

<b>Policy title</b>	Privacy and Information Protection
<b>Responsible manager(s)</b>	General Manager
<b>Contact officer(s)</b>	Privacy Contact Officer
<b>Directorate</b>	Corporate and Commercial Services
<b>Approval date</b>	11 October 2022
<b>Outcome area</b>	5 Our engaged community with progressive leadership
<b>Strategy</b>	5.1 Acknowledge our shared responsibility through an informed community
<b>Delivery Program</b>	5.1.3 Provide a welcoming and easy to deal with Council where customers have a positive experience
<b>Operational Plan</b>	5.1.3.2 Manage public access to Government Information and Privacy (GIPA)

### Purpose

Eurobodalla Shire Council respects the privacy of residents and ratepayers, workers, volunteers, contractors, councillors, and all that do business with Council. While encouraging transparency, Council is committed to accountability in managing the various types of information that it collects and holds, including personal and health information.

As a NSW public sector agency Council is bound by the *Privacy and Personal Information Protection Act 1998 (PIIP Act)* and the *Health Records and Information Privacy Act 2002 (HRIP Act)*, and as a council it is bound by the *Privacy Code of Practice for Local Government (2019) (Privacy Code)*.

This policy supports efficient and timely Council decision-making to meet its statutory obligations regarding privacy and information protection. It intends to assure confidence that personal or health information held by Council is dealt with in accordance with relevant legislation.

### Policy aims:

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

### Policy statement

<b>1</b>	<b>Application</b> This Policy applies to that part of the information collected or held by Council that is designated as personal or health Information. See <a href="#">Definitions</a> . This Policy applies to councillors, workers, volunteers, contractors, customers, business associates of Council, and members of the public.
<b>2</b>	<b>Legislation</b> By virtue of section 32 of the PPIP Act, Council must comply with the <i>Privacy Code of Practice for Local Government 2019 (Privacy Code)</i> , made under Part 3 Division 1 of the PPIP Act and Part 5 of the HRIP Act.
<b>3</b>	<b>Privacy Management Plan</b> In accordance with the PPIP Act, Council must prepare and implement a Privacy Management Plan ( <b>PMP</b> ).

	<p>The PMP is based on a model provided by the NSW Privacy Commissioner, and explains:</p> <ul style="list-style-type: none"> <li>• Council’s policies and practices for complying with the Privacy Code, PPIP Act and HRIP Act</li> <li>• How Council will make its employees and councillors aware of these policies and practices</li> <li>• Procedures for dealing with privacy internal reviews under Part 5 of the PPIP Act</li> <li>• Other relevant matters relating to the protection of personal and health information that is held by Council (section 33 of the PPIP Act).</li> </ul>
4	<p><b>Privacy Contact Officer</b></p> <p>Council will appoint a Privacy Contact Officer (<b>PCO</b>) 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 protection of personal and health information in Council’s dealings and public-facing documents.</p> <p>Questions or written communications concerning the application of this policy or Council’s privacy management should be addressed to Council’s PCO or the Public Officer.</p>

### Implementation

Requirements	Responsibility
<p><b>1 Privacy Management Plan</b></p> <p>Council’s Privacy Management Plan (<b>PMP</b>) 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><b>2 Staff</b></p> <p>Under supervision, applicable Council workers 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><b>3 Concerns or complaints</b></p> <p>Concerns or complaints received about privacy and information protection will be recorded on Council’s records system and handled in accordance with Council’s Privacy Management Plan or Complaints Policy. They may be used to analyse the history of concerns and complaints and to determine follow up actions.</p>	Council officers
<p><b>4 Consultation</b></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.</p> <p>This policy may 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, unless the review period is extended by Council.

It may also be reviewed and updated as necessary if legislation requires it; when Council’s related policies, functions, structure or activities change; or when technological advances or new systems change the way that Council manages privacy and information protection.

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 2024.

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, Public Officer

### 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	<a href="http://www.esc.nsw.gov.au/privacy-statement">www.esc.nsw.gov.au/privacy-statement</a>
Privacy Code of Practice for Local Government (revised 20 Dec 2019)	<a href="http://www.ipc.nsw.gov.au/sites/default/files/2020-01/Privacy%20Code%20of%20Practice%20for%20Local%20Government%2020%20December%202019.pdf">www.ipc.nsw.gov.au/sites/default/files/2020-01/Privacy Code of Practice for Local Government 20 December 2019.pdf</a>
PIIP Act 1998	<a href="https://legislation.nsw.gov.au/view/html/inforce/current/act-1998-133">https://legislation.nsw.gov.au/view/html/inforce/current/act-1998-133</a>
HRIP Act 2002	<a href="https://legislation.nsw.gov.au/view/html/inforce/current/act-2002-071">https://legislation.nsw.gov.au/view/html/inforce/current/act-2002-071</a>

#### Related external references

Name	Link
Office of Local Government	<a href="http://www.esc.nsw.gov.au/office-of-local-government">Home - Office of Local Government NSW</a>
Information and Privacy Commission (IPC)	<a href="http://www.ipc.nsw.gov.au">www.ipc.nsw.gov.au</a>
NSW Civil and Administrative Tribunal (NCAT)	<a href="http://www.ncat.nsw.gov.au">www.ncat.nsw.gov.au</a>

#### Supporting documents

Name	Link
Fact Sheet: Information Protection Principles	<a href="http://www.ipc.nsw.gov.au/information-protection-principles-ippes-agencies">www.ipc.nsw.gov.au/information-protection-principles-ippes-agencies</a>

#### Definitions

Term	Definition
Personal Information	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.
Health Information	(a) personal information that is information or an opinion about— (i) the physical or mental health or a disability (at any time) of an individual, or (ii) an individual's express wishes about the future provision of health services to him or her, or (iii) a health service provided, or to be provided, to an individual, or (b) other personal information collected to provide, or in providing, a health service, or

	(c) 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, or (d) 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 (e) healthcare identifiers, but does not include health information, or a class of health information or health information contained in a class of documents, that is prescribed as exempt health information for the purposes of the HRIP Act generally or for the purposes of specified provisions of the HRIP Act.
information	for the purposes of this policy, a reference to either personal information or health information, or both
IPP	Information Protection Principles ( <b>IPPs</b> ) means those principles contained in Part 2 Division 1 of the PPIP Act
HPP	Health Protection Principles ( <b>HPPs</b> ) 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
PMP	Privacy Management Plan

### Change history

Version	Approval date	Approved by	Minute	Reference	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. ECM 4625938.
4	11 Oct 2022	Council	22/265	S004-T00060	Reviewed and updated (following commencement of new Council term) Report

### Internal use

Responsible officer		General Manager		Approved by		Council	
Minute	22/265	Report	GMR22/099	Effective date		11 Oct 2022	
ECM	S004-T00060	Review date	11 Oct 2022	Pages		4	