17. The PPIP Act and the HRIP Act gives people the right to access their own information; the Acts generally do not give people the right to access someone else's information.
- 6.18. However, section 26 of the PPIP Act allows a person to give consent to Council to disclose his or her Personal Information to someone else that would not normally have access to it.
- 6.19. Likewise, under section 7 and section 8 of the HRIP Act, an 'authorised person' can act on behalf of someone else. The HPPs also contain information regarding other reasons Council may be authorised to disclose Health Information, such as in the event of a serious and imminent threat to the life, health and safety of the individual, in order to help find a missing person, or for compassionate reasons.
- 6.20. If none of the above scenarios are relevant, a third party can consider making an application for access to government information under the GIPA Act.

## PART C – YOUR RIGHTS AND OFFENCES

### 7. REQUEST AN INTERNAL REVIEW

- 7.1. You have the right to seek an internal review under the PPIP Act if you believe Council has not processed your application or privacy complaint under the PPIP or HRIP Act properly, or you believe Council has breached the PPIP Act or HRIP Act relating to your Personal Information. Council welcomes the opportunity to discuss any privacy issues you may have. You are encouraged to try to resolve privacy issues with Council informally before lodging an internal review. You can raise your concerns by contacting the Privacy Contact Officer, making a privacy complaint directly to the [Privacy Commissioner](#) or using Council's complaint handling process.

The contact details for the NSW Privacy Commissioner are:

**Email** | [jpcinfo@ipc.nsw.gov.au](mailto:jpcinfo@ipc.nsw.gov.au)

**Phone** | 1800 472 679

**Address** | Level 15, McKell Building, 2-24 Rawson Place, Haymarket NSW 2000

**Postal** | GPO Box 7011, Sydney NSW 2001

**Website** | [www.ipc.nsw.gov.au](http://www.ipc.nsw.gov.au)

- 7.2. You cannot seek an internal review for a breach of someone else's privacy, unless you are the authorised representative of the other person.
- 7.3. Complaints that refer to an individual's privacy in addition to other matters will be dealt with as a privacy complaint to the degree an individual's privacy is alleged to be affected. The other matters will be concurrently dealt with in accordance with [Council's Complaints Handling Policy](#), or any other policy of the same effect, and may require the use of Personal Information contained in the complaint and held by Council.
- 7.4. You can request an internal review by filling out the Internal Review form (see Appendix 1) available on Council's website which can be emailed to [council@cessnock.nsw.gov.au](mailto:council@cessnock.nsw.gov.au) or posted to 62-78 Vincent Street, Cessnock, NSW, 2325 including any relevant information.
- 7.5. **Applications for an internal review** must be made **within six months** from when you first became aware of the breach. However, depending on circumstances, Council may also consider a late application for an internal review.
- 7.6. Council will **acknowledge receipt of an internal review request within 5 working days** and **complete an internal review within 60 calendar days**. The Privacy Contact Officer will inform the applicant of the progress of the review and will respond in writing **within 14 calendar days** of determining the internal review.
- 7.7. The Privacy Contact Officer reserves the discretion to conduct the internal review or delegate this function to someone else. If the privacy complaint or review is about the conduct of the Privacy Contact Officer, the General Manager will appoint someone else within Council to conduct the internal review or refer the matter as discussed in clause 7.9.
- 7.8. Council must notify the Privacy Commissioner when an internal review is being conducted and also inform the Privacy Commissioner of the findings of the review and of the action proposed to be taken by Council in relation to the matter. The Privacy Commissioner is entitled to make submissions to Council with his or her view on the matter.



- 7.9.** Council may refer an internal review to the Privacy Commissioner under section 54(3) PIPP Act to be undertaken by the Privacy Commissioner. This may occur due to a lack of resources, the privacy complaint being concurrent with another type of complaint as discussed in clause 7.3, or if the complaint relates to actions of senior Council Officials or the Privacy Contact Officer.
- 7.10.** If you disagree with the outcome of the internal review or you are not notified of an outcome as outlined in clause 7.6, you have the right to seek an external review.

## 8. REQUESTING AN EXTERNAL REVIEW

- 8.1.** You have **28 calendar days** from the date of the internal review decision to seek an external review by NSW Civil and Administrative Tribunal (**NCAT**), pursuant section 53 of the *Administrative Decisions Review Act 1997* (NSW).
- 8.2.** To request an external review, you must apply directly to the [Administrative and Equal Opportunity Division](#) of the NCAT, which has the power to make binding decisions on an external review. You can contact NCAT:

Website: <http://www.ncat.nsw.gov.au>  
 Phone: (02) 9377 5711  
 Visit/post: Level 9, John Maddison Tower,  
 86-90 Goulburn Street, Sydney NSW 2000

## 9. OFFENCES

- 9.1.** The following table summarises offences for certain conduct:

Offence	Maximum penalty	Legislative provision
It is a criminal offence for a public sector official to corruptly disclose and use Personal Information	Fine of up to 100 penalty units (\$11,000), or  Imprisonment for two years, or both	Section 62 of the PPIP Act; section 68 of the HRIP Act
It is a criminal offence for a person to offer to supply Personal Information that has been disclosed unlawfully	Fine of up to 100 penalty units (\$11,000), or  Imprisonment for two years, or both	Section 63 of the PPIP Act; section 69 of the HRIP Act
It is a criminal offence for a person – by threat, intimidation or misrepresentation – to persuade or attempt to persuade an individual: <ul style="list-style-type: none"> <li>▪ to refrain from making or pursuing a request to access Health Information, a complaint to the Privacy Commissioner or NCAT, or an application for an internal review; or</li> <li>▪ to withdraw such a request, complaint or application.</li> </ul>	Fine of up to 100 penalty units (\$11,000)	Section 70(1) of the HRIP Act
A person must not – by threat, intimidation or misrepresentation – require another person to give consent under HRIP Act, or require a person to do, without consent, an act for which consent is required.	Fine of up to 100 penalty units (\$11,000)	Section 70(2) of the HRIP Act

<p>It is a criminal offence for a person to:</p> <ul style="list-style-type: none"> <li>▪ wilfully obstruct, hinder or resist the Privacy Commissioner or a member of the staff of the Privacy Commissioner</li> <li>▪ refuse or wilfully fail to comply with any lawful requirement of the Privacy Commissioner or a member of the staff of the Privacy Commissioner, or</li> <li>▪ wilfully make any false statement to or mislead, or attempt to mislead, the Privacy Commissioner or a member of the staff of the Privacy Commissioner</li> <li>▪ in the exercise of their functions under PPIPA or any other Act</li> </ul>	<p>Fine of up to 10 penalty units (\$1,100)</p>	<p>Section 68(1) of the PPIP Act</p>
<p>It is a criminal offence to access or modify restricted data held in a computer where authorisation has not been provided</p>	<p>2 years imprisonment</p>	<p>Section 308H of the Crimes Act</p>

## PART D – HOW COUNCIL COLLECTS PERSONAL INFORMATION

### 10. PERSONAL INFORMATION PROVIDED TO COUNCIL

- 10.1.** Individuals may provide Council with Personal Information when they make an application for employment, make enquiries and when Council delivers services to them. This can include but is not limited to names, contact details, opinions, health conditions, family relationships, housing or tenancy information, work and education details. Individuals may also provide Council with Personal Information about other people.
- 10.2.** If an individual writes to Council, a full copy of whatever is sent is generally kept by Council in its electronic document management system or in a hard copy file. However, if someone calls over the phone and gives a lot of background information, Council may decide not to record all the Personal Information if it is irrelevant to the enquiry.

**For example:** a Council staff member might make a general note, such as ‘concerned about employer disclosing details of an illness’ without recording details about the illness itself.

- 10.3.** The provision of any Personal Information to Council is generally voluntary though it can be required by law in some circumstances. Council can also collect unsolicited Personal Information in situations where it has been voluntarily provided by the individual, or from another source where Council is lawfully authorised or required to do so, or where it is permitted under an Act or any other law.
- 10.4.** Council is not required to deal with individuals who wish to remain anonymous beyond the provision of health services and then only in a manner that is lawful and practicable (HPP 13). However, Council recognises that some people may wish to remain anonymous and will endeavour to enable this where practicable. Council will provide clear information on the consequences of remaining anonymous and will likely give the individual a letter designation (such as “X”) in place of a name or identifying information.

**For example:** Council may be limited in considering personal factors under the GIPA Act or may not be able to properly investigate or review a complaint if there is no sufficient Personal Information about the matter. In such cases, it is up to the person who contacted Council to decide if they want to continue with the enquiry.

- 10.5.** Council’s telephones to the contact centre will display the number of the person who called, except for private/silent numbers. Telephone numbers that display are stored and can be extracted from Council’s phone system for reporting purposes. Telephone conversations conducted on Council’s main contact number (4993 4100) are documented and saved in Council’s document management system. From 2020/21, telephone conversations are electronically recorded for quality and assurance purposes, however customers have the option to opt out of call recording. Calls transferred from Council’s contact centre to other Council extension numbers or facilities cease to be electronically recorded the moment they are transferred.
- 10.6.** Council’s web-chat records the name of the person and an email contact, which will be stored in Council’s phone system for quality and assurance purposes, conversation details can be extracted and referenced.
- 10.7.** If someone has an enquiry that cannot be answered straight away, a Council staff member may offer to take the person’s name and telephone number so that Council can provide a response.

- 10.8. Contractors acting on behalf of Council may also collect Personal Information. Council includes clauses in its contracts that require contractors to comply with relevant privacy obligations.

## 11. HOW COUNCIL COLLECTS INFORMATION

- 11.1. Council must collect Personal Information in accordance with the PPIP Act, HRIP Act, and the Privacy Code of Practice for Local Government. Below is a summary of such requirements:

PPIP Act	Privacy Code	HRIP Act
<p><b>IPP1 – Lawful</b> (<a href="#">section 8</a>) Personal Information must be collected for a lawful purpose which is directly related to Council’s functions or activities and necessary for that purpose.</p>	N/A	<p><b>HPP1 - Lawful</b> (<a href="#">section 1 of Schedule 1</a>) Health Information must be collected for a lawful purpose which is directly related to Council’s functions or activities and is necessary for that purpose.</p>
<p><b>IPP4 – Relevant</b> (<a href="#">section 11</a>) Personal Information collected must be relevant, accurate, up to date, complete and not excessive. The collection should not unreasonably intrude into the individual’s Personal affairs.</p>	<p>Council can collect Personal Information indirectly if collecting it is reasonably necessary when an award, prize, benefit or similar form of Personal recognition is intended to be, or may be, conferred upon the person to whom the information relates.</p>	<p><b>HPP2 - Relevant</b> (<a href="#">section 2 of Schedule 1</a>) Health Information collected must be relevant, accurate, up to date, complete and not excessive. The collection should not unreasonably intrude into the individual’s personal affairs.</p>
<p><b>IPP2 - Direct</b> (<a href="#">section 9</a>) Personal Information must be collected directly from the individual concerned unless the individual has authorised collection of the information from someone else, or from a parent or guardian if that person is under the age of 16 years.</p>	<p>Council can collect Personal Information indirectly if collecting it is reasonably necessary when an award, prize, benefit or similar form of personal recognition is intended to be, or may be, conferred upon the person to whom the information relates.</p>	<p><b>HPP3 - Direct</b> (<a href="#">section 3 of Schedule 1</a>) Health Information must be collected directly from the individual concerned unless it is unreasonable or impracticable to do so and in accordance with guideline issued by the Privacy Commissioner issued for the purposes of the Privacy Principle.</p>
<p><b>IPP3 - Open</b> (<a href="#">section 10</a>) An individual must be informed as to why their Personal Information is being collected, what Council will do with it, who may have access to it, whether supply is required by law or is voluntary, and if there are any rights of access to the information. If someone else is collecting the Personal Information on behalf of Council, the individual needs to be informed the name and address of the agency collecting and holding the information.</p>	N/A	<p><b>HPP4 - Open</b> (<a href="#">section 4 of Schedule 1</a>) An individual must be informed as to why their Health Information is being collected, what Council will do with it, and who may have access to it.</p> <p>If Health Information is collected about an individual from someone else, reasonable steps must be taken to ensure that the individual has been notified of the above, unless making the individual aware would impose a serious threat to their health or life, or the</p>

		collection of their Health Information was in accordance with guidelines issued by the Privacy Commissioner.
<p><b>Exemptions</b></p> <p>Council does not have to comply with the Privacy Principles about collection as outlined in:</p> <ul style="list-style-type: none"> <li>▪ <a href="#">section 23(2)</a>;</li> <li>▪ <a href="#">section 23(6A)</a>;</li> <li>▪ <a href="#">section 26(1)</a>;</li> <li>▪ <a href="#">section 27A</a>;</li> <li>▪ <a href="#">section 27B</a>;</li> </ul>	<p><b>Exemptions</b></p> <p>N/A</p>	<p><b>Exemptions</b></p> <p>Council does not have to comply with the Privacy Principles about collection as outlined in <a href="#">section 4(4) of Schedule 1</a>.</p>

**11.2.** Unsolicited information does not meet the definition of Personal Information and does not need to be handled in accordance with the IPPs or HPPs. However, if unsolicited information is used by Council or recorded for an administrative purpose, it will be deemed as being 'collected' and be treated as Personal Information from that point.

**11.3.** Council performs a range of functions and some of those functions assist the carrying out of certain services (see Chapters 5-8, 11-13, 15-17 of the *Local Government Act 1993* (NSW) (**LG Act**)). The LG Act also outlines functions that may be imposed pieces of legislation or directives. Functions requiring or involving the collection of Personal Information, include but are not limited to:

- 11.3.1. Levying and collecting rates;
- 11.3.2. Providing services, for example libraries and waste collection;
- 11.3.3. Consultation with the community, visitors, businesses, committees (both Council and external) and other stakeholders;
- 11.3.4. Assessing development and major project applications;
- 11.3.5. Recording, investigating, and managing complaints and allegations, including but not limited to unreasonable customer conduct;
- 11.3.6. Site inspections and audits (both internal and external);
- 11.3.7. Incident management;
- 11.3.8. Enforcing regulations and legislation;
- 11.3.9. Issuing approvals, consents, licences and permits;
- 11.3.10. Providing funding grants;
- 11.3.11. Maintaining the non-residential register of electoral information;
- 11.3.12. Employment; and
- 11.3.13. Fitness for work.

**11.4.** When collecting Personal Information, Council Officials should consider Council's functions. Information can only be collected if the purpose of collection is directly related to Council's functions/services and the collection is necessary for those purposes.

**For example:** Collecting details of an individual's trade associations membership is unlikely to be necessary for the levying and collection of rates. Collecting information about their pensioner or veteran status may however be necessary, if this information impacts the individual's entitlements/concessions.

**11.5.** Council may collect Personal Information in any of the following ways:

- 11.5.1. Incident reports and statements (including witness statements);
- 11.5.2. Photographs;
- 11.5.3. Written correspondence, including emails;
- 11.5.4. File notes;
- 11.5.5. Medical assessment reports;
- 11.5.6. Submissions;
- 11.5.7. Application forms;
- 11.5.8. CCTV footage and call recordings;
- 11.5.9. Public registers;
- 11.5.10. Survey Booking platforms such as MailChimp, SurveyMonkey, etc;
- 11.5.11. Financial transaction records;
- 11.5.12. Contracts, legal agreements, deeds, undertakings and other documents alike;
- 11.5.13. Over the phone and online chat enquiries;
- 11.5.14. Counter enquiries; and Council online services.

**11.6.** Information cannot be collected by "unlawful means".

**For example:** Information cannot be collected through recording a conversation without a person's consent, as this would breach laws relating to listening devices in NSW.

**11.7.** Council functions/services and the Council Officials performing/offering them should be sensitive to, and take all reasonable steps to minimise, intrusion on the people from which they collect Personal Information. Particular care should be taken when it is clear the information may be personal, distressing or embarrassing to the individual concerned.

**For example:** information about a customer's family member that has passed away is requested while standing in the open reception area of Council's Administration Centre so that the staff member can assist with the customer's enquiry and reason for visit. Other customers waiting to be served can hear the discussion clearly and the individual is uncomfortable. Council staff should seek to collect the information in an environment where the potential for other people to overhear details is minimised or in an environment where the collections would not be perceived as intrusive or excessive, for example, using another room if available or taking them aside to discuss privately.

**For example:** a customer comes into the open reception area of Council's Administration Centre to report a dog attack on them and their dog while walking past a nearby property. Given the urgency of the situation, it may be appropriate for staff to obtain Personal Information, regardless of the fact that other people may overhear.

**11.8.** When it is unreasonable or impracticable for Personal Information to be collected directly from an individual, Council Officials can collect the information from someone other than the individual. The following are examples of when such collection would be appropriate:

- 11.8.1. Collecting 'next-of-kin' information during a recruitment process for emergency purposes;
  - 11.8.2. Cessnock Youth Centre Outreach Service (**CYCOS**) staff collecting an individual or family medical history for customers, where CYCOS staff require information about family illness or family domestic violence to assist with providing appropriate services/care for the individual;
  - 11.8.3. When a customer lacks capacity and that lack of capacity impairs their ability to give necessary information, Council Officials may collect it from an authorised representative;
  - 11.8.4. Where the information is provided by another agency as part of an inter-agency request.
- 11.9.** When Council collects Personal Information from an individual such as their name, address, telephone number or email address, Council must make them aware of:
- 11.9.1. the purposes for which the information is being collected,
  - 11.9.2. the intended recipients of the information,
  - 11.9.3. whether the supply of the information is required by law or is voluntary,
  - 11.9.4. any consequences for the individual if the information (or any part of it) is not provide,
  - 11.9.5. ways the individual can access and correct the information, and
  - 11.9.6. the name and address of the Council business unit that is collecting the information and the Council business unit that is to hold the information.
- 11.10.** To ensure Council complies with the PPIP Act, a Privacy Notice will be included on all forms, letters and documents that collect Personal Information from individuals, informing them of information outlined in clause 11.6.
- 11.11.** Where it is lawful and practicable, people can obtain general information about Council, without identifying themselves.

### ***Council staff and recruitment***

- 11.12.** Council collects Personal Information from its staff members (including volunteers, work experience personnel and work placement students) as part of the recruitment process. Council will not ask for more Personal Information than is required for that purpose.
- 11.13.** During the recruitment process and throughout employment, information (including Personal Information) is collected from staff members for various reasons, such as leave management, workplace health and safety and to help Council operate with transparency and integrity.
- 11.14.** In the exercise of its functions, Council collects and manages Personal Information about its staff including but not limited to:
- 11.14.1. Medical conditions and illnesses;
  - 11.14.2. Next of kin and contact details;
  - 11.14.3. Education;
  - 11.14.4. Performance and development information;
  - 11.14.5. Family and care arrangements;
  - 11.14.6. Secondary employment;

- 11.14.7. Conflicts of interest;
- 11.14.8. Financial information for payroll purposes
- 11.14.9. Employment history;
- 11.14.10. Information collected by Council is retained, to the extent necessary and managed securely.

- 11.15.** Candidates applying for jobs at Council send Personal Information, including their name, contact details, qualifications and work history. Council gives this information to the convenor of the interview panel for that position (as stated in the job advertisement) in electronic or hard copy files.
- 11.16.** The convenor of the panel does not use this Personal Information except for the purposes of the recruitment process. This can include sharing the information within Council's People and Culture team, relevant direct reports and members of the interview panel. Interview panels may include persons not employed by Council. Convenors store this information securely.
- 11.17.** After recruitment is finalised, convenors give all Personal Information back to the People and Culture team and they retain information relating to successful applicants and eligibility lists in accordance with Local Government retention requirements and the *State Records Act 1998* (NSW).
- 11.18.** Successful candidates are invited to fill out various forms in order to commence employment / engagement with Council. These forms require further Personal Information, such as the candidate's bank account details, tax file number, superannuation, emergency contacts and any disabilities that may impact their work.
- 11.19.** These forms also encourage people to provide sensitive Personal Information, such as racial and cultural information in order to collect data about the wider NSW public sector. Disclosing this information is voluntary.
- 11.20.** These forms are sent to the People and Culture team to be used for employment/engagement purposes, such as payroll and setting up personnel files, and keeping copies of this information in secure storage areas.

#### ***Committees, groups, panels and other consultative and/or decision-making bodies***

- 11.21.** Council is committed to promoting community participation in decision-making as it forms an important part of our local democracy. To this end, Council has established committees, groups and/or panels of which community members, Council staff, Councillors or representatives of stakeholder organisations may be members of. Council collects Personal Information in the process of recruiting, selecting and managing membership of these bodies.
- 11.22.** Council staff and Councillors are also nominated and sit as representatives on externally constituted committees. Whilst externally constituted committees are subject to their own individual governance arrangements, Council collects Personal Information required for the selection and management of such membership.

#### ***Visitors and members of the public***

- 11.23.** When members of the public visit Council's Administration Building, they sign in their attendance using the visitor sign-in kiosk which records the names, company, phone number and email of people who enter the office beyond the public area. Visitors are printed an identification label which must be worn while on the premises. Council collects this information for workplace health and safety purposes.



- 11.24.** When members of the public visit other Council facilities (i.e. Council's Depot), a visitors' book may be used to record the names of people who enter beyond the public area. This book may be displayed at the entry of each facility and is stored in accordance with Council procedures.

### **Enquiries to Council**

- 11.25.** Council handles enquiries from customers and stakeholders about the functions it performs. These enquiries are made by people and organisations:
- 11.25.1. Over the phone (Call Centre, direct call and voicemail services);
  - 11.25.2. In writing (e-mail, letter, fax, online form, e-services, web-chat);
  - 11.25.3. In person (at Council's Administration Building, other Council facilities, and at events including community engagement).
- 11.26.** Council decides what level of information is appropriate to be collected for each enquiry on a case-by-case basis, with the understanding that the details collected must contain enough information to be an accurate record of the issue and assistance given, but should not contain unnecessary Personal Information.

### **Feedback, determinations, assessments, policies and reports**

- 11.27.** When people give Council feedback on the functions it performs and certain legislation/directives it administers, they may disclose their Personal Information, such as contact details, personal opinions, stories, experiences and backgrounds. They may also disclose Personal Information about other people. Council may ask for further Personal Information but only to clarify the issue being raised.
- 11.28.** Council stores this information on its computer network, in an electronic document management system and/or hard copy files.
- 11.29.** Council does not disclose Personal Information obtained through feedback, except by consent or as permitted or required by law.
- 11.30.** Council also publishes policies and documents to seek feedback on the functions it performs, in particular planning and environment matters, corporate and community issues, and works and infrastructure matters. Council may promote its consultation through various organisations, non-for-profit organisations, other agencies, the media, Council's website and social media channels. Participation is voluntary and Council only collects information that is reasonably necessary or related to the functions it performs.
- 11.31.** When new policies, procedures and guidelines are devised, Council is required to refer to this Plan, to ensure compliance with the PPIP and the HRIP Acts. Staff can contact the Governance Team and/or the Privacy Contact Officer for assistance and advice.
- 11.32.** Council also provides guidance and advice to the public, other agencies and organisations. Council seeks consent from individuals if any of their Personal Information is contained in guidance or advice documents prior to publishing. Council may publish these documents with Personal Information de-identified if individuals do not consent.
- 11.33.** Council is obliged to produce reports and make findings or submissions publicly available. Council takes all practicable steps to not identify individuals in such reports, findings or submissions unless it relates to the purpose for which their information was collected; or the individual has consented.

**For example:** forms and applications, petitions, submissions to policies and development applications are instances when Council informs individuals how their Personal Information will be handled by containing privacy notices.

**11.34.** We take all reasonable precautions to ensure that the Personal Information we collect or receive, use and disclose is accurate, complete and up-to-date. However, the accuracy of that information depends to a large extent on the information you provide. That is why we recommend you keep us up-to-date with changes to your Personal Information.

### ***Reviews, assessments, complaints and investigations***

**11.35.** Council performs a number of activities concerning governance, compliance and enforcement management that may involve the collection of Personal Information including:

- 11.35.1. Processing requests from people seeking a review or making a complaint to Council regarding the functions it performs. Such requests or complaints may be made pursuant to Council's Complaint Handling Policy, Code of Conduct, Unreasonable Customer Conduct policy, Internal Reporting – Public Access Disclosures Policy, clause 37 of the *Local Government State Award 2023* (NSW) in relation to grievances, and in accordance with compliance and enforcement legislation, practices and procedures;
- 11.35.2. notification of reviews, complaints or investigations from other public agencies conducting them;
- 11.35.3. people sending their review applications or requests to pass along to other public agencies, organisations or individuals;
- 11.35.4. people giving Council Personal Information about other people;
- 11.35.5. responding to Council requests for people to send further Personal Information relating to a review, complaint or an investigation;
- 11.35.6. making file notes containing Personal Information;
- 11.35.7. accessing information under the GIPA Act from public sector agencies and other organisations as it relates to Council's functions;
- 11.35.8. Council entering the premises of public sector agencies, other organisations and individuals and accessing their information;
- 11.35.9. handling Information received and collected by Council for legal matters and proceedings, either at the proceedings or from submissions received from the parties.

### ***Subscriber, mailing and contact lists***

- 11.36.** Council facilitates subscriber, mailing and contact lists that contain Personal Information. Depending on the nature of this communications and stakeholder engagement, Council may use a third party organisation (service provider) to collect, store, and handle information collected. In such instances, people are notified of this and are lead to the service provider's privacy policy and practices for their consideration. Council however does not accept responsibility for the privacy policies or practices of third parties/service providers linked to/from Council's website.
- 11.37.** The information generally collected includes names, email addresses and other relevant contact information.
- 11.38.** Council must take reasonable steps to ensure the information collected is correct before it is used. Reasonable steps in the circumstances of mailing or contact lists can be as simple as requiring two-step confirmation of details when subscribing, double opt-in

communications, or notifications to contact Council if the communication has been received by a person other than the individual named.

**11.39.** The main lists that collect and hold Personal Information are the:

11.39.1. newsletter subscriber list - to email Council's newsletter to those who have requested a subscription;

11.39.2. community stakeholders list - to contact non-government organisations and other members of the community about Council's operations and services, such as economic development, community engagement, booking or cancelling events, refunding tickets, library memberships and activities, etc.

**11.40.** All lists are kept separate from each other and each is used solely for the purpose intended. Council does not disclose individual email addresses when sending out bulk emails (i.e. the same email sent to a number of recipients).

**11.41.** Anyone can subscribe or unsubscribe themselves from the newsletter list or contact the Council to change their details. Council does not destroy these lists; they are kept as long as they remain current. Individual entries are deleted upon request or if an error message is received in response to a Council communication.

### ***Community outreach***

**11.42.** Council occasionally holds community events or participates in events held by other agencies or organisations. During these events, Council may collect general information such as the number of visitors to a stall, questions visitors asked, what resources were provided and general demographic information such as gender.

**11.43.** Depending on the event, Council may collect Health Information or sensitive Personal Information about an individual which may be used for purposes directly related to these events and/or a separate collection purpose.

11.43.1. If a separate collection purpose exists, Council will notify the individual of that purpose before, or as soon as practicable after, collecting their Personal Information.

**For example:** if Council participates in a session designed for people with disabilities or people from a particular cultural or racial background, it could be deduced that someone has or is likely to have a disability or has a particular cultural or racial background.

**11.44.** Sometimes, Council seeks voluntary completion of surveys to help us identify current issues. These surveys may collect different kinds of demographic data. Council Officials must ensure any proposed survey or other kind of collection complies with the PPIP Act and HRIP Act.

**11.45.** Council may also seek feedback from customers accessing Council's operations and services on their experience.

### ***Website publishing, photography, filming and media***

**11.46.** In addition to the main [Council administration website](#), Council owns and maintains the following websites:

Name of Council website	Functions it performs	Type Personal and Health Information kept
<a href="#">Hunter Valley Visitor Information Centre</a>	Provides information when booking accommodation, tours and experiences, attractions, tickets, services, dining, wineries and cellar doors in the Cessnock Local Government Area (LGA). The gift shop in the centre has an excellent range of local produce such as lavender and honey, handmade goods, artisan products and Hunter Valley souvenirs.	Name, address, phone number, email address, bank account details, credit card details, date of birth, gender, education details, disability and Health Information, personal opinions
<a href="#">Cessnock City Libraries</a>	Provides library services including home delivery; facilitates free computer and wi-fi usage; provides printing, photocopying, faxing and scanning services; facilitates book groups and adult events; hosts touring exhibitions and displays; and provides children and youth services such as reading programs and learning opportunities.	Name, address, phone number, email address, bank account details, credit card details, date of birth, gender, education details, personal opinions
<a href="#">Performance Arts Culture Cessnock</a>	Facilitates live entertainment experiences such as concerts and plays, and leases its facilities for hire such as its meeting rooms.	
<a href="#">Cessnock City Council Building Certifiers</a>	Facilitates fast processing of development approvals & building inspections, construction certificates (CC), complying development certificates (CDC), BCA compliance and alternative solution reports.	Name, address, phone number, email address, details, gender, bank account details, credit card details, date of birth.
<a href="#">Advance Cessnock City</a>	Provides support for local businesses to invest, establish, expand, grow and prosper.	

11.47. These websites are used to promote Council’s operations and services, the functions it performs and publish resources to help our customers and stakeholders understand the same. All of these websites facilitate access to this Plan and they do not publish Personal Information without permission.

11.48. Website data is stored on secure servers.

11.49. Council may take photos of, or film, events that it holds or participates in and use the images for promotional purposes. Council will seek permission from people before taking photos or filming events and advise them how Council will manage the images and what they will be used for. Those who agree will be asked to sign a consent form. Council will respect the wishes of those who do not wish to be photographed or filmed. Council stores photos and footage electronically on its secure computer network.

## 12. LINKED LEGISLATION

### ***Commonwealth Privacy Act 1988 (Cth)***

12.1. Council is not required to comply with the Australian Privacy Principles (APPs) in the *Privacy Act 1988 (Cth) (Privacy Act)* as it is not an ‘organisation’ within the meaning of that Act. However, Council is a ‘file number recipient’ for the purposes of the Privacy Act because it holds records of employees and other individuals which contain tax file number information. As such, Council must comply with any rules relating to tax file number information issued under Division 4 of the Privacy Act.

### ***GIPA Act***

12.2. The operation of the GIPA Act is not affected by the operation of the PPIP and HRIP Acts. Having noted this, the GIPA Act provides access to various government

information Council holds to any person subject to the operation of various exemptions under that Act.

- 12.3. Under the PPIP and HRIP Acts, access to information is provided only to the person to whom the information relates.

#### **Healthcare Identifiers Act 2010 (Cth)**

- 12.4. Council's default position is not to collect individual healthcare identifiers.
- 12.5. Individuals should be encouraged to not provide Medicare cards, Centrelink healthcare cards, or Department of Veteran's Affairs healthcare cards to Council for any purpose, including to verify their identity.
- 12.6. If an individual has no option but to provide identification that includes an individual healthcare identifier, no record or copy is to be made of that identification beyond a notation that it was sighted by a named Council staff member who affixes their signature to this notation.

### **13. CONTACTING COUNCIL**

- 13.1. Council's Privacy Contact Officer is the **Director Corporate and Community Services or their delegate**. You may contact the Privacy Contact Officer for information regarding:

- 13.1.1. How Council manages Personal Information;
- 13.1.2. Requests for access to and amendment of Personal Information;
- 13.1.3. Guidance on broad privacy issues and compliance.

- 13.2. Contact the Privacy Contact Officer of Council at:

Email: [publicofficer@cessnock.nsw.gov.au](mailto:publicofficer@cessnock.nsw.gov.au)  
Phone: 4993 4100                      Mail: PO Box 152, Cessnock NSW 2325  
Visit: 62-78 Vincent Street, Cessnock NSW 2325

# PART E - HOW INFORMATION IS MANAGED BY COUNCIL

## 14. ACCESS AND ACCURACY OF PERSONAL INFORMATION

14.1. Council must provide access to, and ensure the accuracy of, Personal Information in accordance with the PPIP Act, HRIP Act, and the Privacy Code of Practice for Local Government. Below is a summary of such requirements:

PPIP Act	Privacy Code	HRIP Act
<b>IPP6 - Transparent</b> ( <a href="#">section 13</a> ) Enough detail must be given about what Personal Information is stored, what purposes it is used for, and what rights an individual has to access it.	N/A	<b>HPP6 - Transparent</b> ( <a href="#">section 6 of Schedule 1</a> ) Council must advise individuals what Health Information is stored, what purposes it is used for, and what rights an individual has to access it.
<b>IPP7 - Accessible</b> ( <a href="#">section 14</a> ) At the request of the individual to whom the information relates, Council must allow an individual access to their Personal Information without unreasonable delay or expense.	N/A	<b>HPP7 - Accessible</b> ( <a href="#">section 7 of Schedule 1</a> ) At the request of the individual to whom the information relates, Council must provide an individual with access to their Health Information without excessive delay or expense.
<b>IPP8 - Correct</b> ( <a href="#">section 15</a> ) At the request of the individual to whom the information relates, Council must make appropriate amendments (whether by way of corrections, deletions or additions) to ensure that the Personal Information is accurate, relevant, up to date and not misleading.	N/A	<b>HPP8 - Correct</b> ( <a href="#">section 8 of Schedule 1</a> ) At the request of the individual to whom the information relates, Council must make appropriate amendments (whether by way of corrections, deletions or additions) to ensure that the Health Information is accurate, relevant, up to date and not misleading.
<b>IPP9 - Accurate</b> ( <a href="#">section 16</a> ) Council must take reasonable steps to ensure that the Personal Information is relevant, accurate, up to date and complete before using.	N/A	<b>HPP9 - Accurate</b> ( <a href="#">section 9 of Schedule 1</a> ) Council must ensure that the Health Information held is relevant, accurate, up to date, complete and not misleading before using.
<b>Exemptions</b> Council does not have to comply with the Privacy Principles about access and accuracy of Personal Information as outlined in: <ul style="list-style-type: none"> <li>▪ <a href="#">Section 23</a>;</li> <li>▪ <a href="#">Section 24</a>;</li> <li>▪ <a href="#">Section 25</a>;</li> <li>▪ <a href="#">Section 26</a>;</li> </ul>	<b>Exemptions</b> N/A	<b>Exemptions</b> Council does not have to comply with the Privacy Principles about access and accuracy of Health Information as outlined in: <ul style="list-style-type: none"> <li>▪ <a href="#">section 6(2) of Schedule 1</a>;</li> <li>▪ <a href="#">section 7(2) of Schedule 1</a>;</li> <li>▪ <a href="#">section 8(4) of Schedule 1</a>.</li> </ul>

14.2. When it comes to ensuring the accuracy of Personal Information, Council would generally rely only documents containing or referring to the said Personal Information that have been somehow verified by professional or technical staff, or they have been verified by the individual whose Personal Information is concerned.

**For example:** in order for Council to process requests for rates assistance due to financial hardship as per Council's Hardship policy, delegated staff require applicant to provide evidence in support which usually entails the applicant's Health Information. Council requires that any such evidence is provided in the form of a recent letter signed by a general practitioner.

**For example:** When taking referral information from service providers, or from young people and/or their guardian, delegated CYCOS staff may receive Health Information such as mental health issues or disability. This information is used by those CYCOS staff that are delegated to do so in tailoring the delivery of services to the young person. The information received would normally be checked only by the young person themselves making a disclosure or their legal guardian/agent.

## 15. USE OF PERSONAL INFORMATION

**15.1.** Council must collect Personal Information in accordance with the PPIP Act, HRIP Act, and the Privacy Code of Practice for Local Government. Below is a summary of such requirements:

PPIP Act	Privacy Code	HRIP Act
<p><b>IPP10 - Limited</b> (<a href="#">section 17</a>)</p> <p>Council may only use Personal Information for the purpose for which it was collected or for a directly related purpose, or if the individual has consented to use the information for another purpose.</p> <p>Council may use Personal Information for another purpose for which it was collected in order to prevent or lessen a serious and imminent threat to that person's life, health or safety.</p>	<p>Council may use Personal Information for a purpose other than the purpose for which it was collected in the following circumstances:</p> <p>a) Where the use is for the purpose of undertaking Council's lawful and proper function(s) and Council is satisfied that the Personal Information is reasonably necessary for the exercise of such function(s); or</p> <p>b) Where Personal Information is to be used for the purpose of conferring upon a particular person, an award, prize, benefit or similar form of Personal recognition.</p>	<p><b>HPP10 - Limited</b> (<a href="#">section 10 of Schedule 1</a>)</p> <p>Council may only use Health Information for the purpose for which it was collected (<b>primary purpose</b>) unless the individual in question has consented to the Health Information being used for another purpose (<b>secondary purpose</b>) i.e: the secondary purpose is directly related to the primary purpose and that the individual in question would expect for Council to use the information for that secondary purpose; or the secondary purpose of the information Council can use it for is:</p> <ul style="list-style-type: none"> <li>▪ to lessen or prevent a serious (and imminent) threat to life, Health or safety of the individual or another person, or to lessen or prevent a serious threat to public Health or public safety (whether the Health Information is genetic or otherwise); or</li> <li>▪ for the funding, management, planning or evaluation of health services; or</li> <li>▪ for the training of Council staff; or</li> <li>▪ research, or the compilation or analysis of statistics, in the public interest; or</li> <li>▪ for Council to ascertain the whereabouts of an individual who has been reported as a missing person; or</li> <li>▪ for Council to provide the information to an immediate family member of the individual for compassionate reasons; or</li> <li>▪ for Council to conduct its investigation into suspected unlawful activity, unsatisfactory professional conduct or breach of discipline; or</li> <li>▪ for Council to use it in the exercise of complaint handling functions or investigative functions by investigative agencies; or</li> </ul>

		<ul style="list-style-type: none"> <li>▪ for other prescribed circumstances.</li> </ul> <p>In addition to the limitations above, which are detailed in the respective subsections of the HRIP Act, there are further exemptions where Council can use Health Information for a secondary purpose. Otherwise Council must seek consent from the individual to use their Health Information for a secondary purpose.</p>
<p><b>Exemptions</b></p> <p>Council does not have to comply with the Privacy Principles about use of Personal Information as outlined in:</p> <ul style="list-style-type: none"> <li>▪ <a href="#">section 23(4)</a>;</li> <li>▪ <a href="#">section 23(6A)</a>;</li> <li>▪ <a href="#">section 24(2)</a>;</li> <li>▪ <a href="#">section 25</a>;</li> <li>▪ <a href="#">section 27A</a>;</li> <li>▪ <a href="#">section 27B</a>;</li> <li>▪ <a href="#">section 28(3)</a>;</li> </ul>	<p><b>Exemptions</b></p> <p>N/A</p>	<p><b>Exemptions</b></p> <p>Council does not have to comply with the Privacy Principles about use of Health Information as outlined in <a href="#">section 10(2) of Schedule 1</a>.</p>

**15.2.** The meaning of what constitutes ‘use’ should be read with the ordinary English meaning as it is not defined in the relevant legislation.

**15.3.** Council uses the information it collects to:

- 15.3.1. Perform its functions, conduct its operations and provide services to the community;
- 15.3.2. Determine the nature of complaints, feedback, submissions, enquiries and other communications, and refer them to relevant Council Officials or other authorities;
- 15.3.3. Resolve complaints or respond to other forms of communication;
- 15.3.4. Communicate with individuals;
- 15.3.5. Conduct or undertake reviews, assessments, investigations or process complaints and refer these to the relevant authority if required;
- 15.3.6. Request advice, where needed, from oversight bodies, third party service providers including Council’s legal representatives;
- 15.3.7. Advise Council Officials and stakeholders of recurring trends and issues;
- 15.3.8. Educate our stakeholders and the community about particular issues through published documents and reports.

**15.4.** Council Officials must make sure Personal Information is accurate before using it and thus make every reasonable efforts to do so.

**For example:** As part of their training, Council Officials are advised to do the following to ensure Council records are accurate and complete:

- Information is to be recorded at the time of interaction with customers and individuals, as soon it becomes available, or as soon as it is practicable to do so;



- Council records should generally be made by those collecting the information or are present when the information was collected;
- Information about individuals needs to be recorded against their Name and Address Record (**NAR**) or if the information is about Council Officials, their personnel file.
- Alterations or amendment to an individual's NAR is to be undertaken by authorised Council staff only;
- Check contact details directly with a person to make sure the information is correct and ask people to spell their names where necessary. This is to make sure information and correspondence is sent to the right person.

**15.5.** Personal Information of Council staff is used by management, or via relevant reporting lines, specific to the staff member. The information may also be forwarded and disclosed to the People and Culture team or to other people management service providers supporting Council. Unless otherwise stated, the Personal Information collected by Council about its staff is used only for workforce management.

**15.6.** Any other likely uses provided to an individual at the time, or shortly after, Council collects that individual's Personal Information, are also uses in addition to the above.

## 16. DISCLOSURE OF PERSONAL INFORMATION

**16.1.** Council must disclose Personal Information in accordance with the PPIP Act, HRIP Act, and the Privacy Code of Practice for Local Government. Below is a summary of such requirements:

PPIP Act	Privacy Code	HRIP Act
<p><b>IPP11 - Restricted</b> (<a href="#">section 18</a>)</p> <p>Council may only disclose Personal Information to another body or person:</p> <ul style="list-style-type: none"> <li>▪ With the individual's consent; or</li> <li>▪ If the individual is likely to have been aware, or has been made aware during collection, that information of that kind is usually disclosed to that other individual; or</li> <li>▪ If the use is for a directly related purpose and Council considers that the individual would not object; or</li> <li>▪ Disclosure is necessary to prevent or lessen a serious and imminent threat</li> </ul>	<p>Council may disclose Personal Information to Public sector agencies or utility providers on the condition that:</p> <ol style="list-style-type: none"> <li>a) The agency or utility provider has approached Council in writing;</li> <li>b) Council is satisfied that the information is to be used by that agency or utility provider; and</li> <li>c) Council is satisfied that the Personal Information is reasonably necessary for the exercise of that agency or utility provider's function(s).</li> </ol>	<p><b>HPP11 - Limited</b> (<a href="#">section 11 of Schedule 1</a>)</p> <p>Council may only disclosure Health Information for the purpose for which it was collected (<b>primary purpose</b>) unless the individual in question has consented to the Health Information being used for another purpose (<b>secondary purpose</b>) i.e: the secondary purpose is directly related to the primary purpose and that the individual in question would expect for Council to use the information for that secondary purpose; or the secondary purpose of the information Council can use it for is:</p> <ul style="list-style-type: none"> <li>▪ to lessen or prevent a serious (and imminent) threat to life, health or safety of the individual or another person, or to lessen or prevent a serious threat to public health or public safety (whether the Health Information is genetic or otherwise); or</li> <li>▪ for the funding, management, planning or evaluation of health services; or</li> <li>▪ for the training of Council staff; or</li> <li>▪ research, or the compilation or analysis of statistics, in the public interest; or</li> </ul>

<p>to the life or health of a person.</p>	<p>Council may disclose Personal Information:</p> <ul style="list-style-type: none"> <li>▪ For the purpose of conferring upon a person an award, prize, benefit or similar form of Personal recognition;</li> <li>▪ Where a prospective employer seeks to verify that a current or former staff works or has worked for Council, the duration of their work, and the position they occupied during that time.</li> </ul>	<ul style="list-style-type: none"> <li>▪ for Council to ascertain the whereabouts of an individual who has been reported as a missing person; or</li> <li>▪ for Council to provide the information to an immediate family member of the individual for compassionate reasons; or</li> <li>▪ for Council to conduct its investigation into suspected unlawful activity, unsatisfactory professional conduct or breach of discipline; or</li> <li>▪ for Council to use it in the exercise of complaint handling functions or investigative functions by investigative agencies; or</li> <li>▪ for other prescribed circumstances.</li> </ul> <p>In addition to the limitations above, which are detailed in the respective subsections of the HRIP Act, there are further exemptions where Council can use Health Information for a secondary purpose. Otherwise Council must seek consent from the individual to use their Health Information for a secondary purpose.</p>
<p><b>IPP12 - Safeguarded</b> (<a href="#">section 19</a>)</p> <p>Council cannot disclose an individual's sensitive Personal Information (ethnicity or racial origin, political opinions, religious or philosophical beliefs, health matters or sexual orientation, or trade union membership) without their consent, unless:</p> <ul style="list-style-type: none"> <li>▪ Council believes the recipient would receive and handle the information in accordance to principles for fair handling principles similar to the Privacy Principles; or</li> <li>▪ Council has consent to do so; or</li> <li>▪ To effect contractual rights and as per request by the individual; or</li> </ul>	<p>Where Council is requested by a potential employer outside of NSW, Council can verify that:</p> <ul style="list-style-type: none"> <li>▪ A current or former employee works or has worked for Council;</li> <li>▪ The duration of their employment; and</li> <li>▪ The position occupied during their employment.</li> </ul>	<p><b>HPP12 – Not identified</b> (<a href="#">section 12 of Schedule 1</a>)</p> <p>Council should only identify individuals by using identifiers if it is reasonably necessary to carry out Council functions efficiently.</p>

<ul style="list-style-type: none"> <li>▪ The disclosure is for the benefit of the individual if they were to consent to it; or</li> <li>▪ Council believes the disclosure would lessen or prevent a serious and imminent threat to life, health or safety; or</li> <li>▪ Council has ensured the information will not be handled by the recipient inconsistently with the Privacy Principles; or</li> <li>▪ The disclosure is permitted or required by any legislation.</li> </ul>		
<p>Council does not have to comply with the Privacy Principles about disclosure as outlined in:</p> <ul style="list-style-type: none"> <li>▪ <a href="#">section 23(5) and (6)</a>;</li> <li>▪ <a href="#">Section 23A(2)</a>;</li> <li>▪ <a href="#">Section 24(1), (3), (4) and (5)</a>;</li> <li>▪ <a href="#">section 25</a>;</li> <li>▪ <a href="#">section 26(2)</a>;</li> <li>▪ <a href="#">section 27A</a>;</li> <li>▪ <a href="#">section 27B</a>;</li> <li>▪ <a href="#">section 28(3)</a>;</li> </ul>	<p>Council cannot disclose an opinion as to a person's suitability to a particular position with any potential employer unless Council is satisfied that the person has provided their consent to provide a reference, which may include an opinion as to that person's suitability for the position they have applied.</p>	<p>N/A</p>

### **General Identifiers**

- 16.2.** Council collects general identifiers that are not health identifiers (clause 12.4) from Council Officials, such as Unique Student Identification (**USI**) numbers.

### **Enquiries**

- 16.3.** Personal Information is used by Council only when dealing with enquiries related to that person. If Council receives more enquiries, a complaint, or review request from that person, it may look at past enquiries to get background information.
- 16.4.** Council does not disclose information about a particular enquiry to anyone outside of its office without the consent of the enquirer.

### **Reviews, complaints, assessments and investigations**

- 16.5.** Council may discuss Personal Information with the relevant agency, organisation or individuals when conducting a review, an assessment or investigation, or processing a complaint. To undertake its functions Council may disclose the name of review

applicants but only to an agency legally involved in such affairs and for which Council is allowed to do under the PPIP Act and HRIP Act.

- 16.6. Council includes relevant Personal Information in the reports it writes as a result of conducting a review, an assessment or investigation, or processing a complaint. If we decide to share such reports, Council will generally send these reports to the parties associated with the matter or oversight bodies, provided there are no overriding presumptions against such disclosure.
- 16.7. When Council is involved in proceedings, it may disclose Personal Information relevant to that particular case. It may also refer issues to other oversight bodies.
- 16.8. Apart from the above, Council does not disclose Personal Information to anyone not directly involved in a complaint, investigation, assessment or review case unless authorised or required to do so by law.

### ***Sensitive Personal Information***

- 16.9. Council is particularly careful when dealing with sensitive Personal Information, namely information relating to an individual's ethnic or racial origin, political opinions, religious or philosophical beliefs, trade union membership or sexual activities, or Health Information.
- 16.10. Given the cultural and generational diversity of individuals Council interacts with, they have different expectations about how some of their Personal Information will be used or disclosed. These expectations can be based on their own cultural background or personal experience, family situation, a feeling that certain information is particularly stigmatising or additional legal restrictions imposed on use or disclosure.
- 16.11. An example of the specific arrangements Council has put in place is in relation to the domestic and family violence support offered to staff and the special restrictions which apply by law to the release of information in these specific circumstances. Council has developed two controlled documents which provide guidance on management of Personal Information in such circumstances (see the Administration part of this Plan) and individuals are advised to access these documents for detailed guidance on the particular area of interest.

### ***Accessing adjoining property information***

- 16.12. The *Dividing Fences Act 1991* (NSW) stipulates who is responsible for contributing to the cost of building, repairing or replacing a standard dividing fence between adjoining properties and to what extent. One of the requirements the Act imposes at the start of this process is that a notice, as prescribed in the Act, is served on the adjoining owner seeking the relevant cost apportioned for the fencing work. To do so, one must know who the notice should be addressed to. Sometimes customers request the personal contact details of the owners of the land adjoining their property because they have been unsuccessful in getting into contact with them themselves, or because the land is not yet occupied or residential.
- 16.13. In such circumstances, Council requires customers to complete a '*Dividing Fences Application*' form whereby they declare that:
  - 16.13.1. they require Personal Information for the purpose of constructing, repairing or replacing a fence,
  - 16.13.2. they consent to keep any information provided to them secure and only use it for the purpose provided to them,

16.13.3. they will not retain, copy, disseminate or disclose Personal Information for any other purpose and that they are aware that doing so will be in breach of the PPIP Act, and

16.13.4. other conditions Council deems appropriate to impose from time to time.

**16.14.** Council requires proof of identity and proof of ownership/residency to accompany such applications to ensure their validity and Council will provide contact details of adjoining neighbours only once it is satisfied with the legitimacy of such applications.

**16.15.** Once satisfied, Council will only provide one form of contact information – postal address for the adjoining neighbour. Council relies on the exemption provided by section 25(b) of the PPIP Act to release this information.

**16.16.** The '*Dividing Fences Application*' form is a request for information pursuant to section 8 of the GIPA Act and as such Council is not obligated to process it, Council can impose any conditions to the information it decides to release it believes appropriate and there are no review or appeal rights attached to it.

### ***Referrals to other oversight bodies***

**16.17.** In accordance with a number of Acts, Regulations and other directives, Council can disclose information to:

16.17.1. Agency Heads;

16.17.2. Government Ministers;

16.17.3. NSW Planning Panels;

16.17.4. The NSW Environment Protection Authority (**EPA**);

16.17.5. OLG;

16.17.6. IPC;

16.17.7. NSW Ombudsman;

16.17.8. ICAC;

16.17.9. NSW Parliament and NSW Parliamentary Committees; and

16.17.10. Other NSW Government agencies.

**16.18.** Council will ensure compliance with the IPPs and HPPs in all such disclosures and only make such disclosures when permitted or required by the relevant Acts, Regulations and other directives.

### ***Requests for Personal Information from other agencies (inter-agency requests)***

**16.19.** When Council receives requests from other agencies such as NSW Police, the EPA and others, we ask that the request is made in writing with enough information to identify the agency, the legislation they rely on for the provision of the sought information and the purpose for which they intend to use this information.

**16.20.** Most of such requests are forwarded to Council's Governance Team for checking their validity and auctioning them. Any staff involved in the release of Personal Information in response to requests from other agencies have the relevant delegations and satisfactory training to do so.

### ***GIPA Act***

**16.21.** The GIPA Act restricts Council from disclosing any information to an individual or an organisation with respect to Council's operations and services, undertaking reviews,

assessments or investigations, or processing complaints where Council has decided there is an overriding public interest against disclosure. This often includes Personal Information.

**Legal Counsel**

- 16.22. Council reserves the right to seek legal counsel and may disclose Personal Information of individuals to such legal counsel.
- 16.23. Personal Information disclosed in this manner, and any act of such disclosure, is subject to legal professional privilege and nothing in this Privacy Management Plan constitutes a waiver of this privilege.

**17. STORAGE AND SECURITY OF INFORMATION**

17.1. Council must store Personal Information in accordance with the PPIP Act, HRIP Act, and the Privacy Code of Practice for Local Government. Below is a summary of such requirements:

PPIP Act	Privacy Code	HRIP Act
<p><b>IPP5 - Secure</b> (<a href="#">section 12</a>)</p> <p>Personal Information must be stored securely, not kept any longer than as required by the General Retention and Disposal Authority for Local Government Records issued by the State Records Authority of NSW, and be disposed of appropriately.</p> <p>Council must take reasonable steps to protect the information from unauthorised access, use, modification or disclosure.</p>	N/A	<p><b>HPP5 - Secure</b> (<a href="#">section 5 of Schedule 1</a>)</p> <p>Health Information must be stored securely, not kept any longer than as required by the General Retention and Disposal Authority for Local Government Records issued by the State Records Authority of NSW, and be disposed of appropriately.</p> <p>Council must take reasonable steps to protect the information from unauthorised access, use, modification or disclosure.</p>
N/A	N/A	<p>Council does not have to comply with the Privacy Principles about storage of Health Information as outlined in <a href="#">section 5(2) of Schedule 1</a>.</p>

- 17.2. Council stores Personal Information electronically and in hard copy files. Council mostly practices a ‘clean desk’ approach where possible, which means hard copy case files are secured at the end of the day or when not in use where practicable.
- 17.3. Sometimes, Council staff members take files off-site in order to tend to their duties, such as when conducting inspections. Council staff members do not leave sensitive files unattended and do not let anyone else access them. Encrypted USB devices are used where possible.
- 17.4. Council records details of each enquiry on electronic enquiry registers and stores electronic and hard copies of written enquiries. No one other than Council staff can access these registers.

**Systems, databases and information management**

- 17.5. Council has a service agreement with the following service providers for the provision of records or information management services:
  - 17.5.1. Civica Group;
  - 17.5.2. Grace Records Management;

- 17.5.3. Local Government Software Solutions (**LGSS**);
  - 17.5.4. Scout for Recruitment;
  - 17.5.5. Vault (volunteers, incident and workers' compensation management system);
  - 17.5.6. Pulse (onboarding, compliance and reporting, and delegations management system);
  - 17.5.7. Vendor Panel (procurement management system).
- 17.6.** All of Council's electronic information is stored securely on Council managed servers in the Council Administration Building or the above service providers.
- 17.7.** Council implements the following measures to ensure the credibility and security of the information it holds:
- 17.7.1. Council servers are backed up daily;
  - 17.7.2. Council networks are secure and require individual logins;
  - 17.7.3. Council staff do not give out passwords to anyone or let anyone else use their computer login;
  - 17.7.4. We classify information in accordance with the General Authority 39 – Local Government Records set by NSW State Archives and Records;
  - 17.7.5. We follow the directions provided by the State Record legislation and directives.
- 17.8.** Council considers and applies privacy compliance advice when considering and implementing new information management systems and software to ensure any new system complies with the PPIP Act and HRIP Act and will take reasonable steps to address any issues identified.
- 17.9.** Information collected during the performance of Council's function is held on Council's information management systems; Authority, Pulse Software and Content Manager. These databases are held on secure servers.
- 17.10.** Council also contributes Personal Information to a number of online databases/tools or organisations for compliance and reporting purposes, including but not limited to:
- 17.10.1. The GIPA Tool managed by the IPC;
  - 17.10.2. Public Interest Disclosures online reporting managed by the NSW Ombudsman;
  - 17.10.3. Companion Animals Register managed by the OLG;
  - 17.10.4. Revenue NSW in relation to issuing of fines.

### **Physical security**

- 17.11.** Hard copy files are predominantly located in Council's Administration Centre at 62-78 Vincent Street, Cessnock, NSW, 2325. Council staff have key card access to the office. Visitors cannot enter without permission. Council's Administration Centre is locked outside of business hours.
- 17.12.** When not being used, hard copy files and sensitive information are securely stored. Secure printing is used by Council by each staff member having to use individual swipe cards.
- 17.13.** Council staff members have unique user accounts and passwords to access our computer systems. In accordance with Council's *Staff Internet and E-mail Use Protocol*, our staff do not give out passwords to anyone or let anyone else use their computer login.

- 17.14.** Older hard copy files are archived in a secure storage facility in compliance with the *State Records Act 1998* (NSW). For sensitive documents that need to be destroyed, Council uses locked bins from which the documents are securely destroyed.

***Private sector companies, government agencies and contractors***

- 17.15.** Council may use private sector companies, contractors, or other government agencies for services. If these organisations or individuals have or are likely to have access to Personal Information, Council ensures that Personal Information is managed in line with the PPIP Act, HRIP Act and information security policies. Council might do this by:

17.15.1. asking for evidence of their information handling processes, and/or

17.15.2. inserting a privacy clause into our contracts.

- 17.16.** Council will also consider how a private sector company, agency or contractor will manage Personal Information they may have access to before engaging with them.

- 17.17.** An external entity that may manage or collect Personal Information on behalf of the Council includes:

17.17.1. The service providers noted in clause 17.5 in providing information technology and systems and support,

17.17.2. a secure shredding company in order to carry out the destruction of sensitive documents,

17.17.3. a marketing company that manages Council's mailing lists and newsletters,

17.17.4. temporary staff procured from providers under government contracts,

17.17.5. event management companies in order to host events and manage registrations,

17.17.6. independent contractors, and

17.17.7. IT contractors.

**18. PUBLIC REGISTERS**

- 18.1.** The PPIP Act governs how Council should manage Personal Information contained in Public Registers. Before disclosing Personal Information contained in a Public Register, except for the Written Returns Register, Council must be satisfied that the individual requesting access to the Personal Information intends to use the information for a purpose directly related to the purpose of the Public Register or the Act under which the Register is kept.

- 18.2.** An individual may request access to Personal Information contained in a Public Register, except for the Written Returns Register, by completing a statutory declaration stating that the intended use of the information is consistent with the purpose for which Council holds that particular register. An example statutory declaration is provided in Appendix 2.

- 18.3.** Council can determine whether to provide a copy of the whole or part of a Public Register depending on whether such disclosure fits with the purpose for which it was collected.

- 18.4.** If access to Personal Information which is not contained in a Public Register is requested, then Council will generally process such requests on an informal basis provided it is appropriate to do so. If not, individuals will be encouraged and assisted where possible to complete a formal access application which will be processed in accordance the GIPA Act.

- 18.5.** Council's Public Registers include:



Act / Regulation / Directive	Section / Clause of Act / Reg / Directive	Name of Register	Purpose	Access and contact
<i>Local Government Act 1993 (NSW)</i>	Section 53	Land Register	Identify land vested in or under Council's control	Register can be accessed on Council's website  Contact Customer Service
	Section 113	Record of Approvals	Identify approvals granted under the LG Act	Register can be accessed on Council's website  Contact Customer Service OR Development Services
	Section 328A	Political donations disclosures	Identify donations to Councillors	Register can be accessed on Council's website  Contact Customer Service OR Access to Information and Governance Officer
	Sections 377 and 378	Register of Delegations	Identify functions delegated by the General Manager to Council officers	Register can be accessed by informal request under the GIPA Act.
	Section 602	Rates Records	In relation to a parcel of land, identify the value and rate liability, and its owner or lessee	Register can be accessed by informal request under the GIPA Act.
Code of Conduct	Clauses 4.1 – 5.14	Disclosures in written returns	Identify pecuniary and non-pecuniary interests of the General Manager, Senior Staff, designated persons and Councillors	Contact Customer Service OR Access to Information and Governance Officer
	Part 6	Gifts and Benefits Register	List gifts and benefits Council Officials get offered, receive, decline or are unable to decline	Contact Customer Service OR Access to Information and Governance Officer

<i>Environmental Planning and Assessment Act 1979 (NSW) (EP&amp;A Act)</i>	Section 4.58	Register of Consents and Certificates	Identify approvals, consents and related appeals under the EP&A Act	Register can be accessed on Council's website  Contact Customer Service OR Development Services
	Section 6.26	Record of Building Certificates	Identify building certificates	Contact Customer Service OR Building Services Team
<i>Environmental Planning and Assessment Regulation 2021 (NSW) (EP&amp;A Regulation)</i>	Section 206	Planning Agreements Register	Identify planning agreements Council has entered into regarding developments in the LGA	Register can be accessed on Council's website  Contact Customer Service OR Strategic Planning
	Section 217	Contributions Register	Identify contributions planned and made regarding developments in the LGA	Contact Customer Service OR Strategic Planning
	Regulation 121	Register of Modification of Development Consents	Identify modifications to development consents under the EP&A Act	Register can be accessed on Council's website  Contact Customer Service OR Development Services
<i>Protection of the Environment Operations Act 1997 (NSW) (POEO Act)</i>	Section 308	Public Register of Licences	Identify licences granted under the POEO Act	Contact Customer Service OR Health Environmental Services
<i>Public Spaces (Unattended Property) Act 2021 (NSW) (PSUP Act)</i>	Section 33	Records of possession	Identify property and items taken possession of by Council	Contact Customer Service OR Rangers
<i>Government Information (Public Access) Act 2009 (NSW) (GIPA Act)</i>	Section 6(5)	Records of Open Access Information	Identify government information Council holds that has been determined as 'open access information'	Such records can be accessed on Council's website  Contact Customer Service OR Access to Information and Governance Officer
	Section 25	Disclosure Log of Access Applications	Identify access applications where there is a public interest in favour of	Register can be accessed on Council's website

			disclosure and Council has determined to provide access to the information	Contact Customer Service OR Access to Information and Governance Officer
	Section 27	Register of Government Contracts	Identify Council contracts that have (or are likely to have) a value of \$150,000 or more	Register can be accessed on Council's website  Contact Customer Service OR Access to Information and Governance Officer

**18.6.** Any person whose Personal Information is recorded in a Public Register has the right to request that their personal details be suppressed. Council will comply with the request if it is satisfied the person's safety or wellbeing would be affected by not suppressing the information. Applications to suppress Personal Information from a Public Register must be made in writing and addressed to the General Manager pursuant to section 739 of the LG Act using the template provided in Appendix 3.

## 19. SOCIAL MEDIA

**19.1.** Individuals interact with Council via several social media channels in the full range of methods permitted by each of those channels and in doing so provide Council with Personal Information which is collected.

**19.2.** Where social media platforms permit, interactions will be moderated to ensure Personal Information is not disclosed or used. This includes actions such as delaying the publishing of interactions such as comments to avoid information that may identify other individuals from being published on a Council page.

**19.3.** All social media pages, accounts, channels or equivalent account publishing platforms are required to include a privacy notice which links to this Plan and Council's Privacy Statement:

19.3.1. Such privacy notices should also include a statement to the effect that interactions that could reasonably identify an individual without their consent will be deleted.

19.3.2. Simplified privacy notices can be used where the platform imposes character limitations that prevent a full privacy notice being included.

19.3.3. *"When you comment, mention, post or direct message with this social media account, Cessnock City Council collects your personal information for the purpose of communicating with you and receiving your feedback on this platform. You can read Council's Privacy Management Plan and Privacy Statement on our website."* is an example of a simplified privacy notice.

19.3.4. Where a platform does not permit hyperlinks the full website URLs should be included.

**19.4.** Council does not accept complaints, requests for works or information, or submissions through any social media channel and any individual attempting to communicate such should be reminded of the correct way to do this.

**19.5.** Any direct messages should initially be responded to with a message that includes a reminder to review the account's simplified privacy notice.

## 20. CLOSED CIRCUIT TELEVISION (CCTV)

- 20.1.** Council installs and maintains CCTV cameras on Council premises and facilities for a number of purposes, including but not limited to:
- 20.1.1. To ensure the safety and security of staff, students and visitors whilst on Council premises or facilities;
  - 20.1.2. To protect assets and property of Council and others;
  - 20.1.3. To assist in crime prevention and aid in the investigation of criminal activity or other suspected misconduct or wrongdoing; and
  - 20.1.4. To assist Council to manage its premises and facilities, such as its car parks, playgrounds, libraries, parks, etc.
- 20.2.** Prominent signage notifies all Council staff, contractors, volunteers and members of the public of the use of CCTV and that they may be under surveillance and the cameras are clearly visible.
- 20.3.** The installation, use and monitoring of CCTV including the storage, retention, use and disclosure of footage, is governed by appropriate Council policies developed and amended from time to time which take into account the guidelines provided by the [NSW Government policy statement and guidelines for the establishment and implementation of CCTV in public spaces](#).

## 21. TRANSBORDER DATA FLOW TO STATE OR COMMONWEALTH AGENCIES

- 21.1.** Council will only provide your Personal Information to another person or body who is in a jurisdiction outside New South Wales or to a Commonwealth agency, where:
- 21.1.1. It is a legal requirement and upholds the Privacy Principles; or
  - 21.1.2. you consent to the transfer, or
  - 21.1.3. the transfer is necessary to do something you have requested, or
  - 21.1.4. the transfer is reasonably necessary to lessen or prevent serious and imminent threat to the life, health or safety of a person, or
  - 21.1.5. we have taken reasonable steps to ensure the Privacy Principles will be complied with; or
  - 21.1.6. the transfer is permitted or required by legislation or law or
  - 21.1.7. all of the following apply:
    - i. The transfer is for your benefit, and
    - ii. It is impracticable to obtain consent from you, and
    - iii. If it were practicable to obtain consent, you would be likely to give it.

## 22. DATA BREACHES

- 22.1.** A data breach occurs when there is a failure that has caused or has the potential to cause unauthorised access to Council's data which may result in an unauthorised disclosure of Personal Information Council holds. Examples include malware, hacking and data theft, accidental loss of a paper record, laptop, or USB stick, and emails sent to the wrong recipients if they contained classified material or Personal Information.

- 22.2.** If Council becomes aware of a data breach, either through the process of an internal review (privacy complaint) or it is identified that something has happened that may have caused a data breach, Council's response will be as outlined in its *Data Breach Management Protocol* and its corresponding *Guideline*. These documents outline the procedures and practices used by Council to ensure compliance with the obligations and responsibilities set out in Part 6A of the PPIP Act for the mandatory notification of data breach scheme.

To report a data breach involving Council, please refer to Council's website.

## 23. CYCOS

- 23.1.** CYCOS handles the Personal Information of minors, often in vulnerable positions, and in addition to other provisions in this Plan is guided by the specific provisions in this clause 23.
- 23.2.** In providing social services, counselling, and related support services CYCOS is a health service provider and the Council Officials or contractors who work within this service are required to review the statutory guidelines for the HRIP Act published by the IPC during any induction training and on a yearly basis, and in the event new guidelines are published.
- 23.2.1. In particular, the '[Collection of health information from a third party](#)', the '[Use or disclosure of health information for the management of health services](#)', and the '[Use or disclosure of health information for training purposes](#)' guidelines should be reviewed.
- 23.3.** Personal Information provided to CYCOS about an individual who receives services from CYCOS, or subsequent to that provision of information receives services from CYCOS, must be carefully assessed to distinguish if it is Health Information.
- 23.3.1. For clarity, any information about an individual's behaviour, concerns expressed regarding mental health, or requests for intervention or support that are intended to lead to a better mental health outcome in addition to any social outcome, is presumed to be Health Information unless a clear contraindication exists.
- 23.4.** Personal Information can be collected from third parties by both solicited and unsolicited means. When this information has been provided and is recorded or used by CYCOS it is considered to have been collected as if it were solicited from the individual and the privacy notice requirements of IPP 3 and HPP 4 are triggered.
- 23.5.** There are exceptions to these notice requirements and CYCOS must consider these carefully, in particular:
- 23.5.1. Whether the individual has expressly consented to not receiving notices (HPP 4(4)(a));
- 23.5.2. Whether there is a law requiring (HPP 4(4)(b)) or permitting (HPP 4(4)(c)) notices to not be provided;
- 23.5.3. Whether notifying the individual of the collection would, in the circumstances, prejudice the interests of the individual (HPP 4(4)(d)).

## 24. RANGERS

- 24.1.** Personal Information collected by Council Rangers (**Rangers**) in connection with law enforcement activities is largely excluded from the application of the IPPs under section 23 of the PPIP Act.

- 24.2.** In all situations where Rangers collect Personal Information, regardless of the application of section 23 of the PPIP Act, privacy notices will be given by Rangers with a verbal referral to this Plan or Council’s Privacy Statement on Council’s website, if it is practicable to do so.
- 24.3.** Where Personal Information is collected in situations where section 23 of the PPIP Act does not apply, Council acknowledges the obligation to handle that information in accordance with the IPPs and/or HPPs and complies with these requirements.
- 24.4.** Rangers are issued with surveillance devices that are not to be used in breach of the *Surveillance Devices Act 2007* (NSW). Accordingly, Rangers are only to use the surveillance devices in accordance with Council’s Surveillance Devices Procedure. Private conversations, private property, and Council staff performing their function in the workplace, shall not be recorded by these devices unless expressly permitted by legislation and only to the extent such legislation permits.
- 24.5.** In the interest of transparency in government information handling and regardless of the operation of section 23 of the PPIP Act, Council commits to the following when Rangers collect Personal Information:
  - 24.5.1. Personal Information will only be collected by Rangers in relation to a lawful purpose;
  - 24.5.2. Personal Information may at times be collected indirectly, such as in the form of witness statements and interviews, however this indirect collection will be limited to that which is relevant to the functions Rangers carry out;
  - 24.5.3. Individuals that Rangers collect Personal Information from will be notified by Rangers of this collection occurring and, where it is practicable to do so, refer the individual to this Plan and Council’s Privacy Statement on Council’s website;
  - 24.5.4. Where practicable, the collection of Personal Information will not unreasonably intrude into the personal affairs of an individual;
  - 24.5.5. Information collected will be stored securely and de-identified or destroyed when it is no longer necessary or required by law, regulation, or subordinate legislative instruments to be held, regardless of the medium that the information is held on;
  - 24.5.6. The rights to access Personal Information, in particular surveillance devices footage, will be regulated by legislation or the relevant Privacy Code. Any request for access will be dealt with as a request under the GIPA Act.

**25. ARRANGEMENTS WITH OTHER AGENCIES**

- 25.1.** From time to time, Council enters in Memorandums of Understanding (**MOUs**) or other referral arrangements with other agencies about handling Personal Information with respect to specific projects. Each individual arrangement details the impact of the arrangement, and the roles all parties had in the process.

ARRANGEMENT	DESCRIPTION
<b>Data Sharing Protocol</b> with NSW Resilience	Agreement to share information, including Personal Information, in response to the bushfires that occurred in 2019/2020. NSW Resilience requires the data to maintain a list of properties damaged and destroyed within the Cessnock Local Government Area and to assist with facilitating a coordinated outreach and recovery strategy.

	<p>Agreement outlines the categories of Personal Information that may be shared between the parties, its uses and further disclosure, and security measures that the parties are required to implement to ensure the shared Personal Information is securely handled.</p>
<p><b>DRIVES Agreement</b> with Transport for NSW</p>	<p>Ongoing agreement allowing Council access to information, including Personal Information, held in their Driver and Vehicle Information System (<b>DRIVES</b>) containing information relating to NSW motor vehicle registrations and driver licensing. The permitted purposes for which Council can access the DRIVES are to ascertain the name and address of a person appeared to have committed an offence under the:</p> <ul style="list-style-type: none"> <li>▪ <i>Road Rules 2014</i> (NSW) with respect to restrictions on stopping and parking, traffic control devices and traffic related terms;</li> <li>▪ <i>POEO Act</i> with respect to environmental investigations, notices and offences;</li> <li>▪ <i>LG Act</i> with respect to offences regarding failure to vote, free parking areas, and liability of vehicle owners;</li> <li>▪ <i>PSUP Act</i> with respect to offences concerning items taken into possession by Council;</li> <li>▪ <i>Companion Animals Act 1998</i> (NSW) with respect offences against this Act or its regulation;</li> <li>▪ <i>Biosecurity Act 2015</i> (NSW) with respect to offences prescribed by the Act or its regulation;</li> <li>▪ <i>Food Act 2003</i> (NSW) with respect to offences prescribed by the Act or its regulation;</li> <li>▪ <i>Public Health Act 2010</i> (NSW) with respect to offences prescribed by the Act or its regulation;</li> <li>▪ <i>EP&amp;A Act</i> with respect to offences prescribed by the Act or its regulation.</li> </ul> <p>In addition to the permitted purposes, the DRIVES Agreement outlines the terms and conditions of this arrangement, including responsibilities of authorised users, and their local and remote access; Council’s security standards and confidentiality practices, liability and indemnity, maintenance of privacy, etc; Council’s mandatory requirement to demonstrate compliance to Transport for NSW making the continuation of the DRIVES Agreement provisional on Council’s successful compliance; immediate suspension of Council’s access to the DRIVES for unauthorised use of the information or for any other breach of the DRIVES Agreement</p>
<p><b>DA Consultation Protocol</b> with the Hunter Valley Police District of the NSW Police Force</p>	<p>An agreement to facilitate effective consultation on certain types of development applications, which includes the disclosure of Personal Information within. The Protocol outlines the procedure for consultation.</p> <p>In accordance with section 4.15 of the EP&amp;A Act, Council is required to consider and implement Crime Prevention Through Environmental Design (<b>CPTED</b>) principles when assessing development applications and consultation on crime prevention with the District meets this requirement.</p>

## PART F – ABOUT COUNCIL

### 26. THE GOVERNING BODY AND THE ADMINISTRATION

- 26.1. The Councillors, including the Mayor, comprise the governing body of Council and are responsible for the strategic direction of Council. The General Manager is responsible for conducting the day-to-day management of Council's affairs. The General Manager and the staff comprise the administration of Council.
- 26.2. The governing body is required to consult with the General Manager in directing and controlling the affairs of Council. As a result, any information relating to the affairs of Council, including Personal Information, which Councillors receive, must be forwarded to the administration staff for a response, action or notation to achieve the principles of openness and transparency prescribed by the LG Act.
- 26.3. If individuals **do not wish** for Councillors **to forward** their Personal Information onto the administration of Council, they **must make it known, in writing**, that is their request when they are sending correspondence to the Councillors.

### 27. COUNCIL'S RESPONSIBILITIES

- 27.1. Established in 1860, Council is constituted as a body politic of the State under section 220 of the LG Act and comprises of two parts – the elected Representatives (**Councillors**) and the administration (**staff**).
- 27.2. Council has responsibilities under the LG Act and other Commonwealth and NSW legislation, including but not limited to the EP&A Act, *the Public Health Act 2010* (NSW), the *Companion Animals Act 1998* (NSW), the *Roads Act 1993* (NSW), the PPIP Act, the *State Records Act 1998* (NSW) and the GIPA Act.
- 27.3. Under the LG Act, Council's functions can be grouped into the following categories:
  - 27.3.1. To provide for development in the local area;
  - 27.3.2. To provide for local services and facilities that benefit ratepayers, residents and visitors;
  - 27.3.3. To provide for the welfare and wellbeing of the local community;
  - 27.3.4. To establish and support organisations and programs targeting the local community and economy;
  - 27.3.5. To represent and promote the interests of ratepayers and residents;
  - 27.3.6. To protect the environment and improve local amenity;
  - 27.3.7. To attract and provide infrastructure for commerce, tourism and industry;
  - 27.3.8. To engage in long-term strategic planning on behalf of the local community.
- 27.4. In order to exercise the above functions, Council may collect Personal Information from its customers, ratepayers, residents and other third parties contained in the following records:
  - 27.4.1. Rates records and records of property ownership;
  - 27.4.2. Development Applications and associated Certificates, Complying Development Certificates and submissions;
  - 27.4.3. Section 68 applications, Building Line Variations, Building Information Certificates, Swimming Certificates of Compliance and driveway applications;



- 27.4.4. Planning Proposals;
- 27.4.5. Road closure applications;
- 27.4.6. Rezoning applications;
- 27.4.7. Customer requests and Complaints made to Council;
- 27.4.8. Membership applications for the Cessnock Performing Arts Centre, Hunter Valley Visitor's Information Centre, Libraries and other Council facilities and events;
- 27.4.9. Right of burial transfer applications;
- 27.4.10. Petitions;
- 27.4.11. Booking systems for community halls, parks and other recreational facilities, tourist operators; and
- 27.4.12. Insurance claims made with Council (various types of Health Information).

**27.5.** Council also holds information concerning:

27.5.1. **Councillors**, such as:

- i. Personal contact information;
- ii. Complaints and disciplinary matters;
- iii. Pecuniary interest returns;
- iv. Entitlements to fees, expenses and facilities;

27.5.2. **Staff**, such as:

- i. Recruitment material;
- ii. Leave and payroll data;
- iii. Personal contact information;
- iv. Performance management plans;
- v. Disciplinary matters;
- vi. Pecuniary interest returns;
- vii. Secondary employment;
- viii. Wage and salary entitlements; and
- ix. Health Information (medical certificates and workers compensation claims).

## **28. PROMOTING THIS PLAN**

- 28.1.** Council promotes the principles of this Plan through its executive leadership team, staff and public awareness.

### ***The Executive Leadership Team (ELT)***

- 28.2.** ELT is committed to accountability and transparency in relation to Council's compliance with the PPIP Act and HRIP Act.
- 28.3.** ELT reinforces transparency and compliance with these Acts by:
- 28.3.1. Endorsing this Plan and making it publicly available on Council's website;
  - 28.3.2. Identifying privacy issues when implementing new systems;
  - 28.3.3. Ensuring all staff are aware of sound privacy management practices.

### **Council staff**

- 28.4.** Council ensures its staff is aware of and understands this Plan, particularly how it applies to its functions and operations. To this end, Council has developed this Plan in a practical way so that staff members understand what their privacy obligations are, how to manage Personal Information in their work and what to do if they are unsure.
- 28.5.** Council makes its staff, including volunteers and contractors, aware of their privacy obligations by:
- 28.5.1. Publishing this Plan in a prominent place of Council's Intranet and website;
  - 28.5.2. Including this Plan as part of induction and providing training as required;
  - 28.5.3. Providing refresher, specialised and on-the-job privacy training;
  - 28.5.4. Highlighting and promoting this Plan at least once a year (e.g. during Privacy Awareness Week).
- 28.6.** When staff have questions about how to manage Personal Information under this Plan, they may consult their manager, the Governance Team or Council's Privacy Contact Officer (see Part D above). Councillors need to contact the General Manager or Privacy Contact Officer for assistance.

### **Public Awareness**

- 28.7.** This Plan is a guarantee of service to stakeholders on how Council manages Personal Information. Because it is integral to Council's operations, this Plan is easy to access on Council's website and easy to understand. In addition, Council is required to make this Plan publicly available as open access information under the GIPA Act.
- 28.8.** Council promotes public awareness of this Plan by:
- 28.8.1. Writing the Plan in plain English;
  - 28.8.2. Publishing it on Council's website;
  - 28.8.3. Providing hard copies of the Plan free of charge on request;
  - 28.8.4. Referring to the Plan in other policies and protocols;
  - 28.8.5. Telling people about the Plan when answering questions about how Council manages Personal Information.

## PART G – ADMINISTRATION

### 29. ROLES AND RESPONSIBILITIES

#### ***General Manager or their delegate***

- 29.1. Ensure this Plan is accurate and up to date.
- 29.2. Ensure Council meets its obligations under the PPIP Act, HRIP Act and this Plan.
- 29.3. Appoint a Privacy Contact Officer.
- 29.4. Determine requests for the suppression of Personal Information.
- 29.5. Conduct internal reviews about Council's Privacy Contact Officer or their delegate, or the Mayor in accordance with this Plan, if the Privacy Commissioner is not conducting the review as per clause 9.
- 29.6. Conduct internal reviews in accordance with this Plan where Council's Privacy Contact Officer or their delegate, the Mayor or Councillors were initially involved.

#### ***Privacy Contact Officer or their delegate***

- 29.7. Assist the General Manager to meet their responsibilities pursuant to the PPIP Act, HRIP Act and this Plan.
- 29.8. Create awareness about this Plan.
- 29.9. Coordinate steps to ensure Council complies with the PPIP Act, HRIP Act and this Plan.
- 29.10. Coordinate requests for the suppression of Personal Information.
- 29.11. Assess and determine applications to access or amend Personal Information.
- 29.12. Conduct internal reviews in accordance with this Plan.
- 29.13. Is responsible for reporting data breaches to the Privacy Commissioner.
- 29.14. Provide advice on matters relating to privacy and Personal Information.

#### ***Governance Team***

- 29.15. Provide assistance to the Privacy Contact Officer and the General Manager or their delegates as required.
- 29.16. Provide advice on matters relating to privacy and Personal Information.

#### ***All Council Officials***

- 29.17. Collect, store, access and disclose Personal Information in accordance with this Plan and clauses relating to Personal Information contained in Council's Code of Conduct.
- 29.18. Report data breaches to the Privacy Contact Officer and Governance.
- 29.19. Always include privacy disclaimers/disclosures when collecting Personal Information.

#### ***Executive Assistants***

- 29.20. Executive assistants (**EAs**) handle large volumes of Personal Information and must ensure they are aware of the IPPs and HPPs.
- 29.21. When receiving confidential correspondence as described in Council's Privacy Statement, EAs must not perform any task involving such correspondence that would reasonably lead to the EA being made aware of Personal Information.

**29.22.** EAs are only permitted to perform a task involving confidential correspondence that would reasonably lead to the EA being made aware of Personal Information, if that EA's supervising executive official directs them to do so in writing citing personal resourcing issues that are substantively worse than usually occur.

**29.23.** EAs are not to be held personally responsible or subject to any disciplinary measures if such written direction as discussed in 29.22 is received and competently acted upon.

***Compliance, monitoring and review***

**29.24.** The Privacy Contact Officer or their delegate is responsible for the compliance, monitoring and review of this Plan.

**29.25.** Administrative changes to this Plan, including its appendices, can be made without needing Council adoption or a resolution. An administrative change is amending the:

29.25.1. name and titles of Council Officials or dignitaries, references to other organisations or bodies; and

29.25.2. layout, numbering, grammar and syntax, spelling and the policy administration part of the Plan.

***Reporting***

**29.26.** Council reports the number of privacy complaints received in its annual report.

***Records management***

**29.27.** Staff must maintain all records relevant to administering this policy in accordance with Council's Records Management Policy.

**30. POLICY DEFINITIONS**

<b>Collection of Personal Information</b>	means the way in which Council acquires Personal or Health Information, which can include a written or online form, a verbal conversation, a voice recording, or a photograph.
<b>Council</b>	means Cessnock City Council.
<b>Council Official</b>	means Councillors, Council staff, volunteers, consultants and contractors.
<b>Disclosure of Personal Information</b>	occurs when Council makes known to an individual or entity Personal or Health Information not previously known to them.
<b>Health Information</b>	means information or an opinion about a person's physical or mental Health or disability, or a person's express wishes about the future provision of his or her Health services or a Health service provided or to be provided to a person; see the definition in section 6 of the HRIP Act.
<b>Personal Information</b>	means information or an opinion (including information or an opinion forming part of a database and whether or not recorded in a material form) about an individual whose identity is apparent or can reasonably be ascertained from the information or opinion, including such things as an individual's fingerprints, retina prints, body samples, or genetic characteristics. Exclusions to the definition of Personal Information are contained in section 4(3) of the PPIP Act and includes Health Information; (see the definition at section 4 PPIP Act and section 4(3) PIPP Act and section 5 of the HRIP Act).

<p><b>Privacy Principles (IPPs)</b></p>	<p>The IPPs set out in Division 1 of Part 2 of the PPIP Act and the Health Principles set out in Schedule 1 of the HRIP Act. The Privacy Principles set out the minimum standards for all NSW public sector agencies when handling Personal and Health Information. Within these principles lawful exemptions are provided.</p>
<p><b>Public Register</b></p>	<p>means a register of Personal Information that is required by law to be made, or is made, publicly available or open to public inspection (section 3 of the PPIP Act).</p>

### 31. POLICY ADMINISTRATION

<b>Business Group</b>	Corporate and Community Services
<b>Responsible Officer</b>	Privacy Contact Officer, Director Corporate Community Services
<b>Author</b>	Senior Legal and Governance Officer
<b>Associated Procedure (if any)</b>	NIL
<b>Policy Review Date</b>	Two years from date of adoption unless legislated or required otherwise
<b>Document Number</b>	DOC2014/005148
<b>Relevant Legislation (reference specific sections)</b>	<ul style="list-style-type: none"> <li>▪ <i>Privacy and Personal information Protection Act 1998</i> (NSW)</li> <li>▪ <i>Health Records Information Protection Act 2002</i> (NSW)</li> <li>▪ <i>Government Information (Public Access) Act 2009</i> (NSW)</li> <li>▪ <i>State Records Act 1998</i> (NSW)</li> <li>▪ Privacy Code of Practice for Local Government 2019 (NSW)</li> <li>▪ <i>Workers Compensation Act 1987</i> (NSW)</li> <li>▪ <i>Surveillance Devices Act 2007</i> (NSW)</li> <li>▪ <i>Workplace Surveillance Act 2005</i> (NSW)</li> </ul>
<b>Relevant desired outcome or objectives</b>	Civic Leadership and Effective Governance Objective 5.3 Making Council more responsive to the community.
<b>Related Policies / Protocols / Procedures / Documents</b>	<ul style="list-style-type: none"> <li>▪ <a href="#">Records Management Policy</a> (DOC2019/038769)</li> <li>▪ Data Breach Management Protocol (DOC2020/055613)</li> <li>▪ Data Breach Management Guideline (DOC2021/181598)</li> <li>▪ Council <a href="#">Fees and Charges</a></li> <li>▪ Staff Internet and E-mail Use Protocol (DOC2020/055610);</li> <li>▪ Body Worn Camera Procedure (DRAFT) (DOC2022/098979);</li> <li>▪ Domestic and Family Violence Protocol (DOC2018/056136);</li> <li>▪ Domestic and Family Violence Guideline (DOC2018/078901);</li> <li>▪ <a href="#">Informal Access Request – Dividing Fence Form</a></li> <li>▪ <a href="#">Guide – Mandatory Notification of Data Breach Scheme: Guide to managing data breaches in accordance with the PPIP Act</a> (June 2023, IPC)</li> <li>▪ <a href="#">‘Collection of health information from a third party’</a> (IPC);</li> <li>▪ <a href="#">‘Use or disclosure of health information for the management of health services’</a> (IPC);</li> <li>▪ <a href="#">‘Use or disclosure of health information for training purposes’</a> (IPC);</li> <li>▪ <a href="#">NSW Government policy statement and guidelines for the establishment and implementation of CCTV in public spaces</a></li> </ul>

### 32. POLICY AUTHORISATIONS

No.	Authorised Function	Authorised Business Unit / Role(s)
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Amend customer details Council holds such as name, address, contact number, email address in accordance with this Plan and relevant legislation	General Manager Privacy Contact Officer Council Services Team Leader or delegate
Amend specific Personal Information Council holds in accordance with this Plan and relevant legislation	General Manager or delegate Privacy Contact Officer or delegate Governance Team Human Resources Team
Process and determine applications seeking access to Personal Information under the PPIP and HRIP Act, including seeking access to information contained in Council's Public Registers and CCTV in accordance with this Plan and relevant legislation.	General Manager or delegate Privacy Contact Officer or delegate Governance Team
Determine requests for the suppression of Personal Information in accordance with section 739 of the LG Act.	General Manager
Approve requests for Trans-border Data Flow to State or Commonwealth Agencies in accordance with this Plan and relevant legislation.	General Manager or delegate Privacy Contact Officer or delegate Governance Team
Process and determine requests for internal reviews in accordance with this Plan and relevant legislation.	General Manager or delegate Privacy Contact Officer or delegate Delegated staff
Liaise with the Privacy Commissioner and other external agencies/bodies in relation to external reviews in accordance with this Plan and relevant legislation.	General Manager or delegate Privacy Contact Officer or delegate Governance Team Delegated staff
Report data breaches to the Privacy Commissioner in accordance with this Plan and relevant legislation.	General Manager or delegate Privacy Contact Officer or delegate Governance Team Delegated staff

### 33. POLICY HISTORY

Revision	Date Approved / Authority	Description Of Changes
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**Revision 4** | The following amendments were adopted on 16 November 2023 Council resolution 609; Council report CC66/2023 tabled on 18 October 2023:

- Minor wording changes to improve policy context and content all throughout the Plan;
- Amendments to legislation references, abbreviations, job titles and removal of duplicates all throughout the Plan;
- Addition of clauses 16.10-16.11 – handling of sensitive information and an example of how Council is particularly careful with sensitive Personal Information;
- Addition of clauses 16.12-16.16 – accessing adjoining property information – dividing fences;
- Amendments to clause 22 to incorporate changes to Council’s response to upcoming MNDB scheme;
- Minor amendments to clause 24 (Rangers) to clarify Council’s practices;
- Addition of clause 27 – handling of Personal Information by the governing body and the administration;
- Expansion of clause 30.20 to allow for administrative changes to the Plan to occur without a Council resolution and examples of what constitutes an administrative change are provided
- Amendments to the policy administration part to reflect changes all throughout the Plan.
- Clarification of authorised functions in the policy authorisations part of the Plan.

**Revision 3** | The following amendments were adopted on 18-01-2023 (CC99/2022):

- A summary of the Information Privacy Principles (IPPs) and Health Privacy Principles (HPPs) – clause 5;
- Extension of the timeframe for amending one’s ‘Name and Address Record’ from 24 hours to 3 business days due to changes in organisational systems and processes – clause 6.6;
- Clarification concerning clauses 5.16-5.17, 7.3, 7.9, 10.4, 11.2, 11.6-11.8, 11.34-11.35, 11.39, 12.4-12.6, 15.4, 16.2, 16.8;
- Elaboration around clauses 11.3-11.4, 11.5, 11.22-1.23, 11.36, 11.44, 15, 16.15-16.66, 17.5, 18.5, 19;
- Outline of the operations and provision of services by Cessnock Youth Centre & Outreach Service (CYCOS) in the context of collection, use and disclosure of personal and health information – new clause 23;
- Outline of the functions performed by Rangers (new clause 24) and Executive Assistants (new clause 25) in the context of collection, use and disclosure of personal and health information;
- Outline of the arrangement Council has entered into with other agencies for the exchange, use and disclosure of personal and health information – new clause 26;
- Clarification of when Council may refer an internal review to the Privacy Commissioner under section 54(3) PIPP Act to be undertaken by the Privacy Commissioner. This may occur due to a lack of resources, the privacy complaint being concurrent with another type of complaint, or if the complaint relates to actions of senior Council Officials or the Privacy Contact Officer (new clause 7.9); and
- Updated templates titles, clauses, document categories, timeframes and other references (all throughout the Plan).

**Revision 2** | Complete overhaul/review and inclusion of 2019 Privacy Code of Practice for Local Government | Adopted on 17-06-2020 (CC48/2020).



**Revision 1** | New Plan adopted on 06-03-2013 (PM17/2013).

Plan put into a new template on 18-09-2013 with no revisions (PM91/2013 – 581)

## **34. APPENDICES**

- 34.1. APPENDIX 1 – APPLICATION FOR AN INTERNAL REVIEW RELATING TO THE MANAGEMENT OF YOUR PERSONAL INFORMATION FORM**
- 34.2. APPENDIX 2 – STATUTORY DECLARATION TO ACCESS PERSONAL INFORMATION CONTAINED IN COUNCIL’S PUBLIC REGISTERS**
- 34.3. APPENDIX 3 – REQUEST AND STATUTORY DECLARATION TO SUPPRESS PERSONAL INFORMATION CONTAINED IN COUNCIL’S PUBLIC REGISTERS**

## APPENDIX 1 – APPLICATION FOR AN INTERNAL REVIEW RELATING TO THE MANAGEMENT OF YOUR PERSONAL INFORMATION FORM

You can use this form to make a complaint relating to the management of your personal information under:

- Section 53 of the [Privacy and Personal Information Protection Act 1998 \(PIIP Act\)](#); or
- Section 21 of the [Health Records and Information Privacy act 2002 \(HRIP Act\)](#).

The types of complaints may include:

- disclosure of your personal information to another person;
- failure to protect your personal information;
- refusing access to your personal information;
- storage of your personal information; and/or
- accuracy of your personal information.

If you need assistance in filling out this form please visit the Council's [privacy page](#) for more information of visit Council's Administration Building.

Please note: it is not a requirement under the PPIP Act or the HRIP Act that you complete an application form. This form is designed to assist us in correctly identifying the nature of the conduct you are complaining about and determine whether a breach has occurred.

If you choose not to complete this form, you must still make a written request for an internal review and describe the conduct in sufficient detail to allow us to determine if there has been a breach.

Section 1: Applicant's details		
Title		
First name		
Last name		
Postal address		
Telephone number		
Email address		
Is this complaint on behalf of someone else?	<input type="radio"/> YES	<input type="radio"/> NO - Go to section 2
Title		
First name		
Last name		
Postal address		
Telephone number		
Email address		

Relationship to applicant	
Is the person capable of making the complaint by him/herself?	
<input type="radio"/> YES	<input type="radio"/> NO
<input type="radio"/> UNSURE	
<b>Section 2: Details of the complaint</b>	
<b>1. What is the specific conduct you are complaining about?</b> "Conduct" can include an action, a decision, or even inaction by Council. For example the "conduct" in your case might be a decision to refuse you access to your personal information, or the action of disclosing your personal information to another person, or the inaction of a failure to protect your personal information from being inappropriately accessed by someone else.	
<b>2. Please select which of the following information handling practices are relevant to your complaint</b>  <b>(you may select more than one option): *</b>	
<input type="radio"/>	Collection of my personal or health information
<input type="radio"/>	Security or storage of my personal or health information
<input type="radio"/>	Refusal to allow me access or find out about my own personal or health information
<input type="radio"/>	Accuracy of my personal or health information
<input type="radio"/>	Use of my personal or health information
<input type="radio"/>	Disclosure of my personal or health information
<input type="radio"/>	Other
<input type="radio"/>	Unsure
<b>3. Describe the type of information involved (eg name, age, address, health information etc):</b>	
<b>4. When did the conduct you are complaining about occur? (use dates if possible):</b>	
<b>5. When did you become aware of this conduct:</b>	
<b>6. You need to lodge this application within six months of the date at Q.4. If more than 6 months has passed from the date you became aware of the conduct, you will need to ask for special permission to lodge a late application.</b>	

<b>7. What effect did the conduct have on you:</b>
<b>8. What effect might the conduct have on you in the future:</b>
<b>9. What would you like to see Council do about the conduct? (for example: an apology, a change in policies or practices, compensation, training for staff etc):</b>

Purpose and signature:

I understand that this form will be used by Council to process my request for an internal review. I understand and accept that details of my application (including my personal information) will be referred to the Privacy Commissioner in accordance with Council's obligation to notify the Privacy Commission under section 54(1) of the *PPIP Act*, or section 21 of the *HRIP Act*, and that the Privacy Commissioner will be kept advised of the progress and outcome of the internal review.

\_\_\_\_\_  
Applicant's name

\_\_\_\_\_  
Applicant's signature

Date: \_\_\_\_\_

**Privacy Notice**

Council is committed to safeguarding the privacy of individuals and handling of personal information in accordance with the *PPIP Act* and [Information Privacy Principles](#), the *HRIP Act* and [Health Privacy Principles](#), and any subordinate legislation.

**Purpose:** The information on this form is being collected for the purpose of processing and handling your request for internal review requested pursuant to section 54 of the *PPIP Act*. The information collected will be used and/or disclosed for the purpose outlined, related administrative functions, compliance and complaint handling, internal auditing, and in accordance with Council's Privacy Management Plan and Privacy Statement which can be found on Council's website.

**Intended Recipients:** Council staff, Privacy Commissioner and their delegate staff

**Supply:** The supply of information is voluntary.

**Consequence of non-provision:** If you do not supply the requested information Council may not be able to process your request for internal review.

**Storage:** Your personal information will be kept in Council's Information Management System in accordance with the relevant legislation. Council's address is 62-78 Vincent Street CESSNOCK NSW 2325

**Access/Correction:** You may correct or update your personal information by contacting Council's Privacy Contact Officer on 4943 4100 or by sending an email to [council@cessnock.nsw.gov.au](mailto:council@cessnock.nsw.gov.au).

If you want to know more about Council's obligations regarding your personal information or what rights you have, contact the [Information and Privacy Commission](#) or visit their website [ipc.nsw.gov.au](http://ipc.nsw.gov.au).

## APPENDIX 2 – STATUTORY DECLARATION TO ACCESS PERSONAL INFORMATION CONTAINED IN COUNCIL’S PUBLIC REGISTERS

### Statutory Declaration OATHS ACT 1900 (NSW), NINTH SCHEDULE

I, .....  
[name of declarant]

of .....  
[residence]

do hereby solemnly declare and affirm that I will only use Council’s Public Register for:

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And I make this solemn declaration, as to the matter (or matters) aforesaid, according to the law in this behalf made – and subject to the punishment by law provided for any wilfully false statement in any such declaration.

Declare at:

.....  
[place]

On: ..... Signature: .....  
[date]

In the presence of an authorised witness who states:

I, ..... , a .....  
[name of declarant] [qualification of authorised witness]

Certify the following matters concerning the making of this statutory declaration by the person who made it [\*please cross out any text that does not apply]

1. \*I saw the face of the person OR \*I did not see the face of the person because the person was wearing a face covering but I am satisfied that the person had a special justification for not removing the covering, and
2. \*I have known the person for at least 12 months OR I have confirmed the person’s identity using an identification document and the document I relied on was

.....  
[document relied on]

.....  
[signature of authorised witness]

.....  
[date]

#### PRIVACY NOTICE

Council is committed to safeguarding the privacy of individuals and handling of personal information in accordance with the [Privacy and Personal Information Act 1998 \(NSW\)](#) and [Information Privacy Principles](#), the [Health Records and Information Privacy Act 2002 \(NSW\)](#) and [Health Privacy Principles](#), and any subordinate legislation.

**Purpose:** The information on the form is being collected for the purpose of processing your request to access to personal information contained in a public register Council holds. The information collected on this form will be used and/or disclosed for the purpose outlined, related administrative functions, compliance and complaint handling, internal auditing, and in accordance with Council's Privacy Management Plan and Privacy Statement which can be found on Council's website.

**Intended recipients:** staff involved in the processing of your request.

**Supply and consequence of non-provision:** Completing this form is voluntary, however your request for accessing personal information will not be processed

**Storage and security:** The form will be kept in Council's document management system in accordance with the relevant legislation.

**Access:** You may access, correct or update your personal information by visiting Council's website, by contacting Council's Privacy Contact Officer on 4943 4100 or by sending an email to [council@cessnock.nsw.gov.au](mailto:council@cessnock.nsw.gov.au).

If you want to know more about Council's obligations regarding your personal information or what rights you have, contact the Information and Privacy Commission or visit their website [ipc.nsw.gov.au](http://ipc.nsw.gov.au).

### APPENDIX 3 – REQUEST AND STATUTORY DECLARATION TO SUPPRESS PERSONAL INFORMATION CONTAINED IN COUNCIL’S PUBLIC REGISTERS

To the General Manager, Cessnock City Council

In reference to my personal information:

I, \_\_\_\_\_ of \_\_\_\_\_  
*Full name* *Address*

request that my personal details be omitted or removed from Council’s public registers, pursuant to section 739 of the *Local Government Act 1993* (NSW).

The disclosure of my personal information would place or places my personal safety or that of members of my family at risk.

The following are particulars of the relevant risk:

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\_\_\_\_\_  
[signature of applicant]

\_\_\_\_\_  
[date]

**Note:**  
1 Resident electors who wish to have their address or other matter removed from the electoral roll must make an application to the Australian Electoral Commission or the State Electoral Office.

## STATUTORY DECLARATION

I \_\_\_\_\_ of \_\_\_\_\_,  
*Full name* *Address*

do solemnly and sincerely declare as follows:

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and I make this solemn declaration conscientiously believing the same to be true, and by virtue of the provisions of the *Oaths Act 1900*.

Declared at: \_\_\_\_\_

.....on...../...../.....20.....  
*[signature of declarant]* *[date]*

in the presence of an authorised witness, who states:

I, \_\_\_\_\_, a Solicitor/Justice of the Peace, certify the following matters  
*witness name* *circle one*

concerning the making of this statutory declaration by the person who made it:  
*[\*please cross out any text that does not apply]*

1. \*I saw the face of the person *OR* \*I did not see the face of the person because the person was wearing a face covering, but I am satisfied that the person had a special justification for not removing the covering, and

2. \*I have known the person for at least 12 months *OR* \*I have not known the person for at least 12 months, but I have confirmed the person's identity using an identification document and the document I relied on was \_\_\_\_\_  
*[insert description of document, for example licence or passport]*



.....on...../...../.....20.....  
[signature of authorised witness] [date]

**PRIVACY NOTICE**

Council is committed to safeguarding the privacy of individuals and handling of personal information in accordance with the Privacy and Personal Information Act 1998 (NSW) and Information Privacy Principles, the Health Records and Information Privacy Act 2002 (NSW) and Health Privacy Principles, and any subordinate legislation.

**Purpose:** The information on the form is being collected for the purpose of processing your request to suppress personal information in Council's public registers. The information collected on this form will be used and/or disclosed for the purpose outlined, related administrative functions, compliance and complaint handling, internal auditing, and in accordance with Council's Privacy Management Plan and Privacy Statement which can be found on Council's website.

**Intended recipients:** staff involved in the processing of your request.

**Supply and consequence of non-provision:** Completing this form is voluntary, however your request to suppress personal information in Council's public registers will not be processed.

**Storage and security:** This form will be kept in Council's document management system in accordance with the relevant legislation.

**Access:** You may access, correct or update your personal information by visiting [Council's website](#), by contacting Council's Privacy Contact Officer on 4943 4100 or by sending an email to [council@cessnock.nsw.gov.au](mailto:council@cessnock.nsw.gov.au).

If you want to know more about Council's obligations regarding your personal information or what rights you have, contact the [Information and Privacy Commission](#) or visit their website [ipc.nsw.gov.au](http://ipc.nsw.gov.au).