



BERRIGAN SHIRE

BAROOGA • BERRIGAN • FINLEY • TOCUMWAL



# Privacy Management Plan

Berrigan Shire Council

# Contents

1.	Introduction .....	4
1.1.	Why Council has a privacy management plan .....	4
1.2.	What this plan covers .....	4
1.3.	When this plan will be reviewed .....	4
1.4.	Integration with other Council plans .....	4
2.	About Council .....	6
2.1.	Legislative framework .....	6
2.2.	Policy framework .....	6
2.3.	Council functions .....	7
3.	What is personal and health information? .....	8
3.1.	About personal information .....	8
3.2.	About health information .....	8
4.	How Council collects and manages personal and health information .....	9
4.1.	How Council collects personal information .....	9
4.2.	Personal information provided to Council .....	10
4.3.	Privacy and Personal Information Protection Notice .....	10
4.4.	Storage, access, and accuracy of personal information .....	11
4.5.	Use and disclosure of personal information .....	11
5.	Public registers .....	12
5.1.	Secondary and other purposes of public registers .....	14
5.2.	Suppression of personal information .....	14
6.	How to access and amend personal and health information .....	15
6.1.	Limits on accessing or amending information .....	15
7.	Data breaches .....	16
7.1.	What is a data breach? .....	16
7.2.	Notifiable Data Breaches Scheme .....	16
7.3.	Other data breach notification schemes .....	16
7.4.	Voluntary notification of data breaches .....	16
8.	Review rights and complaints .....	18
8.1.	Internal review .....	18
8.2.	External review by NCAT .....	18
8.3.	Other ways to resolve privacy concerns .....	19
9.	Promoting privacy .....	20
9.1.	Employee awareness .....	20

9.2.	Public awareness .....	20
10.	Privacy and other legislation .....	21
10.1.	PPIP Act .....	21
10.2.	HRIP Act.....	22
10.3.	Other relevant laws .....	24
11.	Exemptions, directions, and codes of practice .....	25
11.1.	Exemptions to the IPPs.....	25
11.2.	Exemptions to the HPPs .....	25
11.3.	Privacy codes of practice .....	25
12.	Contact details.....	27

## 1. Introduction

This Privacy Management Plan (Plan) explains how Berrigan Shire Council (Council) manages personal and health information.

### 1.1. Why Council has a privacy management plan

This Plan explains how Council manages personal information in line with the *Privacy and Personal Information Protection Act 1998* (NSW) (PIIP Act) and health information in accordance with the *Health Records and Information Privacy Act 2002* (NSW) (HRIP Act).

Council is required to have a Plan under s33 of the PIIP Act.

This Plan also explains how to contact Council about the personal and health information it holds, how information can be accessed and amended and how privacy complaints are handled.

### 1.2. What this plan covers

Section 33(2) of the PIIP Act sets out the requirements of this Plan. This Plan must include:

- information about Council's policies and practices to ensure compliance with the PIIP Act and the HRIP Act;
- how employees, contractors and volunteers are made aware of these policies and practices;
- the internal review procedures; and
- anything else considered relevant to the Plan in relation to privacy and the personal and health information Council holds.

Any reference to employees in this document also includes reference to contractors and volunteers.

### 1.3. When this plan will be reviewed

This Plan will be reviewed every two years.

It will be reviewed earlier if any legislative or administrative changes affect the management of personal and health information by Council.

### 1.4. Integration with other Council plans

The Council has prepared this plan to contribute towards Berrigan Shire 2032 Strategic Outcome of Good Government and the objectives of other Council strategic plans.

- **Strategic Objective 2.1:** Berrigan Shire 2032 objectives and strategic actions facilitate the effective governance by Council of Council operations and reporting

- **Delivery Plan Objective 2.1.3.** Council operations and financial management support ethical, transparent and accountable corporate governance.
- **Operational Plan Action 2.1.3.6:** Coordinate the delivery and management of Shire records and communications.

## 2. About Council

### 2.1. Legislative framework

The protection of personal and health information is governed by a number of NSW and Federal Acts of Parliament that Council is subject to and includes

- *Privacy and Personal Information Protection Act 1998* (PIIP Act)
- *Privacy and Personal Information Protection Regulation 2014* (PIIP Regs)
- *Health Records and Information Privacy Act 2002* (HRIP Act)
- *Health Records and Information Privacy Regulation 2017* (HRIP Regs)
- *Government Information (Public Access) Act 2009* (GIPA Act)
- *Government Information (Public Access) Regulation 2009* (GIPA Regs)
- *State Records Act 1998* (SR Act)
- *Privacy (Tax File Number) Rule 2015 – s17 Privacy Act (Cth) 1988* (Privacy Tax Rule)
- Privacy Code of Practice for Local Government 2000 (Privacy Code)
- Guide to Making Privacy Management Plans (IPC, August 2012)
- Privacy Management Plans – Checklist (IPC, June 2014)
- *Public Interest Disclosures Act 1994* (PID Act)
- Local Government Act 1993 (LG Act)

These Acts of State and Federal Parliament contain specific provisions that describe the way personal and health information is to be handled by Council.

### 2.2. Policy framework

The Plan should be read in conjunction with Council's policies and procedures relevant to the protection of personal and health information and include:

- Code of Conduct
- Code of Meeting Practice
- Access to Council Information Policy
- Claims Management Policy
- Internal Reporting and Protected Disclosures Policy
- Information and Communication Technology Policy
- Communication Devices and the Internet Policy
- Customer Requests Policy
- Access Control Policy
- Legislative Compliance Policy
- Records Management Policy
- Records Management Business Rules
- Pre-Employment Assessment Policy
- Social Media Policy
- Risk Management Policy
- Website Privacy Statement

- CCTV Policy
- Workplace Surveillance Policy

### 2.3. Council functions

Section 8A of the *Local Government Act 1993* sets out Council's charter.

This charter includes.

- To provide for development in the local area
- To provide for local services and facilities for the local community including ratepayers; residents, businesses and visitors
- To represent and promote the interests of the local community
- To establish and support organisations and programs targeting the local community
- To protect the environment and improve local amenity
- To attract and provide infrastructure for commerce, tourism and industry
- To engage in long-term strategic planning on behalf of the local community.

Councils exist to:

- Provide a representative, informed and responsible decision-making body
- Develop the local community and its resources in a socially just and environmentally responsible way
- Ensure that local public services and facilities respond effectively to community needs.

More detailed information is available on [Council's website](#).

## **3. What is personal and health information?**

### **3.1. About personal information**

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 be reasonably ascertained.

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

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

### **3.2. About health information**

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.



## 4. How Council collects and manages personal and health information

### 4.1. How Council collects personal information

Council collects personal information to enable it to conduct its functions. Council assesses the level of personal information that is appropriate to be collected on a case-by-case basis.

In this section, a reference to personal information is also a reference to health information.

Personal information may be collected from:

- Members of the public
- NSW public sector agencies
- Businesses
- Non-government organisations
- Employees
- Medical professionals.

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

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

- Levying and collecting rates
- Providing services, for example, libraries and waste collection
- Consultation with the community, businesses and other stakeholders
- Assessing development and major project applications
- Recording, investigating, and managing complaints and allegations
- Site inspections and audits
- Incident management
- Enforcing regulations and legislation
- Issuing approvals, consents, licences and permits
- Providing funding grants
- Maintaining the non-residential register of electoral information
- Employment
- Fitness for work.

Personal information may be collected by Council in any of the following ways:

- Incident reports
- Medical assessment reports
- Submissions
- Application forms
- CCTV footage
- Public registers

- Financial transaction records
- Contracts
- Over the phone enquiries
- Counter enquiries
- Online services.

Personal information may be collected electronically, in writing, over the telephone and in person.

## **4.2. Personal information provided to Council**

Individuals may provide Council with personal information when they make application for employment, make enquiries and when Council delivers services to them. This can include 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.

## **4.3. Privacy and Personal Information Protection Notice**

Under section 10 of the PPIP Act, when Council collects personal information from an individual, such as their name, address, telephone number or email address, Council must make the individual aware of:

- The purposes for which the information is being collected
- The intended recipients of the information
- Whether the supply of the information is required by law or is voluntary
- Any consequences for the individual if the information (or any part of it) is not provided
- Ways the individual can access and correct their personal information
- How to contact Council or the Council section that is collecting and holding their information.

In compliance with the PPIP Act, Council includes a Privacy and Personal Information Protection Notice on all forms, letters and documents when collecting personal information from individuals. Council's Privacy and Personal Information Protection Notice appears below:

### *Privacy and Personal Information Protection Notice*

- *this information is voluntarily required to process your request and will not be used for any other purpose without seeking your consent, or as required by law;*
- *your information may comprise part of a public register related to this purpose;*
- *your application will be retained in Council's Records Management System and disposed of in accordance with the Local Government Disposal Authority;*
- *your personal information can be accessed and corrected at any time by contacting this Council.*

#### **4.4. Storage, access, and accuracy of personal information**

Personal information is stored electronically and in physical files.

The following applies to information Council holds:

- Only Council employees can access personal information,
- Employees will make every effort to ensure personal information is accurate before using it,
- Employees will use personal information only for the purpose for which it was collected,
- Employees will not disclose personal information about a person to anyone without the consent of the person it concerns unless they are required or permitted to by law.

Please refer to Part 11 below for details of exemptions, directions and code of practice that may affect the above.

Electronic information is stored on secure information systems. Networks will be secure and require individual logins. New systems are assessed for compliance with the PPIP Act and HRIP Act. When not being used, hard copy files and sensitive information are securely stored.

#### **4.5. Use and disclosure of personal information**

Employees use the personal information collected to:

- Deliver services,
- Conduct research,
- Provide advice,
- Continually improve services.

## 5. Public registers

Part 6 of the PPIP Act governs how Council should manage personal information contained in public registers. In this Part, a reference to personal information is also a reference to health information.

A public register is a register of personal information that is required by law to be made, or is made, publicly available or open to public inspection. Access to public registers can be arranged by contacting Council directly or making an online Informal Access Request.

Council employees must not disclose any personal information held on public registers unless the information is to be used for a purpose relating to the purpose of the register. If in doubt, an applicant seeking access to a public register may be requested to provide a statutory declaration to Council to verify their intended use of the information (see Appendix 1).

Council’s public registers and their purposes include:

Public Register	Act	Purpose
Land register	LG Act	<p><b>Primary</b> Identify all land vested in Council, or under its control.</p> <p><b>Secondary</b> Consideration of public accountability as to the land held by Council. Third party access in accordance with GIPA Act</p>
Contracts with the private sector valued from \$150,000	LG Act	<p><b>Primary</b> Identify all large contracts entered into by Council.</p> <p><b>Secondary</b> Consideration of public accountability as to the contracts entered into by Council. Third party access in accordance with GIPA Act</p>
Register of investments	LG Act	<p><b>Primary</b> Identify all Investments made by Council.</p> <p><b>Secondary</b> Consideration of public accountability as to the investments made by Council. Third party access in accordance with GIPA Act</p>

Public Register	Act	Purpose
Register of disclosures of interest	LG Act	<p><b>Primary</b> Determine whether or not a Council official has a pecuniary interest in any matter with which the council is likely to be concerned.</p> <p><b>Secondary</b> Public accountability</p> <p>Third party access to pecuniary interest returns in accordance with GIPA Act</p>
Register of development applications and approvals	EPA Act 1979	<p><b>Primary</b> Identify applications for development consent and other approvals, confirm determinations on appeal and identify applications for complying development certificates.</p> <p><b>Secondary</b> Third party access in accordance with GIPA Act</p>
Register of complying development applications	EPA Act 1979	<p><b>Primary</b> Identify applications for development consent and other approvals, confirm determinations on appeal and identify applications for complying development certificates</p> <p><b>Secondary</b> Third party access in accordance with GIPA Act</p>
Register of planning agreements	EPA Act 1979	<p><b>Primary</b> Identify applications for development consent and other approvals, confirm determinations on appeal and identify applications for complying development certificates.</p> <p><b>Secondary</b> Third party access in accordance with GIPA Act</p>
Records of approvals under Chapter 7 Part 1 of the Local Government Act 1993	LG Act	<p><b>Primary</b> Identify all approvals granted under the LG Act</p> <p><b>Secondary</b> Third party access in accordance with GIPA Act</p>

Public Register	Act	Purpose
Records of impounding.	Impounding Act 1993	<p><b>Primary</b> Identify any impounding action by council in accordance with section 30 &amp; 31 of the Act.</p> <p><b>Secondary</b> Third party access in accordance with GIPA Act</p>

### 5.1. Secondary and other purposes of public registers

In the interests of open and accountable local government, a secondary purpose for which all public registers are held by Council includes the provision of access to information by members of the public.

Persons or organisations who apply to Council to access information contained in any public register for a purpose not related to the primary purpose of the register may be given access at the discretion of Council. This access must be in accordance with the Privacy Code and any other relevant privacy code of practice applicable to the access.

### 5.2. Suppression of personal information

Any person whose personal information is recorded in a public register has the right to request that their personal details be suppressed.

Council will comply with the request if it is satisfied the person's safety or wellbeing would be affected by not suppressing the information.

Applications to suppress personal details from a public register should be made in writing to Council's Chief Executive Officer. Council may require supporting information where appropriate.

## 6. How to access and amend personal and health information

The PPIP Act and the HRIP Act give people the right to access and amend their personal and health information.

Members of the public should make their request either:

- in person at Council's Administrative Building located at 56 Chanter St Berrigan; or
- to Council's email account [mail@berriganshire.nsw.gov.au](mailto:mail@berriganshire.nsw.gov.au); or
- in writing addressed to

The Chief Executive Officer  
56 Chanter St  
Berrigan NSW 2712.

Council does not charge a fee to access and amend personal and health information.

### 6.1. Limits on accessing or amending information

Council is prohibited from providing access to a person's personal and health information to another person unless:

- A person can give Council consent to collect their personal information from, or disclose their personal information to, someone that would not normally have access to it (section 26 of the PPIP Act refers)
- The use and disclosure of personal information is permitted under the Privacy Codes of Practice (refer to Exemptions, directions and codes of practice for details)
- That person is an "authorised person", who can act on behalf of someone else in regards to their health information (sections 7 and 8 of the HRIP Act refers)
- Council is authorised to provide the information at the request of the person to whom it concerns or in the event to lessen or prevent a serious and imminent threat to the life, health and safety of the individual (Clause 11 Schedule 1 of the HRIP Act).

## 7. Data breaches

### 7.1. What is a data breach?

A data breach occurs when there is a failure that has caused or has the potential to cause unauthorised access to Council's data.

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.

### 7.2. Notifiable Data Breaches Scheme

#### 7.2.1. Tax file number collection

As Council collects tax file numbers (TFNs), Council has obligations under the Notifiable data Breaches (NDB) scheme when a data breach occurs involving a TFN that is 'likely to result in serious harm' to any individual.

The notification requirements relate to notifying both the Australian Privacy Commissioner and the affected individuals.

### 7.3. Other data breach notification schemes

#### 7.3.1. Sharing of government sector data

The Data Sharing (Government Sector) Act 2015 (DSGS Act) has a data breach notification scheme in respect of sharing of government sector data under the DSGS Act with the NSW Data Analytics Centre, or between other government sector agencies.

If Council receives personal or health information under the DSGS Act and becomes aware that privacy legislation has been (or is likely to have been) breached, Council must, as soon as practicable, inform the data provider and the NSW Privacy Commissioner of the breach.

#### 7.3.2. European Union's General Data Protection Regulation

The *General Data Protection Regulation (GDPR)* will apply to any organisation offering goods or services to, or monitoring the behaviour of, individuals living in the European Union (EU).

The data breach notification requirements under the GDPR include notification to the relevant EU supervisory authority within 72 hours after having become aware of the breach.

### 7.4. Voluntary notification of data breaches

As a matter of best practice, the Information and Privacy Commission (IPC) encourages Council to voluntarily report all other types of data breaches to their agency and to affected individuals as appropriate. This may include data breaches involving personal information other than TFNs, or data breaches involving TFNs, but which are not likely to result in serious harm.



Council will determine the seriousness of a breach by:

- Considering the type of data released
- Whether personal or health information was disclosed
- The number of individuals affected
- The risk of harm that could be caused to individuals, organisations and/or Council by the breach.

After the seriousness of a breach has been determined, Council will take the following steps to manage a data breach:

**Contain** – steps will be taken to contain the breach and minimise any resulting damage.

**Evaluate** – ascertain the type of data involved in the breach and the risks associated with the breach. This will include an assessment of who is affected by the breach, what was the cause of the breach, and any foreseeable harm to the affected individuals/organisations.

**Notify** – individuals/organisations affected by the breach will be notified as soon as possible to enable them to take any steps required to protect themselves, and to advise them of their rights to lodge a complaint with the Privacy Commissioner. Council's default position is to voluntarily report data breaches of personal information to the Privacy Commissioner.

**Act** – any additional action identified to mitigate risks will be implemented.

**Prevent** – preventive efforts will be put into action based on the type and seriousness of the breach.

## 8. Review rights and complaints

### 8.1. Internal review

Individuals have the right to seek an internal review under Part 5 of the PPIP Act if they think that Council has breached the PPIP Act or HRIP Act relating to their own personal and health information.

Individuals cannot seek an internal review for a breach of someone else's privacy, unless they are authorised representatives of the other person.

#### 8.1.1. Internal review process

Applications for an internal review must be made within six months from the date when the applicant first became aware of the breach. Applications must be made in writing and addressed to Council.

The Privacy Officer may appoint a Reviewing Officer to conduct the internal review. If the internal review is about the conduct of the Privacy Officer, the Chief Executive Officer will appoint a Reviewing Officer.

The Reviewing Officer will refer to the Privacy Commissioner's guidance materials when carrying out an internal review.

Council will:

- acknowledge receipt of an internal review within 5 working days; and
- complete an internal review within **60 calendar days**.

Council's Reviewing Officer will inform the applicant of the progress of the internal review and will respond in writing within **14 calendar days** of determining the internal review.

If an applicant is not notified of the outcome of an internal review within 60 days, the applicant may seek an external review.

#### 8.1.2. The Privacy Commissioner's role in internal reviews

Council will notify the Privacy Commissioner of internal reviews. The Privacy Commissioner is entitled to make submissions to Council regarding internal reviews. Noting that an individual can make a complaint direct to the Privacy Commissioner about an alleged breach of their privacy.

### 8.2. External review by NCAT

An applicant may seek an external review by the NSW Civil and Administrative Tribunal. (NCAT)

To seek an external review, an application must be made to the NCAT within 28 days from the date of the internal review determination.

### **8.3. Other ways to resolve privacy concerns**

Council encourages the informal resolution of privacy issues before undertaking the review process. Issues can be raised informally with Council. Please refer to Council's website for contact details.

Complaints not dealt with through the internal review process will be managed under Council's Complaints and Other Feedback Procedures.

## 9. Promoting privacy

Council reinforces compliance with the PPIP Act and HRIP Act by:

- Endorsing this Plan and making it publicly available
- Providing a copy of this Plan to relevant oversight bodies such as the Audit, Risk and Improvement Committee
- Reporting on internal reviews to the IPC
- Identifying privacy issues when implementing new systems, services and processes.

### 9.1. Employee awareness

Council ensures that its employees are aware of and understand this Plan and how it applies to the work they do.

Council promotes awareness of privacy obligations among employees by:

- Publishing Council's Privacy Management Plan on Council's intranet and website
- Providing advice to employees about Council's obligations under the PPIP Act and HRIP Act
- Ensuring Council forms and applications comply with privacy legislation
- Including the Plan in induction packs
- Promoting the IPC's privacy resources and online training

### 9.2. Public awareness

This Plan provides information to members of the public about how Council manages personal and health information. The Plan is publicly available as open access information under the GIPA Act.

Council promotes public awareness of Council's Privacy Management Plan by:

- Publishing the Plan on Council's website
- Providing copies of the Plan on request
- Informing external customers about the Plan when responding to enquiries about personal and health information.

## 10. Privacy and other legislation

This section contains a general summary of how Council must manage personal and health information under the PPIP Act, the HRIP Act and other relevant laws.

**Note: Part 11 of this plan provides for some exemptions from these principles in limited circumstances.**

### 10.1. PPIP Act

The *Privacy and Personal Information Protection Act 2009* (PPIP Act) sets out how Council must **manage** personal information.

#### 10.1.1. Information Privacy Principles

Part 2, Division 1 of the PPIP Act contains 12 Information Privacy Principles (IPPs) Council must comply with. These are:

##### **Collection**

Council will:

- Collect personal information only for a lawful purpose that is directly related to Council's functions and activities **(IPP1 - Lawful)**
- Collect personal information directly from the person concerned **(IPP2 - Direct)**
- Inform people why their personal information is being collected, what it will be used for, and to whom it will be disclosed. Also, how the personal information can be accessed and amended and any possible consequences of not providing personal information. **(IPP3 - Open)**
- Ensure that personal information is relevant, accurate, is not excessive and does not unreasonably intrude into people's personal affairs. **(IPP4 - Relevant)**

##### **Storage**

Council will store personal information securely, keep it no longer than necessary and destroy it appropriately. Personal information is protected from unauthorised access, use or disclosure. **(IPP5 - Secure)**

##### **Access and accuracy**

Council:

- Is transparent about the personal information it holds, why it is used, and the right to access and amend it **(IPP6 - Transparent)**
- Allows people to access their own personal information without unreasonable delay or expense **(IPP7 - Accessible)**
- Allows people to update, correct or amend their personal information where it is necessary **(IPP8 - Correct)**

- Endeavours to ensure that personal information is relevant and accurate before using it. **(IPP9 -Accurate)**

## Use

Council only uses personal information for the purpose it was collected for unless it has consent for its use for another purpose. **(IPP10 - Limited)**

## Disclosure

Council:

- Does not disclose personal information without consent, unless disclosure is permitted under the PPIP Act or other legislation **(IPP11 - Restricted)**
- Does not disclose sensitive personal information without consent, e.g., ethnicity or racial origin, political opinions, religious or philosophical beliefs, health or sexual activities or trade union membership. **(IPP12 - Safeguarded)**

### 10.1.2. Offences

Offences can be found in s62-68 of the PPIP Act. It is an offence for Council to:

- Intentionally disclose or use personal information for an unauthorised purpose.
- Offer to supply personal information that has been disclosed unlawfully
- Hinder the Privacy Commissioner or their employees from doing their job.

## 10.2.HRIP Act

The HRIP Act sets out how Council must manage **health** information.

### 10.2.1. Health Privacy Principles

Schedule 1 of the HRIP Act contains 15 HPPs that Council must comply with. These are:

#### Collection

Council:

- Collects health information only for a lawful purpose that is directly related to Council's functions and activities **(HPP1 – Lawful)**
- Ensures that health information is relevant, accurate, is not excessive and does not unreasonably intrude into people's personal affairs **(HPP2 - Relevant)**
- Collects health information directly from the person concerned or with consent from the person concerned **(HPP3 - Direct)**
- Informs people why their health information is being collected, what it will be used for, and to whom it will be disclosed. Also how it can be accessed and amended and any possible consequences of not providing health information. **(HPP4 - Open)**

#### Storage

Council stores health information securely, keeps it no longer than necessary and destroys it appropriately. Health information is protected from unauthorised access, use or disclosure. **(HPP5 - Secure)**

### **Access and accuracy**

Council is:

- Transparent about the health information it holds, why it is used, and the right to access and amend it **(HPP6 - Transparent)**
- Allows people to access their own health information without unreasonable delay or expense **(HPP7 - Accessible)**
- Allows people to update, correct or amend their health information where necessary **(HPP8 - Amendment)**
- Ensures that health information is relevant and accurate before using it. **(HPP9 - Accurate)**

### **Use**

Council only uses health information for the purpose it was collected for unless it has consent for its use for another purpose. **(HPP10 - Limited)**

### **Disclosure**

Council does not disclose personal information without consent unless disclosure is permitted under the HRIPA or other legislation. **(HPP11- Limited)**

### **Identifiers**

Although Council does not currently assign identifiers to individuals in managing their health information, Council may use unique identifiers if required for a Council function. **(HPP12 – Not identified)**

Council does not currently provide health services however, where lawful and practicable, Council will allow anonymous provision of health services it may provide in future. **(HPP13 - Anonymous)**

### **Transfers and linkage of health records**

Council:

- Will only transfer health information outside of NSW or to a Commonwealth agency in accordance with HPP 14 **(HPP14 - Controlled)**
- Does not currently use a health records linkage system. **(HPP15 – Authorised)**

#### **10.2.2. Offences**

Offences can be found in s68-70 of the HRIP Act. It is an offence for Council to:

- Intentionally disclose or use health information for an unauthorised purpose
- Offer to supply health information that has been disclosed unlawfully.

## 10.3. Other relevant laws

### 10.3.1. GIPA Act and Regulation

Under this Act and Regulation people can apply for access to information held by Council. This information may include personal or health information.

### 10.3.2. ICAC Act

Under this Act Council must provide information to the Independent Commission Against Corruption about allegations of fraud and corruption that may contain personal information.

### 10.3.3. PID Act

Under the PID Act people working for a NSW public sector agency can make a public interest disclosure to Council.

The PID Act requires that information that might identify or tend to identify a person who has made a public interest disclosure should be protected.

### 10.3.4. State Records Act & Regulation

This Act and Regulation authorises the State Records Authority to establish policies, standards and codes to ensure that NSW public sector agencies manage their records appropriately.

### 10.3.5. Ombudsman Act

Under the Ombudsman Act, the Independent Commission Against Corruption Act 1998, and the Crimes Act 1900 Council can provide information to the:

- NSW Ombudsman
- Independent Commission Against Corruption
- NSW Police.



## 11. Exemptions, directions, and codes of practice

### 11.1. Exemptions to the IPPs

Part 2, Division 3 of the PPIP Act contains exemptions that may permit Council not to comply with IPPs in certain situations. These include the following:

- Council is not required to comply with IPPs 2-3, 6-8, or 10-12 if lawfully authorised or required not to do so
- Council is not required to comply with IPP 2 if the information concerned is collected in relation to court or tribunal proceedings.

### 11.2. Exemptions to the HPPs

Exemptions are located mainly in Schedule 1 to the HRIP Act and may permit Council not to comply with HPPs in certain situations. For example, Council is not required to comply with HPPs 4-8, and 10 if lawfully authorised or required not to do so.

### 11.3. Privacy codes of practice

A Privacy Code of Practice allows Council to modify the application of:

- an Information Protection Principle (IPP); or
- provisions that deal with public registers.

These Codes also specify how modifications will apply in particular situations.

#### Privacy Code of Practice for Local Government

This Code provides exemptions to IPP 2, 3, 10 and 11 as follows:

- Access to and copies of a single entry from a public register or de-identified multiple entries can be provided without the need for the applicant to provide a reason or a statutory declaration on their purpose (IPP 2)
- Where it is reasonably necessary, Council may indirectly collect, use, or disclose personal information to confer an award, prize, or similar form of personal recognition on the person about whom the information relates (IPP 2, 3 and 11)
- In pursuance of Council's lawful and proper functions, Council may use personal information for a purpose other than the purpose for which it was collected (IPP 10)
- Council may disclose personal information to public sector agencies or public utilities on condition that:
  - the agency or public utility has made a written request to Council (an email will suffice);
  - Council is satisfied that the personal information is to be used by that agency or public utility for their proper and lawful function(s); and
  - Council is satisfied that the personal information is reasonably necessary for the exercise of that agency utility's function(s) (IPP11).

## Privacy Code of Practice for the National Broadband Network (NBN) 2016 (PDF)

Council is to disclose personal information to NBN or their contractors in order to facilitate their function(s) with respect to the delivery and ongoing operation of the NBN network on the condition that:

- NBN or their contractors has made a written request to Council (an email will suffice)
- NBN's contractor has provided written confirmation from NBN that they are acting on their behalf
- Council is satisfied that the personal information is to be used by NBN or their contractors for their proper and lawful function(s)
- Council is satisfied that the personal information is reasonably necessary for the exercise of NBN or their contractor's function(s) (IPP11).

## 12. Contact details

### Privacy Officer

Matthew Hansen – Deputy Chief Executive Officer

Telephone: 03 5888 5100

Email: [matthew.hansen@berriganshire.nsw.gov.au](mailto:matthew.hansen@berriganshire.nsw.gov.au)

### Berrigan Shire Council

Telephone: 03 5888 5100

Email: [mail@berriganshire.nsw.gov.au](mailto:mail@berriganshire.nsw.gov.au)

Address: 56 Chanter St, Berrigan NSW 2712

### Information and Privacy Commission NSW

Interpreter Service: 131 450

National Relay Service: 133 677 (If you are deaf or have a hearing or speech impairment)

Email: [ipcinfo@ipc.nsw.gov.au](mailto:ipcinfo@ipc.nsw.gov.au) Telephone: 1800 472 679

Street address: Level 17, 201 Elizabeth Street, Sydney NSW 2000

Postal address: GPO Box 7011, Sydney NSW 2001

### NSW Civil and Administrative Tribunal

Telephone: 1300 006 228

Interpreter Service: 13 14 50

National Relay Service: 1300 555 727

Email: [aeod@ncat.nsw.gov.au](mailto:aeod@ncat.nsw.gov.au)

Street address: Level 10 John Maddison Tower, 86-90 Goulburn Street, Sydney NSW 2000

Postal address: PO Box K1026, Haymarket NSW 1240