

Policy title	Privacy and Information Protection
Responsible manager(s)	General Manager
Contact officer(s)	Privacy Contact Officer
Directorate	Corporate and Commercial Services
Approval date	27 June 2017
Outcome area	9. Innovative and Proactive Leadership
Strategy	9.2 Ensure financial sustainability and support the organisation in achieving efficient ongoing operations
Delivery Program	9.2.1 Provide effective, friendly, customer service and information
Operational Plan	9.2.1.3 Manage public access to government information (GIPA) and Privacy

Purpose

Eurobodalla Shire Council respects the privacy of its residents and ratepayers, workers, and all that do business with council. Council is also committed to encouraging transparency and accountability in managing the information that it collects and holds.

Council as a NSW public sector agency is bound by the *Privacy Code of Practice for Local Government (2000)*, *Privacy and Personal Information Protection Act 1998* (PPIP Act), and the *Health Records and Information Privacy Act 2002* (HRIP Act).

This policy ensures that council meets its obligations under legislation in an efficient and timely manner, and assures community confidence that any personal or health information collected and held by council is dealt with strictly in accordance to that legislation.

Policy aims:

- Promote an integrated framework for dealing with privacy and information protection.
- Ensure consistency and fairness in the manner in which the council deals with privacy and information protection.
- Ensure compliance with and promote public awareness of legislative requirements regarding privacy and information protection.
- Make the council's policies and requirements privacy and information protection readily accessible and understandable to the public.

Policy statement

1	Application This Policy applies to that part of the information collected or held by Council that is Personal or Health Information. This Policy applies to Councillors, employees, customers, and business associates of Council, and members of the public.
2	Legislation By virtue of s.32 of the PPIP Act, Council must comply with the <i>Privacy Code of Practice for Local Government (2000)</i> , made under Part 3 Division 1 of the PPIP Act / Part 5 of the HRIP Act.
3	Privacy Management Plan In accordance with the PPIP Act, council must prepare and implement a privacy management plan. The plan is based on the model provided by the NSW Privacy Commissioner, and explains: <ul style="list-style-type: none"> • Council's policies and practices for complying with the <i>Privacy Code of Practice for Local Government (200)</i>, PPIP Act and the HRIP Act • how council will make its workers aware of these policies and practices • procedures for dealing with privacy internal reviews under Part 5 of the PPIP Act

	<ul style="list-style-type: none"> other relevant matters relating to the protection of the personal and health information that council holds (section 33 of the PPIP Act).
4	<p>Privacy Contact Officer</p> <p>Council will appoint a Privacy Contact Officer (PCO) who will act as an internal privacy expert, deal with privacy-related enquiries, internal reviews and complaints, assist council with advice or assistance in relation to any of council's functions or projects that have privacy implications, and ensure that all reasonable measures are taken to provide security for personal and health information in council's public area.</p> <p>Questions or written communications concerning the application of this policy or Council's Privacy Management Plan should be addressed to Council's PCO.</p>

Implementation

Requirements	Responsibility
<p>1 Privacy Management Plan</p> <p>Council's Privacy Management Plan sets out the procedures for the implementation of this policy, and serves as Council's procedure for the management of privacy and information protection.</p>	Privacy Contact Officer
<p>2 Staff</p> <p>Under supervision, applicable council staff will be responsible for ensuring that policies are implemented appropriately within their work area, after they have received relevant training to do so.</p>	Council officers
<p>3 Concerns</p> <p>Concerns received regarding privacy and information protection will be recorded on Council's records system and handled in accordance with council's Privacy Management Plan. They will be used to analyse the history of concerns and to help determine follow up actions.</p>	Council officers
<p>4 Consultation</p> <p>This policy and the Privacy Management Plan have been developed using reference materials provided by the NSW Privacy Commissioner and through consultation with relevant staff. This policy will be placed on exhibition for public submission as required by legislation, with public submissions encouraged during the exhibition period.</p>	Council officers

Review

This policy will be reviewed every 4 years. It may also be reviewed and updated as necessary if legislation requires it; or when Council's related policies, functions, structure or activities change; or when technological advances or new systems change the way that Council manages community grants and financial assistance granted under s356 of the LGA.

The policy may be revoked at the expiration of twelve months after the declaration of the poll for the next general NSW local government election, unless Council updates or revokes it sooner.

Note: *The next general local government election is expected to be held in September 2020.*

Reviews of the effectiveness of this policy could include the following:

Performance indicator	Data source(s)
Concerns and complaints	Council records
Breaches	Audit
Internal review, External (IPC or NCAT) review	Audit, PCO

Governance

This policy should be read in conjunction with any related legislation, codes of practice, relevant internal policies, and guidelines.

Related legislation and policies

Name	Link
Privacy Management Plan	www.esc.nsw.gov.au
Privacy Code of Practice for Local Government 2002	www.olg.nsw.gov.au/OLG/Documents/Circulars/00-44.pdf
PPIP Act 1998	www.legislation.nsw.gov.au/maintop/view/inforce/act+133+1998+cd+0+N
HRIP Act 2002	www.legislation.nsw.gov.au/maintop/view/inforce/act+71+2002+cd+0+N

Related external references

Name	Link
Office of Local Government	www.olg.nsw.gov.au
Information and Privacy Commissioner	www.ipc.nsw.gov.au
NSW Civil and Administrative Decisions Tribunal (NCAT)	www.ncat.nsw.gov.au

Supporting documents

Name	Link
Fact Sheet: Information Protection Principles	www.ipc.nsw.gov.au

Definitions

Term	Definition
Personal Information	Any information or opinion about an identifiable person
Health Information	Health information includes personal information that is information or an opinion about the physical or mental health or a disability of an individual
information	for the purposes of this policy, a reference to both personal information and health information
IPP	Information Protection Principles ("IPPs") means those principles contained in Part 2 Division 1 of the PPIP Act
HPP	Health Protection Principles ("HPPs") means those principles contained in Part 2 Division 19 of the HRIP Act
PPIP	Privacy and Personal Information Protection
HRIP	Health Records and Information Privacy
PCO	Privacy Contact Officer

Change history

Version	Approval date	Approved by	Min No	File No	Change
1	22 Sep 2009	Council	09/291	E09.3418 E06.0380	Policy Commenced, updated to include HRIP Act.
2	27 Aug 2013	Council	13/246	E13.7095 E06.0380	Revised and updated to reflect legislation. Supersedes previous policy dated 22 September 2009. Report O13/131.
3	27 Jun 2017	Council	17/214	E16.0297 E06.0380	Reviewed and updated (start of new Council term) Report GMR17/021.

Internal use

Responsible officer	General Manager			Approved by	Council
Min No	17/214	Report no	GMR17/021	Effective date	27 June 2017
File no	E06.0380	Review date	Sep 2020	Pages	4