

Privacy Policy

federationcouncil.nsw.gov.au

Record No: 16/21925

Adopted: 20 September 2016



Document Title	Privacy Policy
Council Adopted	20 September 2016
Council Resolution No	070/16FC
Version Number	2.0
Responsible Department	Corporate and Community
Date to be Reviewed	20 September 2018

Table of Contents

1. Purpose.....	4
2. Background.....	4
3. Scope	4
4. Definitions	4
5. Nature of personal information held by Council.....	5
6. Collection of information by Council.....	5
7. Use of Personal information	6
8. Storage of personal information	6
9. Access to Personal and Health information	6
10. Disclosure of Personal Information.....	6
11. Requesting a Review	7
12. Privacy Contact Officer	7
13. References & Associated Documents	7
13.1 Relevant Legislation	7
13.2 Relevant Council Policies.....	7
13.3 Relevant documents	7
14. Policy History	8
15. Reviews.....	8

1. Purpose

Federation Council respects and is committed to protect the privacy of our customers, residents, business contacts and our employees, in accordance with the requirements of the Privacy and Personal Information Protection Act 1998 (PIIP Act) and the Health Records and Information Protection Act 2002 (HRIP Act). The purpose of this policy is to outline our commitment and methods of protecting sensitive information and should be read in conjunction with the Federation Council Privacy Management Plan.

2. Background

Section 33 of the Privacy and Personal Information Protection Act 1998 (the PIIP Act) requires all councils to prepare a Privacy Management Plan outlining their policies and practices to ensure compliance with the requirements of that Act and the Health Records and Information Privacy Act 2002 (HRIP Act). In carrying out its core functions Council collects, stores and uses a broad range of information including information that is considered personal. This policy applies to that part of Council's information that is personal information as defined under Section 4 of the PIIP Act and health information, as defined under section 6 of the HRIP Act.

Personal Information is information or an opinion about an identifiable person. This includes records containing names, addresses, sex, sexual preferences, gender, religion, marital status, children, family life, financial information as well as physical information such as fingerprints, body samples or a person's DNA. It can even include a photograph. A more detailed description can be found under Section 4 Definitions and Section 6 Nature of information held by Council.

Health information is a more specific type of personal information and can include information about a person's physical or mental health such as a psychological report, a blood test or X-ray, or even information about a medical appointment. Please refer to Section 4 Definitions and Section 6 Nature of information held by Council for a more detailed description.

3. Scope

All staff, Administrators/councillors, consultants and contractors to Council, Council owned businesses and members of Council committees should be aware of the general provisions of the PIIP Act and the 12 Information Protection Principles as outlined in the Federation Councils Privacy Management Plan, the HRIP Act and the Health Privacy Principles, the Public Register provisions, the Privacy Code of Practice for Local Government, this policy any other applicable information.

4. Definitions

Personal information is essentially any information or opinion about a person where that person's identity is apparent or can be reasonably ascertained including a person's name, address, information about family life, sexual preferences, financial information, finger print, genetic characteristics, bodily fluids and tissue or a photograph.

Health information is information or an opinion about, the physical or mental health or a disability (at any time) of an individual, an individual's express wishes about the future provision of health services to him or her, a health service provided, or to be provided, to an individual, other personal information collected to provide, or in providing, a health service, other personal information about an individual collected in connection with the

donation, or intended donation, of an individual's body parts, organs or body substances, other personal information that is genetic information about an individual arising from a health service provided to the individual in a form that is or could be predictive of the health (at any time) of the individual or of a genetic relative of the individual, or healthcare identifiers.

Personal information - does not include information about an individual that is contained in a publicly available publication in accordance with Section 4 of the PIPP Act and Section 5 of the HRIP Act. Personal information, once it is contained in this format, ceases to be covered by the PPIP Act or the HRIP Act.

HRIP - Health Records and Information Privacy Act 2002

PIPP – Privacy and Personal Information Protection Act 1998

GIPA – Government Information (Public Access) Act 2009

Privacy Management Plan – Regulates the collection, use and disclosure of and the procedures for dealing with personal information held by Federation Council.

5. Nature of personal information held by Council

Council holds personal information concerning Administrator/Councillors, such as:

- personal contact information;
- complaints and disciplinary matters;
- pecuniary interest returns; and
- entitlements to fees, expenses and facilities;

Council holds personal information concerning its customers, ratepayers and residents, including:

- rates records;
- DA applications and objections;
- Names, addresses, bank account details;
- Child information;
- Library lending details; and
- Burial and cremation records.

Council holds personal information concerning its employees, such as:

- recruitment material;
- leave and payroll data;
- personal contact information;
- pre-employment medical assessment reports;
- medical certificates and fit for duty assessments;
- incident reports, return to work plans and workers compensation records;
- performance management plans;
- disciplinary matters;
- bank account details;
- pecuniary interest returns; and
- wage and salary entitlements.

6. Collection of information by Council

Council will only collect private information by *lawful* means and when the information is directly *relevant* to a function or activity of Council, the collection of the information is reasonably necessary for that purpose and is not excessive, or likely to result in unreasonable intrusion upon the personal affairs of the individual.

Information collected will be collected directly from the individual unless the individual has authorised collection of the information from someone else, or in the case of information relating to a person who is under the age of 16 years—the information has been provided by a parent or guardian of the person.

Council will be **open and transparent** in its collection process, providing to the individual, either before the information is collected or, as soon as practicable after collection, the following information:

- advice to the individual that the information is being collected,
- the purposes for which the information is being collected,
- the intended recipients of the information,
- whether the supply of the information by the individual is required by law or is voluntary, and any consequences for the individual if the information (or any part of it) is not provided,
- the existence of any right of access to, and correction of, the information,
- the name and address of the agency that is collecting the information and the agency that is to hold the information.

7. Use of Personal information

Council policy prevents the use of information for a purpose other than that for which it was collected unless:

- the individual to whom the information relates has consented to the use of the information for that other purpose, or
- the other purpose for which the information is used is directly related to the purpose for which the information was collected, or
- the use of the information for that other purpose is necessary to prevent or lessen a serious and imminent threat to the life or health of the individual to whom the information relates or of another person.

Any breach of this policy by Administrator/Councillors, staff or its contractors will be investigated and may result in dismissal or annulment of a contract.

8. Storage of personal information

Council policy also requires Administrators/Councillors, staff and any of Councils external contractors to ensure that the information collected:

- is kept for no longer than is necessary ,
- is disposed of securely and in accordance with any requirements for the retention and disposal of personal information, and
- is protected, by taking such security safeguards as are reasonable in the circumstances, against loss, unauthorised access, use, modification or disclosure, and against all other misuse, and
- that, if it is necessary for the information to be given to a person in connection with the provision of a service to the agency, everything reasonably within the power of the agency is done to prevent unauthorised use or disclosure of the information.

Any breach of this policy by Administrators/Councillors, staff or its contractors will be investigated and may result in dismissal or annulment of a contract.

9. Access to Personal and Health information

Individuals can seek access to view or amend their own personal and health information under s14 of (PPIP Act) and s26 of the (HRIP Act). Forms are available in Council's Privacy Management Plan, on Council's website, or details can be sought direct from Council. Proof of identity is required to access and/or amend personal or health information. Another means to view personal information held by Council is for the individual to submit a GIPA application.

10. Disclosure of Personal Information

Disclosure of personal information in Public Registers and other Council Registers to third parties is covered in Council's Privacy Management Plan in more detail. Council will comply with the relevant legislation and

privacy Code of Practice in regards to the disclosure of Privacy Information. Personal Information will be provided at Council's discretion, only where it would be in the public interest to do so.

11. Requesting a Review

An internal review can be requested from Council in relation to a privacy matter or against a decision, where requested in writing, addressed to the General Manager. If the person is not satisfied with the internal review, an application can be made to the NSW Civil and Administrative Tribunal ([NCAT](#)).

12. Privacy Contact Officer

For any enquiries regarding your obligations or to seek advice on a possible breach of this policy please contact the Federation Council Privacy Officer:

Kristy Kay – Director of Corporate Services

Ph: 02 6033 8954

Email: kristy.kay@federationcouncil.nsw.gov.au

13. References & Associated Documents

13.1 Relevant Legislation

Section 440 of the Local Government Act 1993 (LGA Act)

Privacy and Personal Information Protection Act 1998 (PPIP Act)

Government Information (Public Access) Act 2009 (GIPA Act)

Public Interest Disclosures Act 1994 (PID Act)

State Records Act 1998 and State Records Regulation 2010

Government Information (Information Commissioner) Act 2009 (GIIC Act)

Independent Commission against Corruption Act 1988 (ICAC Act)

Crimes Act 1990

13.2 Relevant Council Policies

Internet, email, computer and office technology user's policy

Social Media policy

Volunteer Policy

Risk Management Policy

Purchasing and Tendering Policy

Recruitment Policy

EEO Policy

Complaints Management Policy

Business Ethics Policy

13.3 Relevant documents

IPC Fact Sheet – [Understanding your privacy obligations](#)

IPC Fact Sheet – [Information Protection Principles for the public sector](#)

14. Policy History

Version	Date	Changes / Amendments
Version 1	03/11/2016	Development of document for Federation Council
Version 2	15/03/2017	Updated with new branding
	17/09/2017	New template applied

15. Reviews

This policy will be reviewed every two years or sooner as required.

NOTE: This is a controlled document. If you are reading a printed copy please check that you have the latest version by checking it on Councils Electronic Document system. Printed or downloaded versions of this document are uncontrolled.